

REPORT ON REGISTERED CASES OF VIOLATIONS
OF THE RIGHT TO FREEDOM OF RELIGION OF
MUSLIMS IN BOSNIA AND HERZEGOVINA IN 2022

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RIJASET OF THE ISLAMIC COMMUNITY IN BOSNIA AND HERZEGOVINA
COMMISSION FOR FREEDOM OF RELIGION

For the publisher:

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President of the Commission



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IN BOSNIA AND HERZEGOVINA**
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Sarajevo 2023

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INTRODUCTION

The report of the Commission for Freedom of Religion of the Rijaset of the Islamic Community on registered cases of violation of the right to freedom of religion of Bosniak Muslims in Bosnia and Herzegovina on an annual level summarizes the legal and social aspects of exercising the right to religious freedom and registers cases of preventing the application of religious rights, discrimination and violence based on religious affiliation.

In order to achieve broader goals of protection and affirmation of religious rights and freedoms of Bosniak Muslims, the Report not only refers to the registration of cases of violations of religious rights, but also contains certain guidelines, recommendations and positive examples of religious rights in society.

This report includes cases that were recorded in the media and that the Commission for Freedom of Religion of the Rijaset of the Islamic Community of Bosnia and Herzegovina received and considered in 2022.

Generally speaking, there is an adequate legal basis for the protection of the right to freedom of religion or belief and the elimination of discrimination based on religion or belief in Bosnia and Herzegovina. However, difficulties continuously arise in the application of legal regulations, often due to their inconsistency or different organizational structure of the state organization and its structure, then due to insufficient education on the ways and mechanisms of achieving the protection of religious rights, lack of knowledge of legal possibilities, and the absence of accommodation of religion in special regulatory environments, such as work.

LEGAL REGULATIONS AND INTERNATIONAL STANDARDS ON THE PROTECTION OF FREEDOM OF RELIGION AND BELIEF

At the international level, several binding documents have been adopted at various levels to protect and promote freedom of religion and belief and to prohibit discrimination. Also, in the legal system of Bosnia and Herzegovina there is an adequate legal framework for the protection of the right to freedom of religion and belief, and the elimination of discrimination based on religion or belief. We remind you of some of these documents and legal provisions:

European Convention on Human Rights

The 1950 European Convention on Human Rights builds on the 1948 United Nations Universal Declaration of Human Rights. It covers civil and political rights concerning everyday life in a democratic society as well as socio-economic rights that guarantee quality of life. Article 9 “Freedom of thought, conscience and religion” speaks of freedom of religion and reads:

1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, practice and observance.
2. Freedom to manifest one’s religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

Article 14 of the European Convention on Human Rights prohibits discrimination and reads as follows:

The enjoyment of the rights and freedoms set forth in this Convention shall be ensured without discrimination on any grounds such as sex, race, color, language, religion, political or other opinion, national or social origin, affiliation with a national minority, property, birth, or other status.

In addition to the Convention, there is the European Court of Human Rights, which takes care of the implementation of the European Convention on Human Rights. It protects the rights of individuals who have exhausted the domestic judi-

ciary which means they have gone through all the judicial instances in the homeland. Judgments of the Court are final and binding on all members of the Council of Europe. Given that Bosnia and Herzegovina is a member of the Council of Europe, it is obliged to apply the European Convention on Human Rights as well as all previous judgments.

Constitution of Bosnia and Herzegovina and entity constitutions

The introductory part or preamble of the Constitution of the State of Bosnia and Herzegovina speaks of the principles of equality, rights, tolerance, democratic organization of government, fair procedure and pluralistic society. Adherence to these principles is very significant given the fact that aggression during the 1990s sought to eradicate the centuries-old multi-religious society of Bosnia and Herzegovina. The preamble also highlights Bosnia and Herzegovina's commitment to the United Nations Charter and the Universal Declaration of Human Rights, as well as the International Convention on Civil, Political and Cultural Rights. It is important to point out that the European Convention for the Protection of Human Rights has priority over domestic law. Article II of the Constitution explicitly speaks of human rights and fundamental freedoms:

Bosnia and Herzegovina and both Entities shall ensure the highest level of internationally recognized human rights and fundamental freedoms. (...) The rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols shall apply directly in Bosnia and Herzegovina. These shall have priority over all other law. (Constitution of Bosnia and Herzegovina, Article II, paragraph 2).

These documents, which have supremacy over domestic law, establish that the manifestation of religion in a private environment and in public places is protected. Also, the Constitution of Bosnia and Herzegovina states that all people in the territory of Bosnia and Herzegovina have the right to human rights and fundamental freedoms such as freedom of thought, conscience and religion, as stated in Article II, paragraphs 3 and 4:

All persons within the territory of Bosnia and Herzegovina shall enjoy the human rights and fundamental freedoms referred to in paragraph 2 of this Article, which include: ... g) Freedom of thought, conscience and religion.

The enjoyment of the rights and freedoms provided for in this Article or in the international agreements listed in Annex I to this Constitution shall be secured to all persons in Bosnia and Herzegovina without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national and social origin or association with a national minority, property, birth or other status.

In the following, Article II also obliges the State of Bosnia and Herzegovina, courts, agencies and state bodies to apply and adapt to human rights and funda-

mental freedoms, and to cooperate and provide unrestricted access to all interested international monitoring organizations dealing with human rights.

Given that Bosnia and Herzegovina is politically organized at the state, entity and cantonal levels, the Constitutions of both entities (Federation of Bosnia and Herzegovina and Republika Srpska) are relevant when it comes to the issue of freedom of religion. The 1994 Constitution of the Federation of Bosnia and Herzegovina clearly relies on international human rights conventions. Article 2 is taken from the United Nations Declaration and states, *inter alia*, the prohibition of all discrimination based on religion. Therefore, the Constitution of the Federation ensures the application of the highest level of internationally recognized rights and freedoms, in particular in Article 2, paragraph (1), which reads:

All persons in the territory of the Federation enjoy the rights to:

d) the prohibition of all discrimination based on race, color, sex, language, religion or belief, political or other opinion, national or social origin;

l) freedom of opinion, conscience and belief; freedom of religion, including private and public religion

The Constitution of the Republika Srpska guarantees the equality of citizens. Article 10 of the RS Constitution reads:

Citizens of the Republic shall be guaranteed equal freedoms, rights and duties; they shall be equal before the law and enjoy equal legal protection irrespective of their race, sex, language, ethnic origin, religion, social background, birth, education, financial standing, political and other beliefs, social status and other personal circumstances.

Although Article 10 of the RS Constitution states that citizens are equal and same before the law and enjoy the same legal protection, Article 28 of the RS Constitution explicitly mentions the Serbian Orthodox Church and thus favors the Serbian Orthodox Church over other religious communities:

Freedom of religion shall be guaranteed.

Religious communities shall be equal before the law and free to manage their religious affairs and practice religious services; they may open religious schools and conduct religious education in all schools at all levels of education; they may engage in commercial and other activities, receive gifts, establish and manage legacies, as provided by law.

The Serbian Orthodox Church shall be the church of the Serb people and other people of Orthodox religion.

It is important to point out that Article 49, paragraph 4 of the RS Constitution refers to the European Convention for the Protection of Human Rights and Freedoms.

The provisions of Articles 13, 22, 23, 24, 25, 26, 28 and 30 of the Constitution relating to the rights and freedoms of citizens shall be exercised in conformity with

the corresponding provisions of Articles 8 through 11 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Law on Freedom of Religion and Legal Status of Churches and Religious Communities in Bosnia and Herzegovina

Another state law important for the interpretation of religious freedoms and relations between the state and religious communities is the Law on Freedom of Religion and the Legal Status of Churches and Religious Communities in Bosnia and Herzegovina, dated January 28, 2004, which is often cited as the “Law on Freedom of Religion“. Article 4, paragraph 1 of this Law confirms the principle of equality of all churches and religious communities in Bosnia and Herzegovina:

Everyone has the right to freedom of religion or belief, including the freedom to publicly profess or not a religion. Also, everyone has right to adopt or change his or her religion, and the freedom - individually or in community with others, in public or private - to manifest his religion or belief in any manner in worship, practice and observance, maintenance of customs and other religious activities. Everyone shall have the right to religious education, which shall be provided solely by persons appointed so to do by an official representative of his Church or religious community, whether in religious institutions or in public and private pre-school institutions, primary schools and higher education which shall be regulated according to the specific regulations.¹

The Law on Freedom of Religion applies to the entire territory of Bosnia and Herzegovina. Therefore, the authorities of the entities, cantons, Brčko District and municipalities are obliged to ensure the rights to freedom of enjoyment and religion and the prohibition of any discrimination based on religion or other belief (Article 3).

Article 5 prohibits attacks and insults on religious officials, damage to religious buildings or other property of churches and religious communities, activities or acts aimed at inciting religious hatred against any church or religious community or its members, disparaging or mocking any religion.

Article 15 introduces a new possibility of redefining the relationship between the state and religious communities:

The matters of common interest for Bosnia and Herzegovina or some or more churches and religious communities can be governed by an agreement made between the BiH Presidency, the Council of Ministers, the governments of entities and churches or religious communities.

Thus, this article stipulates that churches and religious communities can sign an agreement that would resolve some specific issues that are not covered by the

1 “Official Gazette of BiH”, No. 5/04.

Law, and for the benefit of citizens and believers. In addition, the secular organization, i.e. the principle of separation of state structures and religious communities, continues, but their cooperation is encouraged.

Law on Prohibition of Discrimination

There is another important state law, the 2009 Law on Prohibition of Discrimination, which, as stated in Article 2, paragraph 1, does not allow:

any different treatment, including any exclusion, limitation or preference based on actual or presumed grounds against any person or group of persons on the basis of religion or belief, and every other circumstance with a purpose or a consequence to disable or endanger recognition, enjoyment or realization, of rights and freedoms in all areas of public life, and every other circumstance with a purpose or a consequence to disable or endanger recognition, enjoyment or realization, of rights and freedoms in all areas of public life.

It then continues in the same Article 2:

Prohibition of discrimination shall be applied to all public bodies, all natural and legal persons, in public and private sector, in all spheres, especially: employment, membership in professional organizations, education, training, housing, health, social protection, goods and services designated for public and public places together with performing economic activities and public services.

FREEDOM OF RELIGION IN BOSNIA AND HERZEGOVINA - GENERAL NOTES

According to the results of the 2013 census, there are 3,531,159 permanent residents in Bosnia and Herzegovina. Out of that, in the entity of the Federation of Bosnia and Herzegovina there are 2,219,220 inhabitants (62.85%), in the entity of Bosnia and Herzegovina RS 1,228,423 inhabitants (34.79%), and in the Brčko District 83,516 inhabitants (2.37%).

When it comes to the national structure, in Bosnia and Herzegovina live 50.11% of the population who declared themselves as Bosniaks, of whom the largest number are Muslims, then 30.78% of the population declared themselves as Serbs, while 15.43% declared themselves as Croats. 0.77% of the population did not vote nationally, while less than 3% were in the 'other' category, which includes members of 17 national minorities and other ethnic groups. By entities, 70.4% of Bosniaks live in the Federation of Bosnia and Herzegovina, 22.4% of Croats and 3.6% of Serbs, while 81.5% of Serbs, 14% of Bosniaks and 2.4% of Croats live in the Bosnian entity of RS. 40.3% of Bosniaks live in the Brčko District, followed by 34.6% of Serbs and 20.7% of Croats.

Statistics on the language used by the population of Bosnia and Herzegovina are as follows: 52.86% speak Bosnian, 30.76% speak Serbian and 14.6% speak Croatian. According to religion, 50.7% of Muslims, 30.75% of Orthodox and 15.19% of Catholics live in Bosnia and Herzegovina.

According to the last census, conducted in the former Yugoslavia in 1991, there were 4,377,033 inhabitants in Bosnia and Herzegovina, of whom 1,902,956 were Muslims, 1,366,104 Serbs, 760,852 Croats and 242,682 Yugoslavs. This means that in the 2013 census, there were 845,874 fewer inhabitants.

Violations of religious rights and freedoms in any society are a very specific and sensitive issue. However, especially in nationally and confessionally very heterogeneous environments such as Bosnia and Herzegovina, this may have deeper and broader social and political implications. It is therefore important to raise social awareness and sensitivity regarding religious rights and freedoms. The statistical analysis of violations of the religious rights of Bosniak Muslims, recorded by the Commission in the last five years, shows oscillations in registered cases. However, on the one hand, it indicates the continuing existence of the problem, and on the other hand, the Commission is aware that many cases have not been reported or recorded, so this problem is more pronounced than these data show.

Orthodox symbols and iconography of the Serbian Orthodox Church are prominent in public institutions in the RS entity, a long-standing practice that

has no valid legal basis and is further contrary to the principle of separation of state and religion and the principle of equality of religious communities and churches. The Commission warns of inappropriate iconography, festivities, celebrations and other discriminatory content in public institutions, especially, but not limited to, the RS entity of Bosnia and Herzegovina. Undoubtedly, the presence of religious iconography and symbols of one religious community in public institutions and institutions puts members of other religious beliefs at a disadvantage and in a discriminatory position. Baptismal celebrations, Orthodox religious ritual programs to which Bosniak Muslims are also subjected, threaten the right of Bosniak Muslims to freedom of religion and belief, which is especially pronounced in public schools. Muslim children, as the most vulnerable social population, are especially placed in an unfavorable and extremely painful position during the celebration of the Orthodox holiday of St. Sava, which marks schools in the Republika Srpska entity on January 27th. This holiday in its appearance is much more than a school holiday and is really and symbolically imbued with Orthodox ritual practice and symbolism. Forcing Bosniak Muslims to participate in such school programs or stay in school during their implementation is an undoubted violation of the fundamental right to freedom of religion and belief and is a flagrant blow to the human dignity of these children.

A large number of cities and municipalities in the BiH entity of RS celebrate the Orthodox holiday as a city or municipality day. These days are celebrated as public holidays. For the sake of illustration, the Orthodox religious holiday, Feast of the Ascension Day, is the baptismal feast of the City of Banja Luka. This holiday is celebrated by the City of Banja Luka together with the Serbian Orthodox Church every year on June 6. The celebration begins with the performance of a religious liturgy. The baptismal feast of the city of Zvornik is St. Petka Trnova, who is also considered the patron saint of the city. This holiday is celebrated on August 8, which also begins with a liturgy, and continues with a procession through the city led by the icon of St. Petka Trnova. This day is marked as a public holiday that is congratulated to all the citizens of Zvornik.

The Commission considers that the secular state has an obligation to protect every individual from discrimination and indoctrination, and in particular discrimination based on religion and belief, while public authorities and institutions must reflect the religious, cultural and national diversity of the community. Christmas and Orthodox holidays and protectors of cities and municipalities are a glaring example of ignoring Muslim and Bosniak identities, their culture and traditions, and discriminating against Muslims and aggressively imposing Orthodox identities in public.

For many years, Bosniak children in primary and secondary schools in the RS entity of Bosnia and Herzegovina have been denied the fundamental right to name their own language after its real name. Instead of mentioning

the term Bosnian language in the school documentation, which is a constitutional category, the schools in the Bosnian entity of RS invented and arbitrarily introduced the name “Bosniak language”. Parents of children have been fighting for almost a decade in order to exercise the guaranteed right to study the Bosnian language and to be registered in school documents under that name. The authorities in the BiH entity of RS persistently continue to violate this fundamental right and remain consistent in discriminating against Bosniak children.

The Commission especially points out the high potential of danger for the wider social community, which is carried by the phenomenon whose protagonist in public space is the member of the Presidency of Bosnia and Herzegovina from the Bosnian entity of RS Milorad Dodik. For an unbearably long period, Dodik, using special media in Bosnia and Herzegovina and Serbia, has persistently spread open hatred towards Bosniaks, their religion and culture. He calls Bosniaks the religious designation “Muslims”, uses inappropriate and offensive qualifications, calling them “converts”, “submissive people”, “only converts function like Muslims because they converted their religion at some time there” - This is a lone example in modern Europe that a high-ranking politician deprives the indigenous people of their country of their national identity, reduces them to a religious group, and in the context of strong political tensions spreads open hatred and stigmatization. In real and symbolic terms, the universal term “Muslim”, with which over a billion people on the globe identify, Dodik portrays as suspicious, hostile and socially dangerous. This goes beyond the example of pure Islamophobia in the narrower and broader sense of the term, as it is an act of hateful targeting from the position of effective power of an entire group to eliminate it in its physical or real identity sense, reminiscent of an earlier 1993 “that Muslims are genetically corrupt material.” It is known what horrible crimes this concept left behind. Dodik’s continuous campaign, given the historical circumstances and the difficult legacy of a bloody past and genocide, inflames nationalist fervor and certainly leads to discrimination, hostility and physical endangerment of Bosniak lives and property simply because they are perceived as Muslims. The Commission warns of the seriousness of this campaign, its destructive consequences, anti-civilization and anti-human character.

Hate speech and hate crimes are still present in Bosnian society. The institutions of Bosnia and Herzegovina have not shown enough readiness and capacity in the fight against this negative and socially very dangerous phenomenon. Hate speech is especially present on social networks, which have not been sufficiently treated through court proceedings so far. This year saw a significant number of murals of convicted war criminals accompanied by hate speech texts. The glorification of convicted war criminals and their deeds not only brings deep unrest to society, but also brazenly defies the basic values on which modern civilization rests. Bosniaks see in them the re-rehabilitation and

continuation of the policy and culture of killing, persecution and achieving the genocidal goals to which they were exposed during the aggression against Bosnia and Herzegovina in 1992-1995.

The Islamic Community in Bosnia and Herzegovina, as a traditional Bosniak Muslim community, has been discriminated against by the state for failing to sign a treaty with the state - like the Catholic and Orthodox Churches - in the way the BiH Presidency did in August 2007 by ratifying the Basic Agreement between the Holy See and Bosnia and Herzegovina, and in May 2008 the Basic Agreement between Bosnia and Herzegovina and the Serbian Orthodox Church. The agreement, which the Islamic Community is expected to sign with the state of Bosnia and Herzegovina, as it did with the Catholic Church and the Serbian Orthodox Church, should improve and strengthen instruments to protect Muslim rights, especially those related to the specific needs of Muslims. Delaying and blocking the process of harmonizing the draft treaty has a negative impact on freedom of religion and discriminates against the entire Islamic community and Bosniak Muslims compared to the other two traditional religious communities and their believers. A member of the Presidency of Bosnia and Herzegovina from the Bosnian entity of RS has repeatedly spoken out against signing an agreement with the Islamic Community.

In the absence of a law on restitution, most of the waqf property nationalized by the former Yugoslavia has not yet been returned to the Islamic Community, although the Law on Freedom of Religion and the Legal Status of Churches and Religious Communities entitles religious communities to restitution of expropriated property “in accordance with the law” throughout the country. However, what is even more worrying is that after the aggression on Bosnia and Herzegovina, some municipalities had waqf property that they inherited as nationalized, although the High Representative for Bosnia and Herzegovina banned such property, afterwards the FBiH Law on Property/Real Rights has forbid it.

Tabelarni prikaz slučajeva u posljednjih šest godina (2017-2022)

R/B	Registered cases	2022.	2021.	2020.	2019.	2018.	2017.
1.	Desecration of mosques, cemeteries and other buildings of the Islamic Community	7	8	4	5	10	11
2.	Verbal attacks	2	1	1	3	1	1
3.	Physical attacks	3	1	1	2	0	2
4.	Education and educational institutions	5	2	2	0	1	1
5.	Hate speech and Islamophobiaa	6	9	1	4	11	4
6.	Total	23	21	9	14	23	19

Considering the situation in Bosnia and Herzegovina from the position of legal possibilities and restrictions on the enjoyment of freedom of religion and belief, some laws contain controversial provisions with an absolute ban on public religious expression, such as laws on police officials of Bosnia and Herzegovina, Federation of BiH, RS and Brčko District, then the laws on courts in the Federation of BiH, the BiH entity of RS and the Brčko District, and the Law on Civil Service in the Federation of Bosnia and Herzegovina.

The Law on Police Officials of Bosnia and Herzegovina² in Art. Article 36 § 3 states that it is the duty of police officers to be “impartial and to refrain from publicly manifesting his/her political beliefs, and from publicly manifesting religious beliefs while on duty “. The identical wording is contained in the Law on Police Officials of the Federation of BiH³ in Art. 36, paragraph 3; Law on Police Officials of the Republika Srpska⁴ in Art. 39 para. 3 and the Law on Police Officials of the Brčko District of Bosnia and Herzegovina⁵ in Art. 48, paragraph 3.

Prohibition of public expression of religious beliefs is also contained in the laws on courts in the Federation of BiH, the Republika Srpska and the Brčko District. In Art. 13 para. 1 of the Law on Courts in the Federation of BiH⁶ states that: “Judges and officials of the Court may not display any religious, political, national or other affiliation while performing official duties.” The Law on Courts of the Republika Srpska contains identical wording.⁷ In Art. 13 para. 1, while the Law on Courts of the Brčko District⁸ in Art. 14. has a similar provision which reads: “Judges shall not display symbols of religious, political, national or other affiliation, neither shall such symbols be displayed anywhere inside the Court premises.” The Law on the Court of Bosnia and Herzegovina⁹ does not have such or similar provision referred to religious restrictions.

2 Law on Police Officers of Bosnia and Herzegovina *Sl. Gazette* Nos. 27/04, 63/04, 5/06, 58/06, 15/08, 63/08, 35/09 and 07/12

3 Law on Police Officers of the Federation of BiH (*Official Gazette of the Federation of BiH* , No. 27/05 and 70/08)

4 Law on Police Officers of the Republika Srpska (*Official Gazette of the Republika Srpska* No. 20/14)

5 Law on Police Officers of the Brčko District of Bosnia and Herzegovina (*Official Gazette of the Brčko District of Bosnia and Herzegovina* , numbers: 41/07, 04/08, 36/09 and 60/10)

6 Law on Courts in the Federation of BiH (*Official Gazette of FBiH* 38/05, 22/06, 63/10, 72/10, 7/13 and 52/14)

7 Law on Courts of the Republika Srpska (*Official Gazette of the Republika Srpska* , No. 111/04, No. 109/05, No. 37/06, No. 119/08, No. 58/09)

8 Law on Courts of Brčko District, (*Official Gazette of BD BiH* 19/07, 20/07, 39/09 and 31/11)

9 Law on the Court of BiH (*Official Gazette of Bosnia and Herzegovina* No. 29/00, 16/02, 24/02, 3/03, 37/03, 42/03, 4/04, 9/04, 35/04, 61 / 04, 32/07)

In the Law on Civil Service in the Federation of BiH ¹⁰in Art. 17 para. 3 states: a) that civil servant shall be impartial and in particular, that he “Refrain from any action or omission in performing his or her official duty, which are incompatible with or infringe the duties established by this Law and refrain in particular from publicly manifesting his/her political beliefs or abusing his/her religious beliefs “. Unlike this law, the Law on Civil Service in the Institutions of Bosnia and Herzegovina ¹¹in Art. 14 para. 3 states that: a) it does not mention religious beliefs and limits the prohibition of civil servants to “publicly manifesting his political or religious beliefs”. Also, in the Law on Civil Service in the Republika Srpska ¹²in Art. 6 para. 3 is limited to the prohibition of “representation of political beliefs”. The Law on Civil Service in the Public Administration Bodies of Brčko District of Bosnia and Herzegovina ¹³applies the principle of political independence, so Art. 4 para 9. states that “civil servants or employees are not allowed to fall under political influence, nor to promote the ideas of political parties during working hours.” In other words, when it comes to civil service laws, only the Civil Service Law of the Federation of Bosnia and Herzegovina imposes religious restrictions.

The disputed provisions of the above laws contain an absolute ban on public religious expression. We would like to emphasize that Art. Article 9 (1) of the European Convention on Human Rights protects religious expression “in private and in public”, including public places and workplaces. ¹⁴ Religious expression in the workplace may be restricted only if the conditions referred to in paragraph 2 of Art. 9. European Convention on Human Rights. It is necessary to amend the disputed provisions of the above laws in such a way as to restrict religious expression only if such expression undermines the impartiality of the institution and when necessary, in a democratic society, as provided by the European Convention on Human Rights in Art. 9 para. 2

10 Law on Civil Service of the Federation of BiH, *Official Gazette of the Federation of BiH* , number: 29/03, 23/04, 39/04, 54/04, 67/05, 8/06 and 04/12

11 Law on Civil Service in the Institutions of Bosnia and Herzegovina (*Official Gazette of BiH* , No. 19/02, 35/03, 4/04, 17/04, 26/04, 37/04, 48/05, 2/06, 32 / 07, 43/09, 8/10 and 40/12)

12 Law on Civil Servants (*Official Gazette of RS* , No. 118/2008, 117/2011, 37/2012 and 57/2016)

13 Law on Civil Service in Public Administration Bodies of the Brčko District of Bosnia and Herzegovina (*Official Gazette of the Brčko District of BiH*, No. 9/14)

14 Eweida et al. V. UK, judgment of the European Court of Human Rights of 27 May 2013. accessed January 29, 2018. file: /// D: /MRV%20-%20Emir/Downloads/001-115881.pdf

OVERVIEW OF CASES OF VIOLATIONS OF THE RIGHT TO FREEDOM OF RELIGION OF BOSNIAK MUSLIMS IN BOSNIA AND HERZEGOVINA FOR 2022

The following is a presentation of cases of violation of the right to freedom of religion of Bosniaks in Bosnia and Herzegovina in 2022. The cases presented here are divided into two parts: a) cases received and considered by the Commission and b) cases registered in the press, on-line media and social networks.

Applications received and considered by the Commission on Freedom of Religion

During 2022, the Commission for Freedom of Religion received and considered a total of eight reports in which individuals or several persons complained about the violation of their right to freedom of religion or the desecration of the property of the Islamic Community in Bosnia and Herzegovina.

Mostar Muftiship - Rabrani Mosque

The Mostar Muftiship addressed the Commission with a request to protect the right to freedom of religion of the Bosniak Muslims of the Rabrani settlement in the Neum municipality. In the request, it is stated that the residents of the Rabrani settlement initiated the construction of a mosque with the necessary infrastructural facilities, and that a request was sent to the Municipality of Neum for the issuance of the necessary permits for the implementation of the said project, but that the Municipality has not issued the necessary permits to date. They point out that the Rabrani congregation has a centuries-old continuity since it had an organized religious life with an imam at the head, and that it functioned as such even during the Austro-Hungarian rule, between the two World wars, and even during communism, which is why it is not clear why the Municipal administration now denies that right to the Bosniak Muslims of the area. The Mostar Muftiship has been trying for years to find an answer to the urgent requests of many Bosniak Muslims who spend their annual vacations in Neum, so that they can satisfy their religious needs at that time, especially performing Jumu'ah prayers in an adequate space. The request for urban planning permission was submitted on September 8, 2021, and in the meantime, two decisions of the Department for Construction and Spatial Planning of the Municipality of Neum rejecting the request for urban planning consent were de-

clared null and void by the second-level authority, i.e. Ministry of Construction and Spatial Planning of the Herzegovina-Neretva canton.

Mostar Muftiship - usurpation of the Lakišić harem

The Mostar Muftiship and the Mejlis of the Islamic Community of Mostar have been making efforts for decades and demand that an Islamic center facility, a large mosque with all the accompanying facilities, is built on the site of the usurped Lakišić harem, in the central area of Mostar, which meets the needs of this time and the completely changed circumstances and needs of religious life in the city of Mostar. In these efforts, they encounter continuous systemic barriers and are being ignored by the city administration. The first official request for urban planning approval for the construction of the Islamic center was sent to the Department of Urban Planning of the City of Mostar by the Majlis of the Islamic Community of Mostar on December 3, 2002, describing the needs of the Bosniak Muslims of Mostar and Herzegovina for a central mosque and accompanying facilities that would be used for educational, cultural and scientific purposes. The request emphasizes that the building would be built on the site of the former "Lakišić harem." The Islamic community bases its request, in the first place, on historical facts that indicate that this site was not given to the Austro-Hungarian authorities, either for a fee or free of charge, which built the railway station in Mostar with all the accompanying facilities. No compensation was paid to the Islamic Community - Lakišić Vakuf, either during the rule of the Kingdom of SHS, the Independent State of Croatia, or in the People's and Socialist Republic of Bosnia and Herzegovina, when the "HIT" department store was built on this site. With this request, the Islamic community in Mostar confirms its consistency in the fight for the return of seized, usurped and nationalized property. It bases the request on data from land registers which confirm that the site it is interested in for the purpose of building an Islamic center belonged to the Lakišić Vakuf, that it is undeveloped construction land at this stage, and that in the implementation of this project it is ready to comply with the legal urban planning construction procedures on the allocation of land for construction, unlike those who seek to usurp it. For the entire locality, which was located on the demarcation line during the war, a detailed regulatory plan was drawn up with the intention of building facilities of importance for the policy they implemented. On the site of the destroyed "HIT" department store, the construction of the Croatian National Theater building with accompanying facilities is planned, then the business building "Integra" - trade, catering, craft and office activities, next to it the cathedral building, then a sports hall. The conceptual solution for these facilities is defined by the Decree on Spatial Planning and Spatial Arrangement in the HZ-HB area during the immediate threat of war or a state of war.

Due to such defined intentions of building on that site and the unresolved political and national relations between Bosniaks and Croats in the City of Mostar, the planned project to build the Islamic Center acquires a political connotation

and is obstructed on all occasions both by the Croatian-dominated city administration and the Catholic Church. The church wants, in the central zone and near the location for the Islamic Center (just a few hundred meters away), to realize the co-cathedral church that was started, which can also be considered a political project of closing the territories conquered in the war and creating an ethnically rounded Croatian part of Mostar, by establishing buildings that will be in the service of separation and building walls, in order to make the division of the city de facto official. The intolerant and exclusive approach of the Catholic Church in Herzegovina is reflected in this, as well as in other cases, where they refer to historical facts and the pre-Turkish and early Christian period, wanting to use these arguments to legitimize the claim that they are the first historical people in these areas with their places of worship, and that the latter historical periods and everything that was built in them are the result of occupation and Turkish oppression.

In the meantime, the violence against the center of Mostar was stopped by the OHR, which concluded that the municipal council of the Mostar-Southwest municipality illegally expropriated and allocated real estate located in the Central Zone of the city of Mostar, which is clearly outside their jurisdiction, completely ignoring the law, the Transitional Statute of the City of Mostar, the Cantonal and Federal Constitution and others. That is how the initiative to build the Theater building came to a halt.

Other works undertaken in the area of the Lakišić harem, which concerned infrastructural projects for the construction of collectors and the widening of streets, showed that it was undoubtedly the area of the harem. Thus, in 2017, workers who were working on the construction of a collector in this location found the remains of tombstones and human skeletons underground. Mostar mufti Salem ef. Dedović then asked the city authorities to stop the works, to exhume the remains, and to allow the Islamic community to conduct an archaeological investigation of the entire area, without any response from those responsible in this process.

The last activity that brought Lakišić's harem and its usurpation back into the focus of increased reaction and action by the Islamic community in Herzegovina was the allocation of funds from the Federation Budget for the construction of the Croatian National Theater.

The Government of the Federation of BiH from the Budget of the FBiH for 2022, despite the amendment made by Mr. Amer Obradović and the opposition of other representatives from Herzegovina (except, of course, the Croatian representatives), set aside two million KM for the construction of the illegal Croatian National Theater, which partially, beyond the norms prescribed by law, permanently solves the issue of the Central Zone of the City of Mostar, which in every sense must reflect the openness of the City of Mostar and its multi-ethnic substance, the equality of nations and citizens. In this way, the completely legitimate

request of the Islamic community to build a representative building of the Islamic Center on the site of the former Lakišić harem is directly annulled.

PI “Medical School” Bihac

After a student at the “Medical School” Bihac addressed the Commission for Freedom of Religion in connection with the problem of discrimination against Bosniak Muslim students, i.e. the ban on performing prayers at school, the Commission requested a statement from the School’s management. In their answer, they state that in accordance with the Law on Secondary Education of the Una-Sana Canton, the School will promote and protect religious freedom, tolerance and the culture of dialogue. They also point out that the school management created conditions for the uninterrupted performance of prayers in one of the cabinets that is not in use for the implementation of the teaching process, and that the statements of the students are incorrect.

Sarajevo Penitentiary (KPZ) - Ustikolina department

The Majlis from Ustikolina informed the Commission that for many years the imams of this Majlis maintained a relationship with the convicts and provided religious services: Jumu’ah prayer, Teraviah prayer, Eid prayer, occasional lectures, delivery of religious literature and informational newspapers of the Islamic community Preporod, but at the end in the month of March 2020, due to the epidemiological situation, everyone except employees are prohibited from entering the premises of the Penitentiary, when the provision of the aforementioned religious services also ceases. The relaxation of epidemiological measures did not make it possible for religious officials to work with prisoners. That ban remained in force, but all others were repealed. After the Commission requested a statement from the KPZ in Sarajevo, the Administration of the KPZ replied that it was ready to re-establish cooperation with the Majlis from Ustikolina, and to restore the provision of religious services to prisoners in the Sarajevo Penitentiary (KPZ) - Ustikolina department, since the epidemiological situation has improved.

Electrical Engineering High School Živinice

The father of a student of the Electrical Engineering High School Živinice addressed the Commission for Freedom of Religion with a request to provide his son, and other students who want it, free time to perform Jumm’ah prayers. The appointee previously addressed the same request to the school administration, that replied that it was unable to comply with his request. As reasons, they cite a complex organization, a large number of students, and a schedule of classes that has been established for the whole year in which shifts do not change, which is why, if this request was to be met, students

would always be absent from the same classes, which would ultimately made it difficult to master the material from those subjects.

Threatening religious freedoms in Busovača prison (KPZ)

The applicant states that he wants to inform the Commission about the threat to religious freedom in the Busovača prison, where they do not allow the performance of all 5 daily prayers in the masjid, and in the room where the convicts are staying, they walk in slippers, while there is also a toilet near the room, making it possible for the urine to be spread around, and it is not allowed to bring in a large towel or prostration. Fajr (morning prayer) is prayed in the masjid on weekdays at 9 a.m., and on weekends almost at 10 a.m., and the noon prayer is at 2 p.m., Asr prayer (afternoon prayer) is at its time, while evening prayer and night prayer are prayed in the room, except during Ramadan. He points out that some convicts swear, make noise, turn up the music, and provoke while the prayer is being performed, while the guards regularly ignore it. Convicts who want to pray in the masjid have a maximum of 15 minutes, and possession of the Quran in the room is not allowed, except in the masjid where convicts are given 15 minutes for both prayer and reciting the Quran. It is not allowed to bring literature into the institution except for that which is owned by the library of the said institution. The applicant appealed against such decision of the School and the procedure is still ongoing.

Information about writing graffiti next to the masjid in the Rabrani congregation

The believers in the Neum Rabrani settlement had their Eid joy taken away by graffiti that, on the night of Eid al-Adha, was written by unknown persons on the building of the old school next to the local masjid. "HVO" was written with spray paint on the school building, and the letter "U" was written on another building, in the immediate vicinity. The flag of the Islamic community, which is traditionally displayed during Eid, was removed from the mosque and taken away. Mostar Muftiship asked the police authorities to find the perpetrators as soon as possible, and the mayor of Neum, who should be the head of all citizens in Neum, including Bosniaks in Rabrane, to come and visit them, which he has not done so far. The case was reported to the Police Department and an investigation was carried out.

Request for free time for students to perform Jumm'ah prayers

The applicant requests that the Commission help in order to provide his son and other students of the Second Elementary School in Konjic with free time so that they can perform the Jumm'ah prayer. The applicant states that Jumm'ah is an obligatory prayer that can only be performed in the mosque at the prescribed time, and that according to religious regulations, it cannot be omitted. He further

states that it is about religious freedom guaranteed by the Constitution of Bosnia and Herzegovina and the European Convention on Human Rights. In these cases, the Commission suggests to the management schools to enable students, who want to pray, to pray in a way that the teaching process is not disturbed.

Cases registered in the press, online media and social networks - Desecration of mosques, cemeteries and other buildings of the Islamic Community

Fojnica, 09.03.2022. - The thief of money from the Fojnica mosque was found

The police officers of the Fojnica police station have successfully shed light on the criminal offense of “serious theft” which was committed in the past period in the area of the municipality of Fojnica, when the money was stolen from the mosque. Namely, on March 5, 2022, a “serious theft” was reported to the Fojnica Police Station in the mosque located on Hadrovići Street in the municipality of Fojnica, when an unspecified amount of money that was intended for charitable purposes was stolen. Police officers, through operative work in the field, found out that the suspect for the crime in question is H.S. born in 1987 from Fojnica, against whom legally prescribed measures and actions are taken, as it was announced from the MUP of Central Bosnia Canton.

Jablanica, 25.04.2022. - The thief of money from the mosque in Jablanica is wanted

On Monday morning, an unknown perpetrator entered the Čaršijska Mosque in Jablanica and stole money from it. According to the main imam, the target was the cash register, and the thief stole a certain amount of money. The police was also informed about this case, and they conducted an investigation and took the video surveillance material.

Zenica, 27.06.2022. - Condemnation of the burglary and ransacking of the Sultan-Ahmed mosque in Zenica

Burglary and destruction of the Sultan-Ahmed Čaršijska Mosque occurred, during which considerable material damage was caused by the theft of contributions from the believers, and the desecration of the prayer space by violent intrusion. This act was condemned by the Committee for Interreligious Cooperation in Zenica - the Interreligious Council in Bosnia and Herzegovina. Members of the Zenica Committee - representatives of traditional religious communities and churches - point out the increased number of

burglaries in religious buildings in Zenica with concern. They called on the competent police and judicial authorities to do everything in order to find the perpetrators and sanction them in accordance with the law, thus sending a clear message that holy places should not be touched. Violent incursions into the Čaršijska Mosque are continuously repeated, which is already a serious problem. Sultan-Ahmed Čaršijska mosque in Zenica is a national cultural monument of our country, but this monumental building and the entire ensemble of its complex represent the symbol of Zenica, the soul and heart of its *čaršija* core. Therefore, we expect that in the coming period the mosque, as well as other religious buildings in our city, will be better protected.



Sultan-Ahmed Čaršijska mosque in Zenica



Vlasenica, 04.03.2022. - The martyr's memorial fountain was desecrated, the police arrested the perpetrators

The insulting inscription "SRB" appeared in Vlasenica, in the settlement of Toplik, on the martyr's memorial fountain, over the entire plaque with the

names of the martyrs of this region, and a cross with four “S” on a nearby house. The case was immediately reported to the Vlasenica Police Station, and members of this station quickly located and detained the perpetrators.

The perpetrators were two minors, one born in 2009 and the other in 2010, who immediately admitted their guilt.

The attempt to take away money from the voluntary donation fund of the Atik Ali Pasha Mosque (Musluk)

On 19.09.2022. around 8 p.m., an unidentified person was noticed running out of the harem of the Atik Ali Pasha mosque. After reviewing the video surveillance footage, a person could be clearly seen coming from the left side of the mosque to the sofas, knocking over the shelf while descending, with the spotlight turning on and illuminating their face, running out of the mosque's harem. Members of PS Foča, who arrive at the scene, were immediately informed. After a detailed review of the video surveillance footage, they determined that the same person appeared in the mosque on Friday, September 16, 2022 at 2:06 p.m. The damage on the cash register of the voluntary donation that occurred when the cash register was forcibly opened with a ballpoint pen could be seen, and the pen was located in the mosque on the window next to the sound system and was used by an unknown person and left on the cash register of the voluntary contribution.

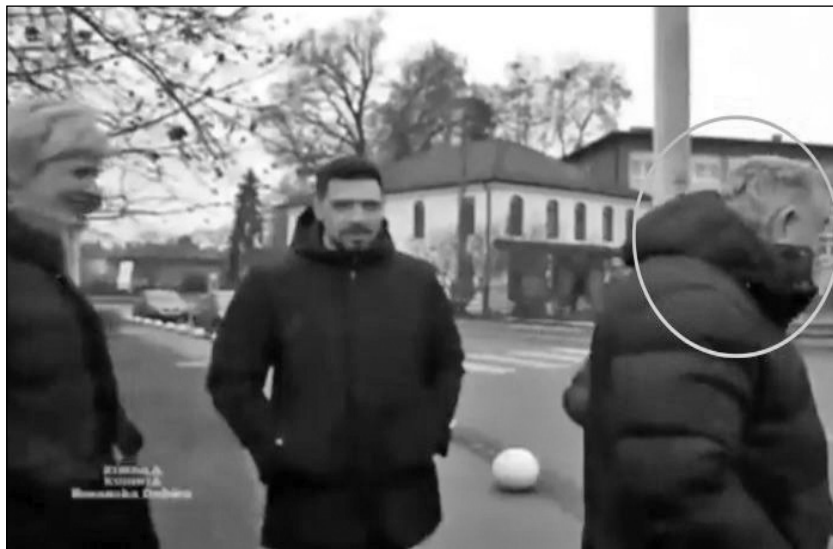
Imam states that he recognized the unknown person, because he came several times asking for money to buy medicine, saying that the only thing left for him was “to steal”, which is why he himself gave him financial help on several occasions, and asked him not to do that.

It is the face of S.M., who was recognized by the police officers and known to them from before. A statement was given about the case in PS Foča and evidence material, footage from surveillance cameras, was handed over.

Verbal and physical attacks (hate speech)

Bosanska Dubica, 03.03.2022. - INCIDENT IN BOSANSKA DUBICA: IDENTITY OF THE MAN WHO, DURING THE RECORDING OF THE SHOW, COMMANDED THAT THE MOSQUE SHOULD BE DEMOLISHED IS KNOWN

During their stay in Krajina, the presenters of Hayat Television's “Winter Kitchen” also visited Bosanska Dubica, where they talked with the returnees about the latest events and life in the BiH entity, where there is discrimination against Bosniaks. The presenters of this show, in which they travel throughout Bosnia and Herzegovina and show it in detail to their viewers, spoke with J.S., a councilor in the Bosanska Dubica Municipality Assembly, and at one



point a passer-by came by and said “the mosque should be demolished and as soon as possible”.

Bratunac, 31.05.2022. RETURNS IN BRATUNAC FIGHT AGAINST HATE

Constant provocations, verbal and physical attacks on returnees in the areas where the genocide was committed (Srebrenica, Vlasenica, Bratunac and other surrounding places), is part of the systematic intimidation and an attempt to expel the victims of the genocide again.

Beriz Merdžić, the respected owner of the “Korzo” restaurant there, was threatened by the owner of the neighboring restaurant. He provoked on national and religious grounds. The person is Miroslav Lukić, who first attacked the guests in the restaurant “Korzo”, then told a woman wearing a hijab to take off her scarf and asked her for a burek with pork.

The locals of that area gave their full support to Beriz, expecting the police and judicial authorities to finally stop the intimidation and beating of Bosniaks in that area.

The owner of the local restaurant, Beriz Merdžić, immediately reported everything to the police, since this is not the first time he was attacked because of religious hatred.

A few days before the threats against Beriz Merdžić, a high school graduate, a minor, was brutally beaten. He was beaten just because his name was different.

Unpleasant incidents, full of hatred, continue to happen in Bratunac.

Milići, 27. maj 2022., - A Serb high school student severely beat a Bosniak child in Milići

If one listens only to the songs that can be heard at graduation walks and celebrations, it is clear that generations of children have been raised to glorify crimes and criminals and to hate others and those who are different. Many Bosniaks who, after the aggression, returned to their places from which they were expelled by the aggression against Bosnia and Herzegovina, not only in Nova Kasaba, but also in other places in Podrinje, fear that the attack on A.A. is the product of national and religious intolerance, which as the years go by, manifests itself more and more, especially among the younger generations

A student in the third grade of the secondary school “Milutin Milanković” from Milići, A.A., was severely beaten by another student of the same school and was hospitalized in a hospital in Bijeljina, where he underwent surgery.

So far, there is no official information about the case of peer violence in Milići, in which A.A suffered severe head injuries, both from the school in Milići whose students are the injured minor, and the one who inflicted the injuries on him, or from the competent police authorities. The beaten boy is a Bosniak, the violence against him was committed by a teenager of Serbian nationality.

The beaten boy is a gifted athlete who played football for local clubs.

Minor A.A. suffered a serious physical injury as the hit to his head led to a double fracture of the jaw bone, as well as other physical and psychological consequences.

Whether the attacker was alone or had other helpers, no one can confirm with certainty. Also, the question arises as to whether the School has taken all necessary measures for the protection of peer violence.

05.07.2022., Bratunac: The provocations are getting stronger as July 11 approaches: “I don’t love you, Alija, because you’re a balija¹⁵...” echoes from Bratunec

As July 11 approaches and the commemoration of the 27th anniversary of the genocide in Srebrenica, provocations are intensifying in this area.

So, last night, in one of the cafes in Bratunac, the nationalist song by Baja Mali Knindža “I don’t love you, Alija, because you are a balija.” In addition to provocations, Bosniak returnees to Podrinje are additionally intimidated in this way. Of course, as always in situations like this, the entity police remains silent because for the MUP of the RS, which is designated as one of the perpetrators of genocide in the Hague verdicts, this does not represent provocations but a “normal situation”.

15 Balija is a term that is used as a derogatory term for Bosniaks here.

The pro-Russian association “Eastern Alternative”, whose members deny the genocide and glorify the convicted war criminal Ratko Mladić, announced that on July 11 they will show a film about the “liberation of Srebrenica” in Srebrenica, in which, among other things, they plan to play a speech by the former commander of the Army’s Main Staff of the Republika Srpska (VRS), who, as they state “played a historic role in those events”.

On July 11, 2022, 50 victims of the genocide committed in Srebrenica in 1995 were buried in the cemetery of the Srebrenica Memorial Center - Potočari.

Bratunac, 09.07.2022. New provocation: Photos of members of the RS Army placed on the road leading to Potočari

On the road that leads from Bratunac to the Potočari Memorial Center ahead of the commemoration of the anniversary of the genocide in Srebrenica, on a length of slightly more than two kilometers, a series of photographs has been placed.

As noted by the photojournalist of the Klix.ba portal, the photos were placed on the right side of the main road, in the direction of Potočari, on the eve of the commemoration of the 27th anniversary of the genocide in Srebrenica.



On the road that leads from Bratunac to the Potočari Memorial Center ahead of the commemoration of the anniversary of the genocide in Srebrenica, on a length of slightly more than two kilometers, a series of photographs has been placed.

Allegedly, these are photographs of fallen members of the Army of Republika Srpska, whose members actually committed the genocide.

Bratunac Municipality Mayor Srđan Rankić told Srna that the photos show “3,267 Serbian civilians and soldiers from central Podrinje who were killed and died during the war in BiH”. The family members of the deceased posted the photos with the consent of the mayor.

We remind that on July 11, a collective funeral will be held in Potočari for another 50 victims of the genocide, whose family members gave their consent for the burial of the found remains. And while the whole world remembers with sadness the terrible crime of genocide that was committed almost three decades ago in Srebrenica, it seems that the provocations, probably encouraged by increasingly immoral political rhetoric in BiH public space from those who deny convicted war crimes and celebrate their perpetrators, every year only intensifies. The youngest victim who will be buried this year is Salim Mustafić, born in 1979 in Tokoljaci near Srebrenica. He was 16 years old when he was killed in the summer of 1995. His remains were exhumed from the Liplje mass grave near Zvornik in 2006.

So far, 6,671 victims of genocide have been buried in Potočari, and the families are still searching for those killed whose remains were found by investigators in several different mass graves due to the intention of the perpetrators of the crime to cover up the terrible crime of genocide committed against the men and boys of the Srebrenica enclave.

So far, the courts have imposed more than 700 years of prison sentences for the genocide and crimes committed in Srebrenica.

The judgments of the International Court of Justice, the International Criminal Tribunal for the former Yugoslavia and the Court of Bosnia and Herzegovina established that genocide was committed in Srebrenica in July 1995. So far, the courts have sentenced a total of 48 people, five of them to life imprisonment for genocide, crimes against humanity and other crimes.

Prozor, 08.08.2022. Ustasha symbols on the Martyrs' Memorial just a day after its opening

In Skrobućani, a small town in the municipality of Prozor, offensive graffiti with Ustasha symbols appeared on the martyr's grave.

This act of vandalism happened less than a day after a Memorial was opened to the martyrs from the former Skrobućani congregation who were killed or are missing during the aggression against BiH.

On the way to this place, graffiti with Ustasha symbols and the inscription “balije” were painted with black spray.

The graffiti was most likely written during the night or early this morning, and its aim is to provoke and create tension.



Such actions certainly do not favor the creation of a better coexistence between Bosniaks and Croats in this region. The police are working to find the perpetrator. The “Martyr’s Gate” memorial in Skrobućani, a small town in the municipality of Prozor, was erected on August 7, 2022, in memory of the martyrs and victims of the past war, from the Skrobućani congregation: Skrobućani, Gorica, Paroš, Parcani, Gračac, Gračanica and Ravnica.

**Doboj, 10.08.2022. Creepy message to Bosniaks
in Doboj: Slaughter balijas and four „S“**

Graffiti Slaughter balijas and four „S“ were written on the underpass in Pridjel Gornji, in the area of the city of Doboj, as was confirmed for Faktor in PU Doboj. As we were told, the case was reported to the police last night at 8:35 p.m.

- It was reported that the graffiti was written in the previous half hour. Since it was dusk, no one noticed who the perpetrator or several of them were, so the case is being investigated as done by an unknown perpetrator - said the spokesperson of the PU Doboj Dragana Kerkez.

She added that the prosecutor’s office in Doboj was also informed, and that the prosecutor characterized the act as damage and confiscation of someone else’s property.

Bosniaks who live in this place in the RS entity are upset about this event.

**Zvornik, 29.09.2022. A Bosniak student was beaten:
“He was covered in blood, he had a concussion...”**

At the Technical School Center in Zvornik, seventeen-year-old E.H. student in the third grade of the Traffic School from Paprača near Šeković was beaten by his schoolmate, and, according to his father, suffered a mild concussion.

The father of the beaten boy stated: “As my son told me, he and his classmate had previously argued about football. This one threatened him in that argument, but my son did not take it seriously. They were in physical education class, playing soccer, and when they were going back to class, he attacked him in the locker room. He knocked him to the floor and punched him in the head, until my son was in a position to stand up to him. After he was beaten, my son went to the school director covered in blood, but the director, instead of taking him to the hospital in Zvornik, let him go home, without doing anything to help him.”

Hasanović states that his son, on his way home from school, called his sister and told her what happened to him. He immediately, he says, headed towards Zvornik to bring his son home, but when he met him and saw that he was losing his balance, he took him to the doctors in Tuzla.

“My son was covered in blood. He was examined at the University Clinical Center in Tuzla and diagnosed with a mild concussion. I called the police in Zvornik yesterday and told them what happened, and today I went and gave a statement to the police. The police were correct, but I will ask for accountability, not only for that delinquent who attacked my son and who, after that attack, celebrated with his friends in a cafe for beating my son, but also for the principal of the school who he did not want to give my son any help. I wonder what kind of pedagogue he is,” said the boy’s father indignantly.

As he said, because of everything that happened to his son yesterday, he will withdraw him from the school in Zvornik and try to enroll him in one of the schools in the territory of the Federation.

“I am a man who does not have a job and I live from agriculture, but I will do everything so that my child finishes school and no longer worries that some delinquent from his class will attack him, neither guilty nor responsible. There have been provocations before, but there were no attacks like the one from yesterday”.

The father of the beaten boy said that immediately after he heard that he had given a statement to the police, he was called by the director of the school his son attends and asked to “talk like people talk”. “I don’t know what it means to him, but I have nothing to discuss with such a director.”

Bratunac, 11.12.2022. - The returnee Merdžić family is again the target of attacks: Their garden of the “Korzo” restaurant was destroyed.

Merdžić: “We pay taxes, our workers are registered, we contribute to the state and seek protection, we are not the only case”

On Friday night, an unknown person destroyed the garden of the restaurant “Korzo” and caused significant material damage to the objects in the yard of the owner Beriz Merdžić, a returnee to Bratunac.

As he said, his car was also destroyed and gas bottles were placed in front of the entrance to the house. "It happened the night before yesterday. We didn't hear anything, but in the morning when we were about to open the store, we saw a mess. They placed crates and concrete blocks at the entrance. This is not the first attack on me and my family. We were also attacked a few months ago. I reported everything to the police, but no one has been detained yet," said Merdžić.



He adds that, despite everything, they decided to live in Bratunac and show that coexistence is possible. "We pay taxes, the workers are registered. We contribute to the state and seek protection. We are not the only case. We did not come to leave, but to live here. Does something else need to happen, so that there is some reaction? Better protection should be provided to the returnees and we do not feel safe. We have excellent relations with our neighbors, and we feel good with them" - added Merdžić.

The family Merdžić returned to Bratunac after the war, where they work on their family business in hospitality.

They emphasize that they will not be swayed by intimidation and will continue to work.

He reported the attack to the RS Ministry of Internal Affairs, and he is asking the investigating authorities to sanction the perpetrators.

Discrimination

Zvornik, 01/09/2022., The new school year at the Elementary School "Sveti Sava" Zvornik, district "Liplje", started with an old problem - discrimination of Bosniak children, as they are still prevented from learning the Bosnian language.

The fight of parents from Liplje against discrimination, violation of children's rights and denial of the Bosnian language has been going on for several years.

"We still have discrimination this school year, nothing has changed, only the pressure is greater. The rights of our children are not respected" - said the representative of parents from Liplje. Last school year, parents initiated legal proceedings, seeking their rights before the court.

“We sued the Ministry of Education of the RS, the director of the central school in Zvornik, and all those who contributed to the discrimination of Bosniak returnee students in the smaller entity of Bosnia and Herzegovina. At the moment, we are the only school that is in the process for the Bosnian language” - emphasized the representative of parents from Liplje.

As he said, he hopes that the procedure will be completed in their favor by the end of this school year.

“As a representative of parents, I fight for the rights of all children. No one cares, we call on leaders and journalists to help us, because we have come to the point where we are leading the fight, it is devastating. This is one of the main problems in the country, it concerns children, how will they grow up if they face discrimination now, what can they expect later - he said.

Only six students attend classes in Liplje this school year, which is less than last year. Since their rights are denied, the parents withdraw their children from this school and enroll them in schools in the Federation of Bosnia and Herzegovina.

We remind you that on August 15 of this year, the vice president of the smaller Bosnia and Herzegovina entity of RS, Ramiz Salkić, sent a letter to the Office of the High Representative (OHR) in Bosnia and Herzegovina and the OSCE mission about the discrimination of Bosniak children, warning that today discrimination is used as a peacetime weapon to persecute Bosniaks and ethnic cleansing of this part of Bosnia and Herzegovina, but OHR and OSCE did not respond.


“I invite you to break the silence about the discrimination of Bosniaks in the educational process in this entity and initiate mechanisms to stop and eliminate it. Otherwise, history will remember you as silent observers of the peacetime ethnic cleansing of a nation from its age-old hearths, by the authorities who glorify convicted war criminals for the committed genocide” - emphasized Salkić in the letter.

Ilidža, 4.10.2022., The school banned worshipping and going to the mosque, the Council of Parents supported the proposal

On October 3, 2022, the first session of the Council of Parents in the 2022/2023 school year was held. One of the items on the agenda was related to the performance of religious duties in the school premises during the second shift. After the facts presented by the school director Sonita Pirić, discussion and opinion of the present members of the Council of Parents (13 present, 11 voted FOR the initiative that does not support worship in the school premises, and 2 abstained), the following conclusion was reached:

“Religious duties related to performing daily prayer cannot be practiced in the premises of the school, primarily due to hygiene reasons, and then also due to the lack of free space that could be used as a suitable place for that

Bosna i Hercegovina
Kanton Sarajevo
JU «DEVETA OSNOVNA



Federacija B i H
Općina Ilidža
ŠKOLA» ILIDŽA

BROJ: 01-545/22
DATUM: 3.10.2022. godine

- VIJEĆE RODITELJA
 JU „Deveta osnovna škola“ Ilidža
 - Roditeljima učenika JU „Deveta osnovna škola“ Ilidža

Predmet: Dostava zaključka sa sjednice Vijeća roditelja

Dana 29.10.2022. godine održana je prva sjednica Vijeća roditelja u školskoj 2022/2023. godini. Jedna od tačaka dnevnog reda je bila vezana za obavljanje vjerskih dužnosti u prostorijama škole, u drugoj smjeni. Nakon iznesenih činjenica od strane direktorice škole Sonite Pirić, rasprave i mišljenja prisutnih članova Vijeća roditelja (13 prisutnih, 11 glasalo ZA inicijativu kojom se ne podržava klanjanje u prostorijama škole, a 2 suzdržana) donesen je sljedeći zaključak:


- U prostorijama škole se ne mogu prakticirati vjerske dužnosti vezane za obavljanje namaza, prvenstveno iz higijenskih razloga, a zatim i zbog nedostatka slobodnog prostora koji bi se mogao upotrijebiti kao prikladno mjesto za tu namjenu.
- Obzirom da je škola odgovorna za djecu tokom trajanja nastave, ista ne može dopustiti napuštanje prostorija škole radi prakticiranja vjerskih dužnosti i posjećivanja vjerskih objekata.

Nadamo se da ćete podržati navedene zaključke.
 S poštovanjem!

Predsjednik Vijeća Roditelja
 JU „Deveta osnovna škola“ Ilidža
 Anela Klino

Klino Anela

Direktorica škole
 Sonita Pirić, prof.



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purpose. Considering that the school is responsible for the children during classes, it cannot allow them to leave the school premises for the purpose of practicing religious duties and visiting religious buildings. The document was signed by the president of the Council of Parents “PI 9th Elementary School Ilidža” Anela Klino and the director of the school, prof. Sunita Pirić.

The topic of performing prayers during working hours had been discussed before in professional circles, but also on social networks. An example from the USA could be used as an argument against the school’s decision. A high school near Washington has allowed the Muslim children who attend it to pray during class. When it’s prayer time, the Muslim students at Parkdale High School can simply say it’s time to pray and get out of class.

The principal of the school, Cheryl J. Logan, said that something like this was simply necessary, because the number of Muslim children in the school is constantly growing, the Washington Post reported. But there are also conditions, you can't just drop out of classes, and the conditions were introduced simply to prevent abuse.

In order for students to be able to leave the classroom, they must bring written permission from their parents, and they must also have good grades. Currently, there are 10 students in this school who have been given permission to leave classes during prayer time.

Sarajevo, 5.10.2022. KS: The Ministry on the ban of the “practice of religious duties” at the “9th Primary School” in Ilidža

The Ministry of Education of Sarajevo Canton reacted with a press release to the scandalous ban on the practice of religious obligations that was pronounced in the “9th Primary School” in Ilidža. In the following, we transmit the above-mentioned announcement in its entirety.

“Due to public interest and a series of inquiries regarding act no. 04-885/22 dated 03.10.2022. of the public institution “9th Primary School” Ilidža, signed by the director Sonita Pirić, which refers to the submission of the conclusion of the Council of Parents of the school which prevents “the practice of religious duties related to the performance of prayers, primarily for hygienic reasons, and then also due to the lack of free space”, as well as preventing “leaving the school premises in order to practice religious duties and visit religious buildings”, we issue the following statement:

In the past period, since my appointment as a minister, the Ministry of Education responded positively to a series of questions from the directors about the establishment of a prayer space in the school, all in accordance with positive legal regulations. We understand that parents, members of the Council of Parents, cannot know all the regulations in the field of education, but we instruct the school director, as a responsible person and manager, to familiarize herself with Article 25, paragraph (3) of the Law on Basic Education (Official Gazette KS 23 /17, 33/17, 30/19, 34/20 and 33/21) in which it is clearly prescribed that the school cannot undertake any measures that would limit the freedom to express one's own freedom of expression and to learn about other and different beliefs.

We are surprised by the exclusive attitude in which the same act prohibits, in two ways, the practice of duties that students, that is, their parents consider to be part of the expression of their own religious beliefs. Such a pedagogical attitude is not within the framework of contemporary pedagogical trends, because it is known that bans in pedagogy have very few effects.

The reason, which is given in the sense that it is due to hygienic reasons or lack of capacity, is completely unacceptable and can be solved through ad-

equate management of the organization of the school's work, for which the school director is directly in charge of and responsible for.

Organizational and technical challenges, as stated in this act, cannot be reasons for denying or limiting the expression of religious freedom. On the contrary, this need, as well as other needs of students in school teaching and extracurricular activities, as well as extracurricular activities, are an integral part of the overall pedagogical work and dedication, through the correct management of human resources during pedagogical and technical supervision and referral, both during the lesson, as well as during the use of students' vacations.

We instruct the director to consult with the heads of schools where there are similar practices and where students use the prayer space in good practice and faith, in order to enable the same for the students of the "9th Elementary School" in Ilidža.

Also, we instruct parents who believe that their right has been violated by the mentioned act, to send a complaint to the school board", as is stated at the end of the announcement.

East Sarajevo 07.10. 2022., The court in East Sarajevo suspended the proceedings against the persons who prayed at Trebević

The court in East Sarajevo suspended the proceedings against the persons to whom the MUP of the RS issued a misdemeanor order for performing prayers at the picnic area Brus at Trebević, confirmed the defendants' lawyer Emir Kovačević.

"This is a misdemeanor proceeding against persons who prayed in a public space at Trebević. The police initiated misdemeanor proceedings, I represented the defendant," said the defendant's lawyer, Emir Kovačević.

Kovačević added that it was not clear from the misdemeanor order that it was a misdemeanor.

"Our Law on Public Order and Peace does not assume that prayer, or any other way of performing prayer, can disrupt public order and peace, unless you disturb someone by making too much noise, or if you prevent someone from passing by," said Kovačević.

The procedure was initiated because of the public prayer that took place in January of this year, which echoed in the media. The Basic Court in Sokolac, East Sarajevo Department, by its Decision no. 89 1 Pr 052090 22 Pr from 4 October 2022 suspended the misdemeanor procedure because the authorized body did not eliminate the deficiencies in the misdemeanor order within a certain period. Furthermore, in the explanation of the Decision in question, the Usd states that "the authorized body flat-out did not reveal the appointed person's indecent behavior (performed prayers) where they caused anxiety

among the citizens.” In such a factual description of the misdemeanor, the factual description of the action from which the legal characteristic of the misdemeanor derives, as well as other circumstances necessary to determine that misdemeanor in more detail, is not specified.

A few months later, a sign appeared at the well-known Trebević excursion site that it was forbidden to perform religious ceremonies.

Srebrenica, 19.12.2022., The Basic Court in Srebrenica found discrimination against Bosniak students from Konjević Polje

The basic court in Srebrenica passed a verdict that fully accepted the claim filed by children and parents from Konjević Polje due to discrimination in the educational process. The court found that discrimination exists and ordered the elementary school “Petar Kočić” to eliminate it, that is, to enable students of Bosniak nationality to study their native Bosnian language.

In the notice of the Basic Court, it is stated that it is a first-instance verdict against which an appeal can be filed to the District Court in Bijeljina.

The representative of the parents of the children from Konjević Polje, Muhizin Omerović, welcomed this decision of the court, which accepted their requests.

“We want to point out to the public that this is a process that has been going on for too long, that is ten years, and it is pointless. It is unreasonable that it is taking so long, because there are three decisions of the Constitutional Court that prove that we and our children are discriminated against in the education system of Republika Srpska. The decisions were never implemented. This is a criminal offense because someone is obstructing it for so long,” Omerović said.

He announced that he will invite the representatives of the Office of the High Representative (OHR) again to get involved in this case and help children and parents to finally solve the problem.

“This is a disgrace to our judicial system. Also, we will invite parents from Republika Srpska whose children are discriminated against to join us in the fight for children’s rights for a better and normal education” - Omerović points out.

Islamophobic statements by politicians

When it comes to the year 2022, several public appearances stirred up the public and caused negative reactions among Bosniak Muslims, and were perceived as an insult and an expression of Islamophobia.

In a guest appearance on Face TV, in the show “Face to face”, on May 6, 2022, former member of the Presidency of Bosnia and Herzegovina Stjepan Kljuić insulted Muslims by inappropriately speaking about the hijab (body covering for Muslim women) in the context of the Minister of Education of the Sarajevo Canton, calling her “obscure”, and stating that as such she has no place in education and that she sends an inappropriate message to children. His statement was condemned by the Islamic Community, the Sarajevo Canton Government, as well as numerous media and public figures.

During the session of the Dicastery for Interreligious Dialogue in Rome, in his presentation on June 7, 2022, Archbishop Tomo Vukšić stated that “it is a fact of no small importance” that, according to the results of the 2013 population census, Bosnia and Herzegovina became the third a country in Europe with an absolute Muslim majority, adding that the current political map of Bosnia and Herzegovina with two entities “facilitates many and frequent manipulations against the Croatian Catholic minority”.¹⁶ Although he spoke about Catholics in BiH in the rest of his presentation, the emphasis on the above fact and the way it was presented raised many unanswered questions, and caused the BiH public to suspect that his speech - reminiscent of Orbán's speech from 2021 - was politically motivated, containing elements of Islamophobia.¹⁷

One of the things that agitated the BiH public was the e-mail of Miomirka Melank, a representative in the FBiH Parliament, which became public on June 21, 2022, and in which she expressed her displeasure about the call to prayer, calling it “brainwashing” and “ideological propaganda jingle”. After the public outcry, Melank spoke up, justifying that these are not her views, but the view she uses as part of her research, and that she has nothing against the call to prayer, and that the call to prayer is part of her culture.¹⁸

16 Archbishop Tomo Vukšić: Bosnia and Herzegovina became the third a country in Europe with an absolute Muslim majority, available at: <https://bljesak.info/kultura/vjera/nadbiskup-vuksic-bih-je-postala-treca-drzava-europe-s-apsolutnom-muslimanskom-vecinom/385023>,

17 „Prof. Lavić: Why Archbishop Tomo Vukšić warns about the number of Muslims?“, available at: <https://radiosarajevo.ba/metromahala/ja-mislim/prof-lavic-zasto-nadbiskup-vuksic-upozorava-na-brojnost-muslimanaa/459673>,

18 “Email about the call to prayer of the representative of Our Party stirred up social networks, including the Islamic community“, available at: <https://www.klix.ba/vijesti/>

As in previous years, and during 2022, the member of the Presidency representing the Serbian people and the current president of BiH Entity Republika Srpska, Milorad Dodik, made insulting comments about Bosniaks, whom he deliberately calls „Muslims“:

“I see that these Muslims there are suffering, who will, what will they do. They would determine something, but I think that they are not in a position to determine anything now, and that the Serb-Croat bloc will politically determine which of the Muslims will enter joint institutions. We will talk about that, not them. So here we are going to pick who gets in, whatever they think about it.”¹⁹

bih/email-o-ezanu-zastupnice-nase-stranke-uzburkao-drustvene-mreze-oglasila-se-i-islamska-zajednica/220622150,

19 Vesna Rajnović, “Dodik’s crusade against Bosniaks is getting fiercer”, Al Jazeera Balkans, 11/13/2022, available at: <https://balkans.aljazeera.net/opinions/2022/11/13/dodikov-krizarski-rat-protiv-bosnjaka>

EXAMPLES OF POSITIVE SOLUTIONS TO THE PROBLEM OF DISCRIMINATION

Swimming in a burkini in Vogošća is allowed

In the pool that belongs to the Public Institution Cultural and Sports Center “Vogošća” in Vogošća, a rulebook was in force which does not allow swimming in burkini - a bathing suit for headscarfed Muslim women. According to experts, such a decision leads to a violation of basic human rights, especially the rights of students who, due to this ban, are not able to attend mandatory swimming lessons or join a swimming school. On the other hand, the Olympic swimming pool “Otoka” enables swimming in burkini. In March 2021, the management of the swimming pool in Vogošća, after a complaint from users and media support, amended the ordinance banning swimming in burkini, thus enabling the use of the swimming pool to all interested parties, without discrimination on the type of bathing equipment they use.

Decision of the Constitutional Court of Bosnia and Herzegovina establishing a violation of the right to freedom of religion in connection with wearing a beard for religious reasons in the Armed Forces of Bosnia and Herzegovina

We welcome the decision of the Constitutional Court of BiH no. In 9-21, which established the violation of the right to freedom of religion on the appeal of Bakir Izetbegović, in connection with wearing a beard for religious reasons in the Armed Forces of BiH. At its session held on 2 December 2021, the Constitutional Court issued a decision establishing that the provisions of Article 12, paragraphs (2) and (4) of the Rules of Service in the Armed Forces of Bosnia and Herzegovina No. 06-02- 3-4958 / 12 of 28 December 2012 are not in accordance with Art . II / 3.f) ig) of the Constitution of Bosnia and Herzegovina and Art . 8 and 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms . The same verdict finds the Minister of Defense of Bosnia and Herzegovina that, in accordance with Article 61 , paragraph (4) of the Rules of the Constitutional Court of Bosnia and Herzegovina, no later than three months from the publication of this decision in the Official Gazette of Bosnia and Herzegovina. Of Herzegovina ” harmonizes Article 12, paragraphs (2) and (4) of the Rules of Service in the Armed Forces of Bosnia and Herzegovina No. 06-02-3-4958 / 12 of 28 December 2012 with Art . II / 3.f) and g) of the Constitution of Bosnia and Herzegovina and the 8th and 9th European Conventions for the Protection of Human Rights and Fundamental Freedoms. In its decision, the Constitutional Court points out, inter alia

, that, following the case-law in Case U 8-17 , *the Constitutional Court sees no reason to decide otherwise in the circumstances of the present case . Referring to the reasons stated in the cited case, the Constitutional Court concludes that the absolute ban on wearing beards for soldiers of the Armed Forces of BiH, while in service and in uniform, violates the right to private life and the right to freedom of religion guaranteed by Article II / 3.f) and g) of the Constitution of Bosnia and Herzegovina and Art . 8 and 9 of the European Convention, since the disputed measure does not pursue the general objectives set out in paragraph 2 of Article 8 and 9 of the European Convention.* “²⁰

Prosecuted act of hatred

Cantonal Court in Travnik in case no. 49 0 K 041 354 18 Kž passed a conviction for a hate crime, and the accused was sentenced to 10 months in prison.²¹ The verdict refers to Miljenko Golub , who on August 5, 2017, physically attacked Jasmina Kurt and her underage daughter from Ostružnica near Fojnica. The only motive for the attack on the woman and her daughter is that they wore a Muslim headscarf (hijab).

20 Decision of the Constitutional Court U-9/21 of 2.12.2021. par. 38

21 Art. 362 paragraph 2 in connection with Art. 2. item 11 of the FBiH CC.

RECOMMENDATIONS

The Commission on Freedom of Religion makes the following recommendations:

It is necessary to sign the Agreement between Bosnia and Herzegovina and the Islamic Community in Bosnia and Herzegovina as soon as possible.

Various projects and educational programs need to be implemented in order to raise awareness of the need to condemn and prevent violations of religious freedom in Bosnia and Herzegovina

It is necessary to draw attention to and prevent attacks on buildings and property of religious communities throughout Bosnia and Herzegovina, and treat attacks on religious buildings through amendments to legislation as hate crimes and ensure the installation of surveillance cameras, especially in places of repeated attacks, in order to reduce their number, and for the perpetrators to be identified easier.

It is necessary to build conditions for improving the work of the competent authorities so that the perpetrators of attacks on religious buildings are more severely sanctioned.

It is necessary to work on harmonization of legal regulations in Bosnia and Herzegovina with the European Convention on Fundamental Rights and Freedoms, and the Law on Freedom of Religion and Legal Position of Churches and Religious Communities, as well as with regulations and established practice of the United Nations, Council of Europe and OSCE, in order for freedom of religion to be adequately secured and protected. Given the increasing number of complaints of religious rights violations in the workplace, we suggest the following:

Adopt legal provisions that would allow unpaid leave on Fridays for performing Jumm'ah prayers²² or the possibility of doing that hour sometime during the week.

Facilitate the performance of salah / prayers at the workplace when the conditions and work process allow it in a way that allows a break of 10 minutes.²³

22 The Labor Law of the Federation of BiH contains this provision (Article 44 states that "the employer is obliged" to provide the worker at his request with a break of one hour for one day a week), however, the labor laws in RS and Brčko District do not such a provision.

23 Guidelines for Legislative Reviews of Laws Affecting Religion and Belief adopted by the Venice Commission at its 59th plenary session (Venice, 18-19 June 2004), p. 15; file: /// D: /MRV%20-%20Emir/Documents/ODIHR/guidelines%20Venecijanska%20komisija%202004%20vrijeme%20za%20dzumu.pdf

Rules of Service or Rules of Dress in Certain Institutions to allow reasonable accommodation taking into account religious reasons.

It is proposed to companies, educational and other institutions to enable the performance of prayers to workers and students in a way that does not interfere with the work and teaching process.

It is proposed to institutions and companies that manage swimming pools, public baths and spa centers to enable swimming in burkinis.

HOW TO REPORT A VIOLATION OF THE RIGHT TO FREEDOM OF RELIGION

Violations of the right to freedom of religion are reported to the Commission for Freedom of Religion of the Riyaset of the Islamic Community in Bosnia and Herzegovina. It is important to describe in as much detail as possible the case or experience of a violation of freedom of religion. You can send a fax, email, send a letter or personally provide all information related to the case of violation of freedom of religion. If you have questions, you can call on the phone. More information about the Commission can be found on the website of the Islamic Community or at the following link <https://www.islamskazajednica.ba/index.php/komisija-za-slobodu-vjere>

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