

**REPORT
ON DOCUMENTED INSTANCES OF VIOLATIONS
OF THE FREEDOM OF RELIGION RIGHTS OF MUSLIMS
IN BOSNIA AND HERZEGOVINA IN 2023**



**RIYASAT OF TEHE ISLAMIC COMMUNITY
IN BOSNIA AND HERZEGOVINA**

Commission for Freedom of Religion

Report on Documented Instances of Violations of the Freedom of Religion Rights of Muslims in Bosnia and Herzegovina in 2023

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REPORT

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Contents

| | |
|--|----|
| Introduction | 7 |
| Legal Regulations and International Standards on the Protection of Freedom of Religion or Belief | 9 |
| Freedom of Religion in Bosnia And Herzegovina | |
| General Remarks | 15 |
| An Overview of Cases Violating the Rights to Freedom of Religion of Muslims in Bosnia and Herzegovina for the Year 2023 | 23 |
| Instances of Successful Resolution of Discrimination Issues | 36 |
| Recommendations | 40 |
| Guidelines on Reporting Violations of the Right to Freedom of Religion | 42 |
| ANNEX TO THE REPORT | 43 |
| <i>CASE LAW AND THE RIGHT TO FREEDOM OF RELIGION OR BELIEF - twenty years after the adoption of the Law on Freedom of Religion</i> | 43 |



Introduction

the Annual Report from the Commission for Freedom of Religion of the Riyasat of the Islamic Community provides a comprehensive overview of documented cases of violations of Muslims' right to freedom of religion in Bosnia and Herzegovina. It provides a comprehensive summary of the legal and social dimensions related to the exercise of the right to religious freedom. The report documents instances where the application of religious rights is hindered, as well as cases involving discrimination and violence based on religious affiliation.

To attain broader objectives of protecting and promoting the religious rights and freedoms of Muslims, the report not only focuses on the registration of cases violating religious rights but also includes specific guidelines, recommendations, and positive examples of exercising religious rights in society.

This report covers cases documented in the media and those received and reviewed by the Commission for Religious Freedom of the Riyasat of the Islamic Community in Bosnia and Herzegovina in 2023.

Generally speaking, Bosnia and Herzegovina has a fairly solid legal foundation for protecting the right to freedom of religion or belief and eradicating discrimination based on these principles. Nevertheless, challenges persist in the implementation of legal regulations, often due to the lack of consistency or diverse organizational setup of the state. This is exacerbated by a lack of understanding of the methods and mechanisms to ensure the protection of religious rights, limited awareness of legal options, and the absence of provisions

accommodating religion in specific regulatory contexts, like the workplace. In recent times, there has been an increasing frequency of attacks on Islam and Muslims, driven by hatred, particularly from politicians and public officials. This specifically pertains to the dehumanization of the victims of the Srebrenica genocide by nearly the entire political spectrum in Republika Srpska and Serbia. In 2023, there was a noted increase in physical attacks against returnees, a group considered one of the most vulnerable in society.

Legal Regulations and International Standards on the Protection of Freedom of Religion or Belief

Internationally, various binding documents have been adopted at different levels to safeguard and promote freedom of religion and belief and prohibit discrimination. Also, the legal system in Bosnia and Herzegovina has a robust legal framework for safeguarding the right to freedom of religion and belief and eliminating discrimination based on these grounds. Let's highlight a few of these documents and legal provisions:

European Convention of Human Rights and Fundamental Freedoms

The 1950 European Convention on Human Rights is derived from the 1948 United Nations Universal Declaration of Human Rights. It covers civil and political rights relevant to everyday life in a democratic society, as well as socio-economic rights ensuring a certain standard of living. Article 9 "Freedom of thought, conscience and religion" pertains to the freedom of religion:

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 worship, teaching, 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 The European Convention on Human Rights prohibits discrimination:

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

In addition to the Convention, there is the European Court of Human Rights, responsible for overseeing the implementation of the European Convention on Human Rights. It safeguards the rights of individuals who have exhausted all domestic legal avenues, meaning that they have pursued all court instances within the country. The judgments of the ECtHR are final and binding for all members of the Council of Europe. As a member of the Council of Europe, Bosnia and Herzegovina is obligated to adhere to the European Convention on Human Rights, along with all prior rulings.

Constitution of Bosnia and Herzegovina and Entity constitutions

The introductory part, i.e., the preamble of the Constitution of the State of Bosnia and Herzegovina discusses the principles of equality, rule of law, tolerance, democratic governance, fair procedures, and a pluralistic society. Adhering to these principles is crucial, especially considering that in the 1990s, there was an attempt to eliminate, by aggression, the multi-religious society of Bosnia and Herzegovina, which had existed for centuries. The preamble also underscores Bosnia and Herzegovina's commitment to the Charter of the United Nations, the Universal Declaration of Human Rights, and the International Covenant on Civil, Political, and Cultural Rights. It is important to note that the European Convention for the Protection of Human Rights takes precedence over domestic laws. Article 2 of the Constitution explicitly addresses 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 on 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 laws (Constitution of Bosnia and Herzegovina, Article 2, Paragraph 2).

These documents, which take precedence over domestic law, affirm the protection of the expression of religion in both private realms and public fora. Moreover, the Constitution of Bosnia and Herzegovina, in Article 2, paragraphs 3-4, stipulates that all individuals within the territory of Bosnia and Herzegovina shall enjoy human rights and fundamental freedoms, including the freedom of thought, conscience, and religion.

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; These include: ...g) freedom of thought, conscience, and religion.

The enjoyment of the rights and freedoms provided for in this Article or 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, association with a national minority, property, birth, or other status.

Further, Article 2 also obliges the state of Bosnia and Herzegovina, courts, agencies, and governmental organs to apply and conform to human rights and fundamental freedoms, and to cooperate with and provide unrestricted access to any international monitoring mechanism dealing with human rights.

Since 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 explicitly relies on the principles of international human rights conventions. Article 2, derived from the United Nations Declaration, stipulates, among other things, "the prohibition of any discrimination based on religion." Therefore, the Constitution of the Federation of Bosnia and

Herzegovina ensures the application of the highest level of internationally recognized rights and freedoms, especially in Article 2, paragraph 1:

All persons on the territory of the Federation shall enjoy the right to:

- d) freedom from discrimination based on race, skin color, sex, language, religion or belief, political or other opinions, national and social origin;
- l) freedom of thought, conscience, and belief; freedom of religion, including private and public worship.

The constitution of the BiH Entity Republika Srpska guarantees equality to citizens.

Article 10 of the RS Constitution reads:

Citizens of the Republika [Srpska] shall be equal in their freedoms, rights, and duties; they shall be equal before the law, and enjoy equal legal protection regardless of their race, gender, language, nationality, religion, social origin, birth, education, property status, political and other beliefs, social status, or other personal attributes.

While Article 10 of the RS Constitution asserts that citizens are equal before the law and enjoy the same legal protection, Article 28 explicitly references the Serbian Orthodox Church. This confers an advantage upon the Serbian Orthodox Church in comparison to other religious communities:

Religious communities shall be equal before the law and shall be free to perform religious affairs and services. They may establish religious schools and deliver religious education in all schools at all levels of education; They may engage in economic and other activities, receive gifts, establish endowments, and manage them, in conformity with the law.

However, discrimination can be seen in the part of the text that states: The Serbian Orthodox Church shall be the church of the Serb people and other people of the Orthodox religion.

It is important to note that Article 49, Paragraph 4 of the Republika Srpska Constitution makes reference to the European Convention on the Protection of Human Rights and Fundamental Freedoms.

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

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

Law on freedom of religion and the legal position of churches and religious communities in Bosnia and Herzegovina

Another important state law that holds significance in the interpretation of religious freedom and the relationship between the state and religious communities is the Law on Freedom of Religion and the Legal Position of Churches and Religious Communities in Bosnia and Herzegovina, dated January 28, 2004, commonly cited under the abbreviated name “Law on Freedom of Religion.” Article 4, paragraph 1 of this law affirms the principle of equality among all churches and religious communities in Bosnia and Herzegovina.

Every individual has the right to freedom of religion or belief, which includes the freedom to publicly profess or not profess any religion. Likewise, every individual has the right to adopt or change their religion, as well as the freedom – whether individually or in community with others, in public or private – to manifest their religion or belief in any manner, in worship, practice, observance, the 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 public and private preschool 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. Hence, the authorities of Entities, cantons, the Brčko District, and municipalities are obligated to guarantee the right to exercise and enjoy religion while prohibiting any discrimination based on religion or different beliefs (Article 3).

Article 5 prohibits attacks on religious officials and their defamation, as well as damage to religious buildings or other property associated with churches and religious communities. Additionally, it forbids activities or actions

1 *Official Gazette of BiH*, 5/04.

intended to incite religious hatred against any church, religious community, or its members, and prohibits the disparagement or mockery of any religion.

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

Matters of common interest for Bosnia and Herzegovina or one or more churches and religious communities may be regulated through an agreement among the BiH Presidency, the Council of Ministers, the governments of Entities, and churches or religious communities.

Thus, this Article anticipates that churches and religious communities can enter into an agreement to address specific issues not covered by the law, with the aim of benefiting citizens, that is, believers.

Law on the Prohibition of Discrimination

Another noteworthy state law is the Law on the Prohibition of Discrimination from 2009, which, as articulated in Article 2, paragraph 1, prohibits:

Any differential treatment, including any exclusion, limitation, or preference based on real or perceived grounds, towards any person or group of persons based on religion or belief, as well as any 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.

Article 2 further says:

Prohibition of discrimination shall be applied to all public bodies, all natural and legal persons, in public and private sectors, 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.²

² *Official Gazette of BiH*, 59/09 and 66/16.

Freedom of Religion in Bosnia And Herzegovina

General Remarks

Based on the findings of the 2013 population census, Bosnia and Herzegovina is home to 3,531,159 permanent residents. Of this number, 2,219,220 inhabitants (62.85%) live in the Federation of Bosnia and Herzegovina, 1,228,423 inhabitants (34.79%) live in the Republika Srpska, and 83,516 inhabitants (2.37%) live in Brčko District.

In terms of the national composition, 50.11% of the population residing in Bosnia and Herzegovina identifies as Bosniaks, with the majority being Muslims. Additionally, 30.78% of the population identifies as Serbs, while 15.43% identify as Croats. A share of 0.77% of the population did not declare their ethnicity, and less than 3% fall into the “Other” category, encompassing members of 17 national minorities and other ethnic groups. Segmented by entity, 70.4% of Bosniaks reside in the Federation of Bosnia and Herzegovina, along with 22.4% of Croats and 3.6% of Serbs, while the population of the Republika Srpska is comprised of 81.5% of Serbs, 14% of Bosniaks and 2.4% of Croats. In Brčko District, 40.3% of the population comprises Bosniaks, followed by 34.6% of Serbs and 20.7% of Croats.

Statistical data on the language spoken by the residents of Bosnia and Herzegovina indicate the following: Bosnian is spoken by 52.86% of the population, Serbian by 30.76%, and Croatian by 14.6%. In terms of religion, 50.7% of the population in Bosnia and Herzegovina are Muslims, 30.75% are Orthodox, and 15.19% are Catholics.

According to the latest census conducted in the former Yugoslavia in 1991, Bosnia and Herzegovina had a population of 4,377,033 inhabitants, of which 1,902,956 identified as Muslims, 1,366,104 as Serbs, 760,852 as Croats, and 242,682 as Yugoslavs. This indicates a decrease of 845,874 inhabitants in the 2013 census.

The infringement upon religious rights and freedoms in any society constitutes highly unacceptable behavior. However, in ethnically and religiously diverse environments, such as Bosnia and Herzegovina, this can carry more profound and extensive social and political implications. Hence, it is important to raise social awareness and sensitivity concerning religious rights and freedoms. The statistical analysis of violations of Muslims' religious rights conducted by the Commission over the last six years reveals fluctuations in the registered cases. On one hand, the Commission highlights the persistent nature of the issue, while on the other it acknowledges that numerous cases go unreported or undocumented, thus making this problem more pronounced than suggested by the available data.

In the Republika Srpska, Orthodox symbols and iconography of the Serbian Orthodox Church are conspicuously displayed in public institutions. This long-standing practice lacks a valid legal basis and goes against the principles of the separation of state and religion, as well as the equality of religious communities and churches. The Commission cautions against inappropriate iconography, festivals, celebrations, and other discriminatory content in public institutions, particularly, though not exclusively, in the Republika Srpska Entity. Undoubtedly, the presence of religious iconography and symbols of a particular religious community in public institutions puts members of other religious beliefs in an unfavorable and discriminatory position. Patronal feasts, and Orthodox religious ceremonial programs to which Muslims are also subjected, jeopardize the right of Muslims to freedom of religion and belief, a concern particularly pronounced in public schools. Muslim children, being the most vulnerable social group, find themselves in a tough spot during the celebration of the Orthodox holiday of St. Sava, which schools in the Republika Srpska Entity observe on January 27. This holiday, in its manifestation, transcends being merely a school celebration; it is actually and symbolically imbued with Orthodox ritual practice and symbolism. Compelling Muslims

to partake in such school programs or remain in school during their execution constitutes indoctrination and undoubtedly constitutes a severe violation of fundamental rights to freedom of religion or belief. It represents a blatant assault on the human dignity of these children.

Many cities and municipalities in the Republika Srpska Entity celebrate the Orthodox holidays as the city or municipality day. These days are designated as public holidays. For example, the Orthodox religious holiday Spasovdan is celebrated as the patronal feast of the city of Banja Luka. The city of Banja Luka celebrates this holiday jointly with the Serbian Orthodox Church on June 6 every year. The celebration commences with a religious liturgy. The city of Zvornik commemorates the patron saint day of Saint Petka Trnova, who is also esteemed as the city's patroness. This holiday is celebrated on August 8. This holiday also begins with a religious liturgy and proceeds with a citywide procession led by the icon of Saint Petka Trnova. This day is observed as a public holiday, and all citizens of Zvornik are extended congratulations.

The Commission asserts that a secular state shall safeguard every individual from discrimination and indoctrination, particularly discrimination based on religion and religious belief, and public authorities and institutions should reflect the religious, cultural, and national diversity of the social community. Patronal feasts, Orthodox holidays, and the patron saints of cities and municipalities serve as glaring examples of neglecting Muslim and Bosniak identity, their culture, and traditions. They also reflect discrimination against Muslims and the forceful imposition of Orthodox identity in public spaces.

For many years, Bosniak children in primary and secondary schools in the Bosnia and Herzegovina entity RS have been denied the fundamental right to call their own language by its proper name. Instead of specifying "bosanski" [Engl. Bosnian] language - a constitutional category - in the school documentation, schools in the BiH's Entity RS invented and arbitrarily introduced the name "bošnjački" [Engl. Bosniak's] language. For nearly a decade, the parents of these children have been waging a legal battle to exercise the guaranteed right for their children to study the Bosnian language and have that designation used in school records. The authorities in the Bosnia and Herzegovina Entity RS persist in violating this fundamental right and consistently discriminate against Bosniak children.

The Commission particularly highlights the significant potential danger to the broader social community associated with a phenomenon whose leading figure in the public sphere is the president of the BiH's entity RS, Milorad Dodik. For an unbearably long period, Dodik has persistently propagated explicit hatred towards Muslims, their religion, and culture, especially through the media in Bosnia and Herzegovina and Serbia. He labels Bosniaks by their religious designation as "Muslims" and employs inappropriate and offensive terms, referring to them as "converts" and "subjects", insinuating that "only converts behave in such a manner because they switched their religion at some point (...)". This stands as a unique instance in modern Europe where a high-ranking politician strips the national identity of an indigenous population in their own country, reducing it to a religious group. Amid heightened political tensions, he openly spreads hatred and stigmatization. In both a tangible and symbolic manner, Dodik portrays the universally used term "Muslim" - which identifies over a billion people worldwide - as suspicious, hostile, and socially perilous. This extends beyond the realm of direct Islamophobia, both narrowly and broadly defined. It involves a deliberate act of hateful targeting of an entire group by those in a position of effective power, intending to eradicate its physical or real identity. This situation evokes a parallel with an earlier concept articulated by war criminal Biljana Plavšić in 1993, wherein she asserted that "Muslims are genetically defective material". It is known what horrible crimes this concept left behind. Dodik's ongoing campaign, considering the historical circumstances and the challenging legacy of a violent past and genocide, fuels nationalistic fervor and inevitably results in discrimination, hostility, and the physical endangerment of the lives and property of Bosniaks solely based on their perceived identity as Muslims. The Commission emphasizes the gravity of this campaign, highlighting its destructive consequences, its anti-civilizational and anti-human nature, and the threat it poses to peace and security in the region.

Hate speech and hate crimes are still present in BiH society. The institutions of Bosnia and Herzegovina have not demonstrated adequate preparedness and capacity to combat this negative and socially very dangerous phenomenon. Hate speech is notably prevalent on social networks, and so far it has not been adequately addressed through legal proceedings. Painting

murals depicting convicted war criminals is a continuation of the crime policy exercised in the 1990s. The accompanying texts for those images are drenched in hate speech. Glorifying convicted war criminals and their deeds, honoring them with awards, and naming institutions after them not only stirs profound unrest in society but also shamelessly challenges the fundamental values upon which modern civilization rests. Muslims perceive these actions as the rehabilitation and perpetuation of the policy and culture of killing, persecution, and the pursuit of genocidal objectives that they endured during the aggression against Bosnia and Herzegovina from 1992 to 1995.

The Islamic Community in Bosnia and Herzegovina, as a traditional community of Muslims, faces discrimination from the state because, unlike the Catholic and Orthodox churches, it is unable to sign an agreement with the state in the manner that the Presidency of Bosnia and Herzegovina did in August 2007 by ratifying the Basic Agreement between Bosnia and Herzegovina and the Holy See, and in May 2008, the Basic Agreement between Bosnia and Herzegovina and the Serbian Orthodox Church. The anticipated agreement for the Islamic community to sign with the state of Bosnia and Herzegovina, akin to those with the Catholic Church and the Serbian Orthodox Church, should enhance and strengthen the mechanisms for safeguarding Muslim rights, especially those pertaining to the specific needs of Muslims. Delaying and obstructing the process of harmonizing the treaty proposal has a detrimental effect on freedom of religion and discriminates against the entire Islamic community and Muslims in comparison to the other two traditional religious communities and their followers.

In the absence of a restitution law, the enactment of which is facing obstacles, the majority of *waqf* properties nationalized by the former Yugoslavia have not yet been returned to the Islamic community. This is despite the Law on Freedom of Religion and the Legal Position of Churches and Religious Communities, which grants religious communities the right to restitution of expropriated property across the country “in accordance with the law”. Even more concerning is that certain municipalities, after the aggression against Bosnia and Herzegovina, disposed of *waqf* property they inherited as nationalized despite the explicit prohibition on disposing of such property by the

High Representative for Bosnia and Herzegovina and subsequently by the FBiH Law on Real Rights.

Examining the situation in Bosnia and Herzegovina concerning legal possibilities and restrictions on the exercise of freedom of religion and belief, certain laws include contentious provisions that impose an outright ban on public religious expression. This is evident in laws governing police officers in Bosnia and Herzegovina, the Federation of BiH, the Republika Srpska, and Brčko District. Similarly, laws on courts in the Federation of Bosnia and Herzegovina, the Republika Srpska, and Brčko District, along with the Law on Civil Service in the Federation of Bosnia and Herzegovina, also contain such controversial restrictions.

Law on Police Officers of Bosnia and Herzegovina³ in Article 36, Paragraph 3, states that police officers have to be “impartial and to refrain from public expression of religious beliefs while on duty”. The identical wording is contained in the Law on Police Officers of the Federation of Bosnia and Herzegovina⁴ in Article 36, Paragraph 3; Law on Police Officers of the Republika Srpska⁵ in Article 39, Paragraph 3 and the Law on Police Officers of the Brčko District of Bosnia and Herzegovina⁶ in Article 48, Paragraph 3.

The prohibition of publicly expressing religious beliefs is stipulated in the laws governing courts in the Federation of Bosnia and Herzegovina, Republika Srpska, and Brčko District. Article 13, Paragraph 1 of the Law on Courts in the Federation of Bosnia and Herzegovina⁷ reads: “Judges and court officials are prohibited from displaying any religious, political, national, or other affiliations while carrying out their official duties.” The Law on Courts of the Republika Srpska contains identical wording⁸ in Article 13, Paragraph 1, while

3 BiH Law on Police Officers (*Official Gazette*, 27/04, 63/04, 5/06, 58/06, 15/08, 63/08, 35/09 and 07/12).

4 Law on Police Officers of the Federation of Bosnia and Herzegovina (*Official Gazette of the Federation of Bosnia and Herzegovina*, 27/05 and 70/08).

5 Law on Police Officers of the Republika Srpska (*Official Gazette of the Republika Srpska*, 20/14).

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

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

8 Law on Courts in the Republika Srpska (*Official Gazette of the Republika Srpska*, 111/04, 109/05, 37/06, 119/08, 58/09).

the Law on Courts of Brčko District⁹ has a similar provision in Article 14: “Judges are prohibited from displaying symbols of religious, political, national, or other affiliations, and such symbols are not permitted anywhere within the court premises.” The Law on the Court of Bosnia and Herzegovina¹⁰ does not include any provision or similar stipulation regarding religious restrictions.

In the Law on Civil Service in the Federation of Bosnia and Herzegovina¹¹, Article 17, Paragraph 3, states that civil servants must be impartial, and must “refrain from publicly expressing political opinions and must not exploit their religious beliefs”. In contrast to the aforementioned law, the Law on Civil Service in the Institutions of Bosnia and Herzegovina¹² in Article 14, Paragraph 3, asks civil servants to: a) refrain from mentioning religious beliefs, and confines the restriction to the “public expression of their political beliefs.” Also, the Law on Civil Servants in the Republika Srpska¹³ in Article 6, Paragraph 3 confines the restriction to “representation of political beliefs”. The Law on Civil Service in Public Administration Bodies of the Brčko District of Bosnia and Herzegovina¹⁴ upholds the principle of political independence. In Article 4, Paragraph 9, explicitly states that “officials, or employees, are prohibited from succumbing to political influence or promoting the ideas of political parties during working hours.” In other words, when discussing civil service laws, it is noteworthy that only the Civil Service Law of the Federation of Bosnia and Herzegovina imposes religious restrictions.

The disputed provisions in the aforementioned laws include an absolute prohibition on public religious expression. It is vital to highlight that Article 9, Paragraph 1, of the European Convention on Human Rights, safeguards religious expression, both in private and public spheres, including public places

9 Law on Courts in the Brčko District (*Official Gazette of the Brčko District*, 19/07, 20/07, 39/09 and 31/11).

10 Law on the Court of Bosnia and Herzegovina (*Official Gazette of Bosnia and Herzegovina*, 29/00, 16/02, 24/02, 3/03, 37/03, 42/03, 4/04, 9/04, 35/04, 61/04, 32/07).

11 Civil Service Law of the Federation of Bosnia and Herzegovina, *Official Gazette of the Federation of Bosnia and Herzegovina*. 29/03, 23/04, 39/04, 54/04, 67/05, 8/06 and 04/12.

12 Law on Civil Service in the Institutions Bosnia and Herzegovina(*Official Gazette of BiH*, 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).

13 Civil Service Law of Republika Srpska (*Official Gazette of RS*, 118/2008, 117/2011, 37/2012 and 57/2016).

14 Law on Civil Service in the public administration bodies of the Brčko District of Bosnia and Herzegovina (*Official Gazette of BD*, 9/14).

and the workplace.¹⁵ Religious expression in the workplace can only be restricted if the conditions outlined in Article 9, Paragraph 2, of the European Convention on Human Rights are met. It is imperative to amend the contentious provisions in the aforementioned laws to restrict religious expression only if such expression undermines the impartiality of the institution's work and is deemed necessary in a democratic society, as stipulated in Article 9, Paragraph 2, of the European Convention on Human Rights.

15 Eweida and Others v. UK, judgment of the European Court of Human Rights of 5/27/2013, accessed: 1/29/2018 file:///D:/MRV%20-%20Emir/Downloads/001-115881.pdf.

An Overview of Cases Violating the Rights to Freedom of Religion of Muslims in Bosnia and Herzegovina for the Year 2023

The following is a presentation of cases of violations of the right to freedom of religion for Muslims in Bosnia and Herzegovina in the year 2023. The cases are categorized into two sections:

- a) cases received and reviewed by the Commission;
- b) cases documented in the press, online media, and social networks

Reports Received and Reviewed by the Commission for Freedom of Religion

In 2023, the Commission for Freedom of Religion received and reviewed a total of five reports. The Commission reviewed two reports from individuals or groups complaining about the violation of their right to freedom of religion, specifically the inability to perform *Jum'ah* prayers, and one report of discrimination, which it found to be justified.

The impossibility of going to the Jum'ah prayer

An employee of the Railways of the Federation of Bosnia and Herzegovina sought assistance from the Commission for Freedom of Religion to address the matter of attending *Jum'ah* prayers. The individual claims to have recently faced obstacles in attending *Jum'ah* prayers. When he leaves to attend and

arranges for a replacement during the prayer, he is met with urgency upon his return, being required to report immediately to his immediate superior. He asserts that due to this, he was relocated to another workplace. He highlights that he perceived all of this as mobbing, and he addressed the director, but never received any response. The Commission requested a statement from the Railways of the Federation of Bosnia and Herzegovina regarding the allegations of denying the right to freedom of religion to the individual in question. However, by the time of writing this report, there has been no response, despite the urgency.

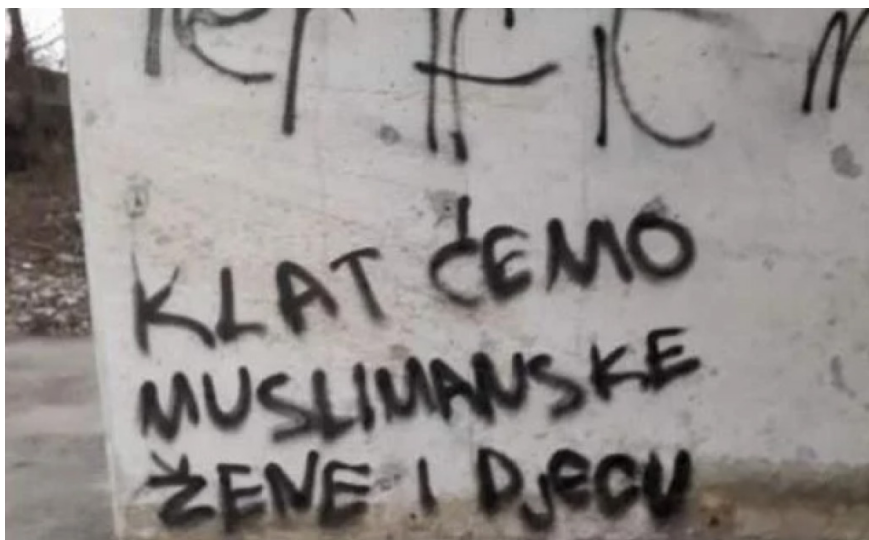
A group of primary and secondary school students in the Goražde area approached the Commission for Freedom of Religion, seeking assistance in resolving the matter of *Jum'ah* prayers. The students asserted that they are at an age when, according to Sharia Law, *Jum'ah* prayer is an obligation (*fard*) for them, so they approached the Commission for Freedom of Religion, seeking assistance in fulfilling this obligation without disrupting the teaching process. Fulfilling this obligation becomes especially challenging in the winter when Friday prayer is scheduled for noon, since the fifth class for students attending the morning shift concludes at 12:20 hrs, and the sixth at 13:10 hrs. They further state that in addition to those who signed the application in question, there are other students who also want to attend the *Jum'ah* prayer. They assert that this matter has been addressed and resolved in some other regions, and they anticipate the Commission's involvement in resolving the specific issue at hand. The Commission forwarded this case to the relevant authorities.

Educational content in kindergartens and schools for the International Children's Joy Day

Among the cases of discrimination that the commission deemed justified is the report of a parent who complained about inappropriate content in kindergartens and schools on the occasion of the International Children's Joy Day. Her children are offered activities in which they participate but which are not in accordance with their tradition. Additionally, the content is left to the discretion of the teachers, and neither the children nor their parents are informed about it in advance.

Cases Documented in Print, Online Media, and Social Networks (Vandalism of Mosques, Cemeteries, and Other Properties of the Islamic Community)

Čapljina, February 02, 2023 – Shameful graffiti reading "Smrt baliji" [Engl. Death to Baliija] appeared on the Franjo Tuđman Bridge in Čapljina. (Source: Bljesak.info)



In recent months, offensive graffiti has been documented in several cities in Herzegovina. Offensive graffiti targeting Muslims was observed on the Franjo Tuđman bridge in Čapljina on February 2.

One graffiti reads "Death to Baliija" with the capital letter "U" and a cross drawn above it, while another is even more alarming, stating "We will slaughter Muslim women and children."

In Neum, the letter "U" was inscribed on the *maktab* [Engl. Islamic religious school], while in Mostar, a graffiti with swastikas appeared.

Višegrad, March 25, 2023. – Returnees Ajša and Fadil Memišević attacked and brutally beaten (Source: Preporod info)



Ajša and Fadil Memišević, returnees from the village of Omeragići near Višegrad, were attacked and brutally beaten by one or more unknown assailants. These two senior citizens were discovered by a group of Bosniak returnees who visit Višegrad on weekends. The details of the assault were verified for Oslobođenje daily by the Police Department in Višegrad, which promised to release a statement thereon later in the day.

The injured were transferred to the Goražde Cantonal Hospital, where they were examined.

"They were brutally beaten, their house was ransacked, and as far as I know, the money they had was stolen; we're unsure if anything else is missing. They had no means of communication. They spent the night outside the house, and only a few hours ago, a relative of theirs discovered them, so we notified the police", said Memišević.

Following the vicious attack on the elderly couple, the returning residents are anticipating a prompt investigation by the RS police. Disturbing images of the battered victims are already circulating on social networks.

“Every day we hear challenging reports coming from Banja Luka; maybe this is the outcome of that. These people have been here for 22 years and there have never been any problems. They were attacked on the first day of Ramadan, disfigured, and their house was turned upside down. They could not even defend themselves. By attacking them, a message is sent to those who are in their status, so we need to understand the anxiety of the returnees. We’ll await the outcome of the police investigation to determine what happened and why”, said Memišević.

The police investigation did not yield any results.

Čapljina, 13-Jun-23 - Vandalized mosque and private houses of Bosniaks near Čapljina (Source: Agencija MINA)





The mosque in Šurmanci became the target of unknown individuals who initially broke its windows in the first attack. In the subsequent attack, they shot at the windows and doors of the mosque using air rifles, said Adem-ef. Šuta.

In the region under the jurisdiction of the Islamic Community's Majlis in Čapljina, specifically in Šumanci, a village situated in the southern part of Bosnia and Herzegovina, there have been multiple recent incidents of vandalism targeting the private homes of Bosniaks.

As reported by the MINA agency, Chief Imam Adem-ef Šuta publicly addressed the situation on behalf of the Čapljina Majlis in response to this incident.

The attack on the mosque resulted in considerable material damage.

The assailants placed a dead lizard on the *mejtaš* (the pedestal used during funeral prayers) in front of the mosque, conveying a message to the Bosniak community.

"Several attacks, involving window breaking and burglaries, were also executed on multiple private houses belonging to Bosniaks. Substantial material damage was incurred during these incidents. The desecration of our religious building and the assault on the private residences of our community

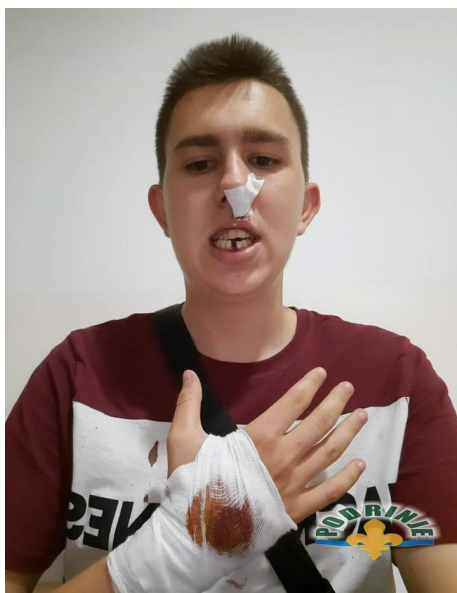
represent an attack on our religious and national identity,” underscored the Chief Imam of Čapljina.

“The Čapljina Police Department initiated investigations following the report,” emphasized Imam Šuta, expressing expectations that they will take the necessary measures and actions to identify the perpetrators and promptly inform the public about the outcome

*Bratunac, June 23, 2023 – Brutal Physical Assault By
Three Individuals Leaves Osman Mehanović with Serious
Injuries in Bratunac Parking Lot (Source: NI)*

Osman Mehanović is an exemplary guy. Calm, composed, and always ready to help. He lives in his hometown Bratunac, works in the nearby villages and wishes to stay in that region. Unfortunately, on Friday evening, he fell victim to an attack by three individuals, resulting in severe physical injuries.

The assault was accompanied by numerous nationalistic slurs, including references to Kravica and similar incidents.



Podrinjemedija

Osman Mehanović recounted the attack for TV Podrinje interview (Podrinjemedija):

"I was sitting with friends in the in-door garden of the Galija catering facility. I left the facility at around 10:40 p.m. and proceeded to retrieve my car parked in the lot behind Cipovka Bakery. While crossing Vidovdanska Street, I noticed several individuals sitting in front of the Cipovka bakery. Once across the street and entering the dimly lit area next to Cipovka bakery, I heard a male voice say something, but I didn't pay much attention, assuming it wasn't directed at me."

He continued, stating that several men approached him, asking something he couldn't quite comprehend.

"I replied: 'What was that? A man aggressively lunged at me, shoving me over the nearby wall. At that point, another man hurled insults, asking: 'What?, You say what? Do you know who Kravica is?', and proceeded to utter various profoundly offensive nationalistic statements like: 'You want us to slaughter you like we slaughtered your people in Srebrenica.' In the midst of this, still in shock, I managed to get back on my feet, only to be pushed down again. I rose once more, but received several forceful blows to the head, resulting in the loss of a tooth. In an attempt to defend myself, I raised my hand, and a man inflicted a cut on the upper part of my left hand. I tumbled to the ground from a powerful blow and heard a woman saying: 'Hey, what are you doing to the boy?' The assailants retreated, and that woman came to my aid, helping me cross the street and go to the police station," recounted Mehanović.

He confirmed to N1 that a group of young men attacked him, using their fists. Following the assault, he sensed that they had cut his hand with a sharp object and knocked out his bottom tooth.

"I don't know if it was a knife," he added.

Subsequently, the police apprehended certain individuals, who, as Mehanović claimed, were previously known to the police for similar criminal activities.

Bijeljina, June 13, 2023 - Verbal Attack on Secretary of Bijeljina Majlis One Day Before the Srebrenica Funeral (Source: Agencija MINA)

An unidentified individual entered the official premises of the Islamic Community's Majlis in Bijeljina the day before the collective funeral in Srebrenica and verbally attacked Damir Salkanović, the secretary of the Majlis.

The assailant made war threats, expressed hatred with offensive language toward Muslim Bosniaks and their presence in Bijeljina, and uttered severe insults and curses.

The incident was reported to the RS Ministry of Internal Affairs, and officers of the Bijeljina PD made a report and took the video footage from the CCTV system.

"We expect the police and all competent institutions to carry out their duties professionally and to take effective measures to prevent such actions," stated the Islamic Community's Majlis in Bijeljina.

"Regrettably, following various forms of disenfranchisement of Bosniaks, of which we are all aware and witness daily, coupled with discrimination, life's uncertainty, and insecurity, Bosniaks in the RS Entity have a justifiable and understandable fear for their safety," stated the Majlis in Bijeljina.

Zvornik, August 09, 2023 - Graffiti Glorifying Ratko Mladić in Zvornik Disturbs Returnees (Source: Detektor.ba)

New graffiti on the "Sokolski dom" sports hall in Zvornik, glorifying and hailing Ratko Mladić - a convicted war criminal - as a hero, has once again distressed returnees in the municipality. The lack of a response from official institutions has further diminished the sense of security.

On the walls of the "Sokolski dom" hall in Zvornik, Ratko Mladić's name appears twice, accompanied by the word "hero". For Amir Efendić, a former concentration camp prisoner from Divič, such inscriptions evoke the worst memories of his wartime experiences.

"When I see that inscription, it boils inside me; it triggers rushes of emotions and memories of all the traumas from the war, of all the lost family members. I can't put into words how everything I went through flashed before my



Graffiti on the sports hall in Zvornik. Photo: BIRN BiH

eyes at that moment. I no longer see Ratko Mladić, I see blood and horror, the camp, graves,” he shared with Detektor’s reporters.

He says that returnees are in constant fear because of everything they have been going through since they moved here. Attacks he himself witnessed, threats, but also inscriptions in various places around Zvornik, affect his sense of security.

"Intimidation and beatings have become common now in Podrinje. You have seen the recent cases in the vicinity of Zvornik. All this affects us. Institutions fail to respond, and there is no robust system to deter these individuals. How can I know they will protect me here?" said Efendić.

Returnees interviewed by Detektor reporters note that the wall of this hall, as well as the one separating the parking lot from the soccer field, is frequently utilized for writing such messages. They emphasize that systematic efforts to cross out or erase them have never been undertaken. The women who have returned to the Zvornik area and are living alone declined to speak publicly, fearing that it might further complicate their lives in the town.

By the time of writing this report, the Ministry of Internal Affairs of the RS and the Zvornik Police Department had not responded to inquiries about whether this incident had been reported and whether the perpetrators had been identified and punished. Efendić doesn't believe they are inclined to address this issue, and he doesn't anticipate any action, even if someone reports the case.

"Withing the police structures there are individuals who participated in the war, they are employed and some have earned a pension, and they take pride in it now, while I, as a victim, couldn't get a job", said Efendić.

International Residual Mechanism for Criminal Tribunals in The Hague has sentenced Ratko Mladić, the former commander of the Main Staff of the Army of the Republika Srpska, to life imprisonment for the genocide in Srebrenica, persecution of Bosniaks and Croats, terrorizing the citizens of Sarajevo, and taking members of UNPROFOR hostage.

With the amendments to the Criminal Code of Bosnia and Herzegovina imposed by the former high representative in July 2021, in addition to the prohibition on denying genocide and other war crimes, it has become punishable—with a minimum sentence of three years in prison—to confer recognition, awards, monuments, or any form of commemoration to an individual convicted by a valid verdict for genocide, crimes against humanity, or war crimes.

"For me, Ratko Mladić symbolizes a villain who was involved in or ordered everything we endured, holding a position of authority over all those who executed it. He had the power to shield us from going to the camp, being forced into human shields, digging trenches, and facing death. He had the authority

to punish those who informally entered the camps and assaulted the detainees,” explained Efendić, assigning the greatest responsibility for his ordeal to Mladić.

The City of Zvornik’s office responded to Detector reporters, stating that they would provide an answer after verifying the information. Until the publication of the report, they did not respond to whether they planned to remove the graffiti.

Gornja Kamenica near Zvornik, September 9, 2023

*– Bosniaks in RS Face Another Attack: Assault
Near Mosque (Source: Preporod info)*



Senad Sejfić, a resident of the village of Gornja Kamenica near Zvornik

Senad Sejfić, a resident of the village of Gornja Kamenica near Zvornik, was severely assaulted tonight on the road in front of the village mosque.

According to unconfirmed reports, he was attacked by two local Serbs from the neighboring village of Donja Kamenica, who have been taken to the premises of the Police Station in Zvornik.

Information gathered from around fifty residents of Kamenica, who assembled on Divić intending to march towards the City Administration headquarters in Zvornik, suggests that the assault on Senad Sejfić occurred around 8:00 p.m., reported *Politički.ba*

Sejfić was driving his vehicle near the mosque, intending to attend prayer and then head to Tuzla, when he encountered several vehicles approaching from the Šeković direction.

The vehicles encircled Sejfić's car, where he was restrained with a seat belt, and Jovanović and Bogičević began assaulting him, primarily targeting his head.

A local woman, witnessing the incident, raised an alarm, prompting neighbors to rush to Senad's assistance. Subsequently, the attackers fled towards Donja Kamenica.

Neighbors promptly transported Sejfić to the police station in Zvornik and reported the incident, leading to the immediate apprehension of the assailants.

A resident of Kamenica, speaking anonymously to *Politicki.ba*, asserted that Bosniaks will not tolerate any attacks on their properties or homes. They expressed the urgent need for the mayor of Zvornik to issue a statement regarding the situation.

"This is not the first time that individuals from Donja Kamenica have tried to attack Bosniaks who returned to their own homes after the aggression. Let everyone know, we will not allow that. If the legal entities of the Entity do not intend to protect us, they should make it clear," said our interviewee.

Currently, Sejfić remains on the premises of the Police Station in Zvornik, and subsequently, he is expected to undergo a medical examination in Tuzla.

Instances of Successful Resolution of Discrimination Issues

Constitutional Court of Bosnia and Herzegovina's Ruling on the Violation of Freedom of Religion Due to Restrictions on Wearing Beards for Religious Reasons in the Armed Forces of Bosnia and Herzegovina.

We welcome the ruling of the Constitutional Court of Bosnia and Herzegovina No. 9-21, which recognized a violation of the right to freedom of religion in response to Bakir Izetbegović's appeal regarding the wearing of beards for religious reasons in the Armed Forces of Bosnia and Herzegovina. At its session held on December 2, 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, number: 06-02-3-4958/12, dated December 28, 2012, do not comply with Art. II/3.f) and g) of the Constitution of Bosnia and Herzegovina and Articles 8 and 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. The same ruling instructs the Minister of Defense of Bosnia and Herzegovina, in accordance with Article 61, paragraph 4 of the Rules of the Constitutional Court of Bosnia and Herzegovina, to harmonize 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 dated December 28, 2012, with Article II/3.f) and g) of the Constitution of Bosnia and Herzegovina and Articles 8 and 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, no later than three months from the publication of this decision in the *Official*

Gazette of Bosnia and Herzegovina. In its ruling, the Constitutional Court also points out the following: “Hence, in line with the precedent set in case U 8-17, the Constitutional Court finds no grounds to rule differently in the context of the specific case. Referring to the rationale presented in the mentioned case, the Constitutional Court determines that the absolute prohibition on soldiers of the armed forces of Bosnia and Herzegovina to wear beards while on duty and in uniform constitutes a violation of the right to private life and the right to freedom of religion as safeguarded by Article II/3.f) and g) of the Constitution of Bosnia and Herzegovina, as well as Art. 8 and 9 of the European Convention because the contested measure fails to align with the overarching objectives outlined in paragraph 2 of Articles 8 and 9 of the European Convention.”¹⁶

Hate Crime Conviction

The Cantonal Court in Travnik, in case no. 49 O K 041 354 18 Kž, issued a conviction for a hate crime, and the defendant was sentenced to ten months in prison.¹⁷ The verdict refers to Miljenko Golub. On August 5, 2017, he physically assaulted Jasmina Kurta and her underage daughter from Ostružnica, near Fo-jnica. The sole motive for the attack on the woman and her daughter was that they were wearing *hijab*, the Muslim head covering.

Institute for the Enforcement of Penal Sanctions of Custody in Vojkovići Allows Beard at the Workplace

The Institute for the Enforcement of Penal Sanctions of Custody and Other Measures in Bosnia and Herzegovina, based in Vojkovići, has sought the Ministry of Justice’s opinion on whether its employees can wear beards. This request stems from religious reasons, as a specific number of employees have expressed a desire to wear beards at work.

In its official response dated July 1, 2023, the Ministry of Justice of Bosnia and Herzegovina (BiH), with reference number 07-02-4-3689123, expressed

¹⁶ Ruling of the Constitutional Court U-9/21 of December 2, 2021, Para. 38.

¹⁷ Art. 362 paragraph 2 and in connection with Article 2., item 11 of BiH Criminal Code.

the view that employees may be permitted to wear a “neat beard”, provided it does not exceed a length of 0.5 cm.

The reasoning highlights that, in accordance with the Regulation governing the conduct of security services, handling of weapons and equipment, and the use of firearms and other means of restraint and force within the Institutions for the Enforcement of Criminal Sanctions, Detentions, and Other Measures in Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina no. 28/21), Article 8, point 1) mandates that authorized officers be neatly trimmed and shaved while performing their duties. The term “shaved” should be interpreted in a broader sense, distinguishing it from “clean-shaved”. Trimming a beard up to a length of 0.5 cm can be accomplished with a suitable machine, while “clean-shaving” specifically involves the use of a razor. This distinction indicates that a neatly trimmed beard should not exceed a length of 0.5 cm, and wearing a beard up to this specified length should be allowed. This interpretation aligns with the mentioned regulations and the precedent set by the Constitutional Court of Bosnia and Herzegovina.¹⁸

Parents Bring Sons to Seek Forgiveness After Vandal Attack on Šurmanci Mosque in Čapljina (Source: Agencija MINA)

In the area under jurisdiction of the Islamic Community Majlis in Čapljina, in the village of Šurmanci, several vandal attacks on the mosque have been recorded in the last few days. However, an unusual yet commendable turn of events occurred when two fathers brought their sons to the mosque, confessing that they were responsible for the vandalism and earnestly seeking forgiveness from the imam.

However, the culprits “turned themselves in”, More precisely, they did so with the assistance of their parents, an incident witnessed by the FTV reporters’ team. Journalist Anita Zovko and her colleague were documenting the aftermath of the mosque attack in Šurmanci when an unexpected incident unfolded.

“I was filming the devastation of the mosque in the village of Šurmanci, municipality of Čapljina. As I was taking a statement from a resident, two

18 Ministry of Justice of BiH, Opinion number: 07-02-4-3689123 dated July 01, 2023, p. 3.



people approached us saying: 'Stop recording.' I was already prepared to fight if necessary, but then came a twist: 'People, we brought in the culprits! These two, and they are our sons.' "Unfortunately, we couldn't capture it on film, but let me tell you, I wouldn't want to be in those sons' shoes, and hats off to the fathers." It's a shame that these things happen, driven by pure spite, but it was something to behold. Forgiveness was sought and given, and there were hugs and extended hands from both sides. In the little village of Šurmanci today, I witnessed a moment of humanity. When you go astray, there's always someone to guide you back on the right path. And folks, how we raise our children matters. I know we're not raising them on our own these days. Let's set a good example for them; I suppose it'll count for something. Sometimes it'll work, and they'll remember. Perhaps when we find ourselves at a dead end... a peculiar day that strangely concludes on a positive note," journalist Zovko expressed on her Facebook account.

Recommendations

The Commission for Freedom of Religion issues the following recommendations:

- Promptly finalize the contract between Bosnia and Herzegovina and the Islamic community in Bosnia and Herzegovina.
- Expedite the enactment of a restitution law to rectify injustice and facilitate the return of property to its rightful owners.
- Implement measures to safeguard all *waqf*-owned locations from illegal construction.
- Implement various projects and educational programs aimed at raising awareness about the importance of condemning and preventing violations of the right to freedom of religion in Bosnia and Herzegovina.
- Address and prevent attacks on facilities and property of religious communities throughout Bosnia and Herzegovina, and attacks on religious buildings by amending legislation to classify such acts as criminal acts motivated by hatred. Additionally, the installation of surveillance cameras, particularly in locations experiencing repeated attacks, is advised to reduce the frequency of incidents and facilitate the identification of perpetrators.
- Create a conducive environment to enhance the efficiency of competent authorities and impose more stringent sanctions on individuals responsible for attacks on religious buildings.
- Work towards harmonization of legal regulations in Bosnia and Herzegovina with the European Convention on Fundamental Human

Rights and Freedoms, the Law on Freedom of Religion and the Legal Position of Churches and Religious Communities, as well as with the regulations and established practices of the United Nations, the Council of Europe, and the OSCE to ensure adequate protection and preservation of freedom of religion.

- As complaints regarding the infringement of religious rights in the workplace are on the rise, we propose the following:
- Enact legal provisions that allow for unpaid leave on Fridays to observe Jum'ah prayers,¹⁹ or provide the option for such persons to work an additional hour during the week.
- Accomodate prayer at the workplace, when conditions and the work process permit, by allowing a 10-minute break.²⁰
- Modify Rules of Service or Dress Codes in specific institutions to allow for reasonable accommodation, considering religious reasons.
- It is recommended that companies, educational and other institutions allow employees and students to attend prayer in a manner that does not disrupt the work or teaching process.
- Public pools, bathhouses, and spas managed by institutions and companies are encouraged to allow the use of burkinis.

19 The Labor Law of the Federation of Bosnia and Herzegovina incorporates this provision (Article 44 mandates that the “employer is obligated” to grant the worker, upon request, a one-hour break once a week); nonetheless, labor laws in the RS and the Brčko District lack analogous provisions.

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

Guidelines on Reporting Violations of the Right to Freedom of Religion

Reports of violations of the right to freedom of religion shall be submitted to the Commission for Freedom of Religion of the Islamic Community of Bosnia and Herzegovina. It is important to describe the case or experience of violation of freedom of religion in as much detail as possible. All information related to a case of violation of freedom of religion can be sent via fax, email, letter, or delivered in person.

For inquiries, please contact the provided phone number.

Additional details about the Commission can be found on the Islamic Community's website, specifically at the following link:

<https://www.islamskazajednica.ba/index.php/komisija-za-slobodu-vjere>.

The contact details of the Commission for Freedom of Religion are:

Phone: 033/289-700

E-mail: vjerskeslobode@rijaset.ba

Address: 36 Kovači Street 71000 Sarajevo

ANNEX TO THE REPORT

CASE LAW AND THE RIGHT TO FREEDOM OF RELIGION OR BELIEF - twenty years after the adoption of the Law on Freedom of Religion

Abstract

The paper outlines the extent of protected religious rights as a criterion for assessing the justification of potential restrictions on religious expression. It presents some of the most significant decisions related to the right to freedom of religion or belief, namely: **Islamic Community in Bosnia and Herzegovina against Republika Srpska**; Constitutional Court of Bosnia and Herzegovina, Decision in case no **U 8/17 (beard in the Border Police)**; **Nun Janja Martina Katović v. Municipality of Glamoč**; Decision of the Constitutional Court of Bosnia and Herzegovina no. **U-9/21 (beard in the Armed Forces of Bosnia and Herzegovina)**; **HAMIDOVIĆ v. BIH** (case no. 57792/15); **Bajro Čavčić, Decision of the Istočno Sarajevo Misdemeanor Court**. Considering that the “neutrality of institutions” has recently been cited as one of the reasons for restricting the right to freedom of religion or belief, this paper highlights one of the decisions of the EU Court of Justice in the case BR C-148/22. Finally, the paper includes examples from the United States, illustrating the protection of the principle of “neutrality of state institutions”.

Keywords: freedom of religion, legitimate goal, neutrality of institutions, Constitutional Court of Bosnia and Herzegovina, European Court of Human Rights, European Court of Justice.

Abstract

This paper seeks to examine the perspective of Bosnian Muslims within the broader context of *Ummah*, the global Muslim community, while also considering their identity as an indigenous European nation, aligning with the European, and more broadly, Western principles of individual freedom of religion. The analysis centers on the post-1990s era when Bosnian society transitioned from a communist system to a liberal open society, i.e., the period after setting the new standards in the religious domain, reflecting the values of the European liberal democratic tradition. In addition to examining the normative framework governing freedom of religion and the dynamic between the state and religious communities, this paper also delves into the positioning of the Islamic community in Bosnia and Herzegovina under the new regime. It sheds light on the challenges faced in realizing various individual and institutional aspects of religious freedom for Bosnian Muslims. The author argues that the Islamic community in Bosnia and Herzegovina, serving as the religious authority for Bosnian Muslims, took a proactive stance during the post-socialist restructuring of the state-religion relationship, strategically leveraging the advantages offered by the internationally recognized right to freedom of religion, rooted in the liberal democratic tradition of Western Europe.

Keywords: freedom of religion or belief, Bosnian Muslims, Islamic community in Bosnia and Herzegovina