

# KOSOVO 2019 INTERNATIONAL RELIGIOUS FREEDOM REPORT

## Executive Summary

The constitution prohibits religious discrimination and provides for freedom of religion, subject to limitations to ensure public order, health, and safety or to protect the rights of others. The law does not provide a means for religious groups to acquire legal status. The Kosovo Assembly (parliament) did not consider draft legislation that would have allowed religious groups to acquire legal status and conduct business in their name. While religious groups stated they generally had collaborative relationships with local governments, the Kosovo Protestant Evangelical Church (KPEC) said municipal governments did not treat religious organizations equally on property issues, including in the granting of building permits and allocation of burial space in public cemeteries. KPEC and others also stated the Kosovo Islamic Community (BIK) held contracts to run many municipal cemeteries and discriminated against minority religious groups in the allocation of burial plots and provision of services. Representatives of the Serbian Orthodox Church (SOC) said the government violated some of the Church's property rights stipulated by the Law on Special Protective Zones (SPZ), such as refusal to implement a three-year-old court decision to recognize SOC ownership of certain parcels of land around Visoki Decani Monastery and continuing road construction that threatened to extend into the SPZ. According to the SOC, no municipal officials were held accountable for this refusal. BIK reported two instances of employment related discrimination against practicing Muslims. Some BIK officials stated the level of anti-Muslim sentiment in media increased and said it could harm employment opportunities for devout Muslims.

National police reported 61 religiously motivated incidents, most targeting religious sites, including cemeteries, in the first nine months of the year. Many incidents were linked to ethnicity as well as religion. On January 6, Kosovo-Albanians threatened an SOC priest in front of his church in Novo Brdo/Novoberde. On July 13 and December 16, unknown persons vandalized the Orthodox cemetery in Lipjan/Lipljan. The national and municipal governments condemned the incidents immediately and called for law enforcement action to apprehend the perpetrators. In Gjakova/Djakovica, on January 6, Kosovo-Albanians protested in front of the local Serbian Orthodox church against what they called the visit of "criminals disguised as pilgrims," forcing displaced Serbs to cancel their Orthodox Christmas annual pilgrimage to the church for security reasons.

U.S. embassy officials continued to encourage government enforcement of mechanisms to protect religious sites and implementation of judicial decisions pertaining to the SOC, as well as resolution of SOC property disputes. The Ambassador and other embassy representatives met with religious leaders to discuss their concerns and encouraged them to foster religious tolerance and improve interfaith dialogue. In November the U.S. Ambassador at Large for International Religious Freedom met with representatives of all major faith communities and, in a gathering with youth from religious and secularist groups, called for greater religious freedom and pluralism.

### **Section I. Religious Demography**

The U.S. government estimates the total population at 1.9 million (midyear 2019 estimate). According to the most recent official census in 2011, 95.6 percent of the population is Muslim, 2.2 percent Roman Catholic, and 1.4 percent Serbian Orthodox, with Protestants, Jews, and persons not answering or responding “other” or “none,” together constituting less than 1 percent. According to the SOC and international observers, a boycott of the 2011 census by ethnic Serbs and general population registration irregularities resulted in a significant undercounting of SOC members. Other religious communities, including Tarikat Muslims and Protestants, also contested the registration data, stating they distrusted the census methodology and believed it resulted in undercounts of their community members.

According to BIK, most Muslims belong to the Hanafi Sunni school, although some are part of the Sufi Tarikat community. There is also a small Sufi Bektashi religious community; no official estimate exists for the number of its adherents. Kosovo-Albanians, whose language is Albanian, represent the majority in 28 of the country’s 38 municipalities, and Kosovo-Serbs, whose language is Serbian, make up the majority in the remaining 10. Most SOC members reside in the 10 Serb-majority municipalities. The largest Catholic communities are in Gjakove/Djakovica, Janjeve/Janjevo, Kline/Klina, Pristina, and Prizren. Evangelical Protestant populations are located throughout the country, concentrated in Pristina and Gjakove/Djakovica. There are small Jewish communities in Prizren and Pristina.

The majority of Kosovo-Albanians are Muslim, although some are Christian (Orthodox, Catholic, and Protestant); almost all Kosovo-Serbs belong to the SOC. The majority of ethnic Ashkali, Bosniaks, Egyptians, Gorani, Roma, and Turks are also Muslim, while most ethnic Montenegrins and some Roma are Christian Orthodox, and nearly all ethnic Croats are Catholic.

## **Section II. Status of Government Respect for Religious Freedom**

### **Legal Framework**

The constitution provides for freedom of conscience and religion for all residents, including the right to change, express, or not express religious belief; practice or abstain from practicing religion; and join or refuse to join a religious community. These rights are subject to limitations for reasons of public safety and order or for the protection of the health or rights of others. The constitution provides for the separation of religious communities from public institutions, including the right of religious groups to regulate independently their own organizations, activities, and ceremonies, and the right to establish religious schools and charities. It provides for equal rights for all religious communities, stipulates the country is secular and neutral regarding religion, declares the state shall ensure the protection and preservation of the country's religious heritage, and prohibits discrimination based on religion. The constitution states the law may limit freedom of expression to prevent violent and hostile provocations on racial, national, ethnic, or religious grounds. It allows courts to ban organizations or activities that encourage racial, national, ethnic, or religious hatred.

The Law on Religious Freedom states, "All religions and their communes in Kosovo, including the Islamic Community of Kosovo, Serbian Orthodox Church, Catholic Church, Hebrew Belief Community, and Evangelical Church (the five "traditional" religious communities), shall be offered any kind of protection and opportunity in order to have rights and freedom foreseen by this law." The constitution provides for rights and protection for all citizens, including maintaining, developing, and preserving their religion using their own language. The constitution also states religious communities have the right to establish religious schools and charitable institutions with the possibility of being funded with government financial assistance, "in accordance with the law and international standards." The constitution provides guarantees of freedom and pluralism of media. It guarantees all ethnic communities access to public media. Additional rights for religious groups include establishing and using their own media, maintaining unhindered peaceful contacts with persons outside the country with whom they share a religious identity, and having equitable access to public employment. The constitution guarantees 20 of 120 seats in the national assembly to ethnic minority communities, which are often unified around a single majority religious group, such as Muslim or Christian Orthodox. It also stipulates the adoption, amendment, or repeal of all laws pertaining to religious freedom or

cultural heritage requires approval by a majority of the parliamentarians representing minority communities, as well as by a majority of all parliamentarians.

The constitution provides for the Ombudsperson's Institution, which is responsible for monitoring religious freedom, among other human rights, and recommending actions to correct violations. It stipulates the state shall take all necessary measures to protect individuals who may be subject to threats, hostility, discrimination, or violence because of their religious identity.

The law does not require registration of religious groups, but also does not provide a legal mechanism or specific guidance for religious groups to obtain legal status through registration or other means. Without legal status, religious groups may not own property, open bank accounts, employ staff, access the courts as an entity, although individual churches or individual members may, or perform other administrative tasks in their own name. Local communities often recognize religious groups' possession of buildings; however, the law generally does not protect these buildings as property of a religious community, but rather as the private property of citizens. SOC property is an exception: the SPZ Law acknowledges and protects the integrity of SOC property ownership and stewardship over designated areas.

The law stipulates there is no official religion, but it lists the five "traditional" religious communities that receive extra protections and benefits, including reduced taxes. The law stipulates freedom of religious or nonreligious practices, the right to establish humanitarian/charity organizations, acceptance of voluntary financial contributions from individuals and institutions, and upholding national and international communication for religious purposes.

The law provides safeguards for sites of religious and cultural significance and prohibits or restricts nearby activities that could damage the surrounding historical, cultural, or natural environment. According to the law, the Implementation and Monitoring Council (IMC) arbitrates disputes between the government and the SOC concerning SPZs and other matters related to protecting the SOC's religious and cultural heritage. The IMC is a special body originating from the 2007 Comprehensive Proposal for the Kosovo Status Settlement (also known as the Ahtisaari Plan) and established by law. The IMC members included the Ministry of Environment and Spatial Planning as co-chair (now consolidated under the Infrastructure Ministry's purview); the Ministry of Culture, Youth, and Sport

(MCYS); the SOC; the Special Representative of the European Union (as co-chair); and the Organization for Security and Cooperation in Europe (OSCE).

Municipalities are legally responsible for upkeep and maintenance of all public cemeteries, including those designated for specific religious communities.

According to the law, “Public educational institutions shall refrain from teaching religion or other activities that propagate a specific religion.” This law is unenforceable in schools operated under Serbian government-run parallel structures, over which the government has no control.

A Ministry of Education, Science, and Technology (MOE) administrative circular with the force of law on the code of conduct and disciplinary measures for students of secondary high schools bans students from wearing religious “uniforms” on elementary and secondary school premises.

The country is not a party to the International Covenant on Civil and Political Rights.

### **Government Practices**

During the year, the parliament did not consider amendments to the Law on Religious Freedom permitting religious groups to acquire legal status, conduct business and acquire real and personal property in their name, open bank accounts, and gain import tax benefits. The amendments would also clarify the identity and status of some religious groups, such as the Bektashi community, which requested recognition as a distinct Islamic community. The amendments passed a first reading at the assembly in 2017, and the assembly reviewed them in 2018 but never voted on them. To restart consideration of the legislation, the government would need to restart the process by resubmitting it to the assembly. Absent enactment of the legislation, all religious communities said they continued to operate bank accounts registered to individuals instead of communities. In addition, communities such as KPEC said they continued to be taxed as for-profit businesses.

According to BIK, there were no cases of Muslim students or teachers being denied access to schools as a result of the government decree prohibiting religious attire on school property. While the MOE’s administrative circular refers only to secondary school attendees, Muslim community leaders reported discrimination in hiring of Muslim applicants to the Kosovo Security Forces (KSF), including one

against a Muslim woman, and discrimination against teachers/lecturers and school management applicants for those wearing religious attire.

MOE officials met with a BIK representative to discuss the prohibition of religious attire in July, but the ban remained in place at year's end. Candidates from multiple parties running for office in the October parliamentary elections also criticized the ban. BIK provided an example of KSF denying a female applicant permission to wear the hijab in uniform.

Most municipalities had annual agreements with BIK to arrange burial ceremonies of citizens. Some religious or ethnic communities, including the Protestant community and Muslims from the Roma community, said this arrangement sometimes violated their religious rights, as they faced intimidation or were prevented from conducting burial ceremonies according to their own customs. Some municipalities, such as Gjilan/Gnjilane, attempted to divide municipal cemeteries into sections and allocate each section to a different religious community. In these cases, some non-BIK-affiliated religious groups, such as Protestants and Roma Muslims, said BIK discriminated against them, conditioning burial of their community members on payment of annual membership fees, as well as fees for participation of an imam and performance of Islamic religious rites. Pristina's Catholic and Orthodox Christian and Jewish communities continued to use separate public cemeteries.

The SOC and Kosovo-Serb community stated in some Kosovo-Albanian majority municipalities, local governments did not provide adequate maintenance for their cemeteries, and police did not provide sufficient security, allowing for frequent acts of vandalism. According to Jewish community representatives, local governments did not properly maintain Jewish cemeteries outside Pristina, including in Novo Brdo/Novoberde, Lipjan/Lipljan, Kamenice/Kamenica, Prizren, Mitrovice/Mitrovica, and Gjilan/Gnjilane, notwithstanding their legal obligation to do so. In Pristina, the municipality designated land for a Protestant cemetery but did not allocate funding for land clearance or other construction, leaving the issue unresolved since 2017.

The SOC stated that although the law requires consultation on activities occurring within SPZs, the government did not observe or enforce this requirement in Novoberde/Novo Brdo; the SOC said it was not notified of government-led restoration works, a government-sponsored celebration of the "Artana (Novo Brdo) days" festival in SPZ Novo Brdo/Novoberde fortress, or a Catholic Mass held at a religious site claimed by the SOC.

With the government's assent, the OSCE supervised the implementation of legislation on protection of SPZs around Serbian Orthodox religious and heritage sites.

BIK leadership reported a group of Mitrovica citizens lobbied for reconstruction of a mosque in Mitrovica /Mitrovica North that Federal Republic of Yugoslavia forces destroyed in 1999, but opposition from local Serbs continued to stymie reconstruction plans.

Plans for a Grand Mosque in Pristina remain stalled because the 2018 building permit expired and developers waited for permit renewal. Some local imams reported there was no demand for such a large mosque in the downtown area, while government officials raised concerns about disruption to buildings, traffic, and parking.

At year's end, Pristina Municipality and the Jewish community continued to disagree on a suitable location for a synagogue, for which the municipality issued a construction permit in 2016. The Jewish community refused the plot of land on the outskirts of the city that the municipal government offered, while the government rejected the community's request for a location near downtown Pristina.

MCYS earmarked 50,000 euros (\$56,200) toward reconstruction of the Jewish Community center in Prizren; however, the project was on hold until the Jewish community raised the remainder of the needed funds.

The multiethnic police unit for specialized protection of cultural and religious heritage sites, led by a Kosovo-Serb police major, continued to provide 24-hour, countrywide security to 24 SPZs. The Ministry of Culture said it requested increased support from local governments to protect religious heritage sites. According to the ministry, this resulted in increased police awareness of the issue, but no increase in the number of police to provide physical protection.

Decan/Decani municipal officials continued to refuse to implement a 2016 Constitutional Court decision upholding the Supreme Court's 2012 ruling recognizing the SOC's Visoki Decani Monastery's ownership of approximately 24 hectares (59 acres) of land. Mayor of Decan/Decani Bashkim Ramosaj and the local assembly continued during the year to state the court's ruling was "unacceptable." Central government officials took no action to enforce the court

decision. NATO Kosovo Force troops continued to provide security at the Decani monastery.

The Decan/Decani municipal government, with support from central authorities, continued its effort to construct a major transit road near Visoki Decani Monastery. After previously abandoning work on the road within the SPZ, the Ministry of Infrastructure and the municipality continued building it from both sides adjacent to the SPZ; the monastery said it interpreted this as a move to force SOC acceptance of road construction through the SPZ, despite both a legislative ban on such activities and an IMC opinion that the road would violate the law.

In January the University of Pristina filed suit in the Basic Court in Pristina against the SOC, requesting annulment of a 1991 land donation by the Serbian government to the SOC. If successful, the suit would enable demolition of the Serbian Orthodox Christ the Savior Church on the university's campus. The suit remained pending at year's end. A previous university request for annulment was dismissed by the Appeals Court on procedural grounds. Pristina Municipality officials continued to issue statements questioning SOC ownership of the property on grounds that the land donation was illegitimate.

On February 26, an appellate court ruled in favor of Catholic Church ownership of more than 7,500 square meters (80,000 square feet) of land adjacent to Mother Theresa Cathedral, overturning the Pristina Municipality's land claim.

According to BIK, the central government continued to provide some funding for Islamic education in the BIK madrassah in Pristina and its branches in Prizren and Gjilan/Gnjilane. KPEC and public university officials said they believed this funding was discriminatory because the government did not provide funding for religious education to any other religious group.

According to the MOE, ethnic Serbs, Gorani, Croats, and some Roma continued to attend Serbian-language public schools operating under Serbian government parallel structures outside the government's control. Most ethnic Serbs at these schools elected to enroll in Serbian Orthodox religious classes instead of civic education. The Serbian government funded the salaries of all teachers in Serbian-language schools, including religious instructors. The Kosovo government supplemented the salaries of some teachers and staff in Serbian-language schools.



The Water Regulatory Agency continued to waive water utility fees for religious buildings belonging to the five “traditional” religious communities. Other religious groups paid the water fees.

According to KPEC, customs officials rescinded a fine it levied on KPEC in 2017 for misuse of duty-free imports for religious organizations, on the grounds that the legal status of that inquiry was not fully resolved. A 2017 OSCE legal opinion cited contradictions in the law surrounding the sale of goods for charitable purposes.

### **Section III. Status of Societal Respect for Religious Freedom**

National police reported 61 religiously motivated incidents in the first nine months of the year, most of which targeted Orthodox and Muslim religious sites and involved theft or property damage, such as cemetery desecration, compared with 86 cases of a similar nature in 2018. Because religion and ethnicity are often closely linked, it was sometimes difficult to categorize incidents as being solely based on religious identity.

On January 6, according to the SOC, a group of Kosovo-Albanians verbally abused SOC priest Bojan Jevtic, by calling him a “Chetnik” and threatened to slaughter him in front of his church in Novoberde/Novo Brdo Municipality. According to Jevtic, after he filed a complaint, the police did not follow-up.

On January 6, a group of Kosovo-Albanians, including families of missing persons, protested against the announced annual Orthodox Christmas visit of Serb Orthodox pilgrims to the local SOC church in Gjakove/Djakovica. The pilgrims were informed about the announced protests and canceled their visit due to security concerns. The protest ended after protesters placed a list of alleged Serb war criminals at the church’s door, stating they were against “criminals disguised as pilgrims.”

The SOC said media reporting contributed to a climate of interethnic and interreligious intolerance during the year. The SOC also complained about the public statements of NGO “Decan/Decani Historians” against Hieromonk of Decani Monastery Father Sava Janjic and Bishop of Raska-Prizren Teodosije Sibalic.

BIK said the frequency of anti-Muslim media reports and statements on social networks increased, and secularists used media and social networks to portray

practicing Muslims negatively. One newspaper columnist referred to pro-Erdogan Muslims as “troglodytes,” “trash,” and “the Taliban.”

BIK reported one case of a woman denied an employment contract in the private sector. BIK said “devoted” Muslim women rarely reported cases of religious-based discrimination.

In July vandals destroyed 20 tombstones at an SOC cemetery in Lipjan/Lipljan Municipality, and several tombstones were demolished at an SOC cemetery in Ferizaj/Urosevac Municipality in September. SOC representatives again said they believed incidents targeting SOC sites were driven more by ethnicity than religion.

In September unknown vandals broke a plaque in the cemetery section designated by Gjilan/Gnjilane Municipality for the evangelical Protestant community; the SOC claimed ownership of the assigned parcel and rejected the municipality’s designation.

In March ethnic Croats reported the destruction of religious symbols in the Catholic church in Janjevo Village. A police investigation of the incident was ongoing at year’s end.

Religious group leaders continued to meet occasionally for interfaith discussions on property rights, legislative priorities, and local community issues. The OSCE continued to coordinate some activities among religious groups, including meetings with central and local authorities, to discuss issues such as permits to construct religious buildings. The OSCE also included representatives of all major religious communities in municipal community safety councils, which met to discuss security issues.

#### **Section IV. U.S. Government Policy and Engagement**

The Ambassador and other embassy officials urged central and local government officials, including the prime minister, to respect the law and SPZs, particularly in the case of the planned road near Visoki Decani Monastery. Embassy officials advocated with all levels of government for implementation of the 2016 Constitutional Court decision ordering the return of land to Visoki Decani Monastery, urging the government and the judiciary to hold local officials accountable. The Ambassador and other embassy officials discussed property issues of other religious groups with government officials and urged them to respect religious freedom and pluralism and increase their communication with

religious groups. Embassy officials urged the customs office on multiple occasions to delay issuing citations to KPEC on charges of misusing duty-free imports, pending clarification of the Customs Code and the law covering customs exemptions for religious organizations.

The Ambassador and other embassy officials urged increased dialogue between ethnic Albanian members of the government and civil society with SOC members, including the prime minister. They raised this need in both private meetings and public statements, calling for cooperation between local government and the SOC on issues such as property ownership, language rights, and overall security. Embassy officials also used high-level visits to encourage SOC interaction with civil society organizations.

Embassy officials met frequently with religious leaders to promote religious freedom and tolerance and improve interfaith communication. They met with BIK imams and members of the Faculty of Islamic Studies in Pristina to discuss efforts to promote tolerance and discussed proposed amendments to the Law on Religious Freedom. They also spoke in mosques as invited speakers before Friday prayers about the importance of religious pluralism. Embassy personnel often posted messages on social media in support of religious freedom, such as marking the International Day of Religious Freedom in October and promoting the Ministerial to Advance Religious Freedom in July.

In November the U.S. Ambassador at Large for International Religious Freedom met with representatives of all major faith communities, urging them toward mutual respect and support for religious pluralism, as well as advocating creation of an interfaith council. In conjunction with the visit, embassy officials organized a youth event with emerging leaders nominated by different religious communities and secularist organizations.