



-Herzegovina

Religion

Population

Area

- Muslims : **48.8%**
- Christians : **48.0%**
- Agnostics : **2.7%**
- Others : **0.5%**

3,802,000

51,209 Km²

Legal framework on freedom of religion and actual application

The 1995 Dayton peace agreement brought the 1992-95 war to an end, establishing the Federation of Bosnia and Herzegovina, occupying the western and central areas, and Republika Srpska, located in the north and the east. Both regions have their own president, government, parliament, and police. In addition, there is Brcko District, a self-governing administrative unit. Overarching these entities is a centralised government with a rotating three-member presidency. Annex four of the Dayton accord sets out the constitution of Bosnia-Herzegovina.

Most citizens of Bosnia-Herzegovina self-identify with an ethnic profile that is often linked to a particular religion. The last time the ethnic profile was documented (in the 2013 census) the distribution was as follows: Bosniaks 50.11 percent; Serbs 30.78 percent; Croats 15.43 percent; Others 2.73 percent; undeclared 0.77 percent; no answer 0.18 percent!^[1]

Bosnia-Herzegovina is a secular state with no state religion. The “Law on Freedom of the Religion and the Legal Position of the Churches and Religious Communities in Bosnia and Herzegovina” was adopted in 2004.^[2] This law provides for freedom of religion, ensures the legal status of churches and religious communities, and prohibits any form of discrimination against any religious group. It also provides the basis for the relationship between the state and religious communities.

The above-mentioned law also mandates that a register of all religious groups be kept at the Ministry of Justice, while the Ministry of Human Rights and Refugees is tasked with documenting violations of religious freedom.

The law recognises four traditional religious communities and churches: the Islamic Community, the Serbian Orthodox Church, the Roman Catholic Church and the Jewish Community.

According to the law, any group of 300 adult citizens may register to be recognised as a new church or religious

community by applying in writing to the Ministry of Justice. The Ministry of Justice should issue a decision within 30 days of the application, and an appeal may be made to the Council of Ministers.

The law reaffirms the right of every citizen to religious education. Official representatives of the various churches and religious communities have responsibility for teaching Religious Studies in all public and private preschools, primary schools and universities. Republika Srpska will introduce mandatory religion classes for all high school students. The new religious curriculum will start in September 2018, when the new school year begins.^[3]

The Basic Agreement between the Holy See and Bosnia-Herzegovina was signed on 19th April 2006. The joint commission for implementation of the concordat made gradual progress, but the agreement did not enter into force because the government and parliament remained unwilling to implement the Catholic Church's proposals, including specific legislation on observing religious holidays.^[4] In April 2010 the "Catholic Members of the Country's Armed Forces Pastoral Care Agreement" was signed.

The Basic Agreement between the State and the Serbian Orthodox Church was signed on 3rd December 2007.

On 6th January 2010, the Islamic Community submitted its draft proposal for its own agreement with the state. In 2015 the draft proposal was approved by Council of Ministers and sent to the Presidency for final approval, but the final text is still being negotiated. Although the major objections to the agreement have never been made public, it is believed that the Presidency cannot agree whether to use the term "respect" or "guarantee" within certain articles of the agreement.^[5]

Today almost every Islamic group is present in Bosnia-Herzegovina, from the followers of Said Nursî to Salafis, Islamic Revivalists and supporters of Abu Hamza al-Masri, at least on the internet. Malaysia, Saudi Arabia, Jordan, Indonesia, etc. have had mosques constructed in Sarajevo and other cities. Qatar and UAE assisted with the reconstruction of the buildings of the University of Sarajevo's Faculty of Islamic Studies and Gazi Husrev Bey's Library.^[6] The King Fahd Mosque, built by the Saudis in 2000, is the largest Muslim holy place in the Balkans. Most of the new construction contrasts sharply with traditional Ottoman stone mosques, with low, rounded domes and a single monumental minaret. According to recent data published by the Islamic Community, there are 1,912 mosques in the country of which 554 were built after the end of the war.^[7]

The influence of Wahhabi Islam originates with foreign fighters who arrived during the war in the 1990s to fight alongside the Bosnian Muslims and never left. They are financed by Saudi charitable foundations.^[8] Over the last 15 years, there have been clashes between the moderate, local community and outsiders with more radical views of Islam. The current head of the Islamic community, Husein Kavazovic, was placed under police protection after receiving a death threat from a member of Daesh (ISIS). Reports suggest a number of Muslim religious leaders have become more radicalised, largely as a reaction to the inadequate international response to the plight of the Muslims in the country.^[9]

In mid-January 2016, the Riyasat, the main body representing the Islamic Community, called for the dissolution of parallel Muslim communities which had been illegally set up in the country. It called on members of those communities to integrate into the legal structures in line with Bosnian legislation on religious communities. An estimated 64 illegal Islamic organisations are active in the country and are regarded as hotbeds of radicalism and extremism. The Riyasat has distanced itself from these communities, stating that it has no information about what is going on in these bodies and cannot be held responsible for their activities.

According to state officials and media sources approximately 260 citizens have joined fundamentalist groups as fighters in Iraq and Syria since 2013. It is estimated that 150 have returned. Vedran Dzihic, a Balkan expert at the Austrian Institute for International Affairs, has stated that they represent a serious security threat.^[10]

The Roman Catholic Church is a religious minority in the country. There has been a significant emigration of Catholics, especially younger members. The Catholic Church is facing a very uncertain future. According to Cardinal Vinko Puljic, Archbishop of Vrhbosna, up to 10,000 Catholics leave Bosnia-Herzegovina every year.^[11] The Diocese of Banja Luka in Republika Srpska, has fewer than 10,000, mostly elderly, Catholics compared to 200,000 before the war. Today, the lack

of employment opportunities, a sense of political inaction and rising Islamic radicalism have triggered another wave of emigration. According to Bishop Franjo Komarica, the head of the Catholic Bishops' Conference of Bosnia and Herzegovina, Catholic Croats have not received any help from funds provided by the international community to enable former refugees to return.^[12]

Unlike many of their Catholic and Muslim counterparts who stayed in Serb-held areas until they were forced out by "ethnic cleansing," most Serbian Orthodox bishops and priests fled areas under Croatian and Bosnian control early in the war.^[13]

The foundation of an Inter-religious Council in 1997 was a turning point in the history of religion in the country. It aims to provide an authentic basis for mutual esteem, cooperation and freedom in the country. During Pope Francis's visit on 6th June 2015 to Sarajevo, he emphasised the importance of dialogue during an interfaith meeting. The Pope encouraged Catholics to work in solidarity with all ethnic and religious groups in the country to create lasting peace. He suggested interreligious dialogue should not be left to religious leaders alone, but should "extend as far as possible to all believers, engaging the different sectors of civil society."^[14]

Unlike in other former Yugoslavian countries, the country's Parliament still has not adopted legal provisions for the restitution of property. To date, a very low percentage of property has been returned to the Jewish Community, the Serbian Orthodox Church, the Catholic Church and the Islamic Community of Bosnia Herzegovina.^[15]

Incidents

Against the background of growing tension and lack of progress in interfaith understanding described above, several incidents have taken place.

In May 2017 unknown perpetrators raised an Islamist group's flag in the Croatian Catholic village of Ljubac near Tuzla in the north eastern part of the country. The flag of the "Caucasus Emirate" terrorist movement raised fear and tensions among Croat inhabitants. A few weeks before, in the same village, unknown vandals wrote pro-Daesh (ISIS) messages on a local school building.^[16]

While dozens of mosques have been built in the capital Sarajevo, no planning permission was granted for Christian churches. The authorities are still refusing to return hundreds of Church buildings, despite a ruling by the European Court of Human Rights. After 22 years struggling with local authorities, Catholics in Drvar, in the south-western part of the country, still have no church or graveyard. Despite numerous promises, the municipal authorities refuse to allocate land for the construction of a new church. The parish priest, Father Davor Klecina, asked his bishop Monsignor Franjo Komarica for permission to start a fundraising campaign for the purchase of suitable, privately- owned land for construction. Mass is currently celebrated in a hall in the city centre. Most of the city's Catholic faithful are people from the centre of the country who were displaced by the war. Catholic Church officials in Banja Luka also reported the continued refusal of municipal authorities to return any of their appropriated properties, even after the authorities returned most of the previously seized property to the Serbian Orthodox Church.^[17]

In January 2018 Kiseljak Municipal Court sentenced Miljenko Golub to six months in jail for assaulting a woman in a local petrol station just because she was wearing a hijab.^[18]

In February 2018 Nedžad Latic, the editor of The Bosnia Times website, was attacked by a group of men that he described as "Wahhabis". He claimed that the men assaulted him after he was leaving a local Sarajevo mosque having finished his prayers. The Bosnian journalists' association called police and judicial institutions for an urgent investigation.^[19]

In February 2018 Travnik Cantonal Court dismissed the appeal by the Travnik Mixed School against an order to surrender the school building to its owner, the Archdiocese of Vrhbosna. The court also ordered Travnik Mixed School to pay a fee for past usage, which amounted to KM 270,368 (US\$ 173,168). The court ruling came after more than 15 years

of litigation. In 2003, the country's Human Rights Chamber had ruled that the property must be returned to the Catholic School but the decision was never implemented. It remains to be seen whether the 2018 court decision will be upheld.^[20]

In April 2018, a municipal court in Livno sentenced seven people of Croatian nationality to one year's probation for committing hate crimes based on religion and nationality, and vandalising religious and private property in Omerovici village near Tomislavgrad in the southwestern part of the country. According to the indictment, on 15th August 2015, the perpetrators, after getting severely drunk in local bars, threatened to demolish the village mosque. They drove into the village, left a gas cylinder in front of the mosque, and, after threatening local inhabitants and vandalising several private cars, they drove away.^[21]

Prospects for freedom of religion

Bosnia-Herzegovina continues to face immense political, economic and social problems that will seriously influence the freedom of religion of its citizens in the foreseeable future. All ethnic and religious communities are affected, and the lack of political will makes it impossible to believe that there will be an improvement of the situation or that the country will become better integrated.

Endnotes / Sources

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