

KOSOVO 2018 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 allow religious groups to register as legal entities, creating obstacles for them in conducting their affairs. In 2017 the parliament voted to consider a draft law that would allow religious groups to register as legal entities so they would be able to conduct business and legal matters with the state and private entities, but the law had not received final approval at year's end. On March 23, a Pristina Basic Court panel acquitted Shefqet Krasniqi of a February 2017 indictment by Kosovo's Special Prosecution (SPRK) on charges of incitement for terrorism, incitement to religious hatred, and tax evasion. While religious groups stated they generally had collaborative relationships with local governments, some groups said municipal governments did not treat religious organizations equally on property issues, including building permits. Representatives of the Serbian Orthodox Church (SOC) said the government violated the SOC's property rights, including by refusing to implement court decisions in the SOC's favor or pursuing construction in Special Protective Zones (SPZs). Decan/Decani authorities, including the mayor, continued to refuse to implement a 2016 Constitutional Court decision awarding 24 disputed hectares (59 acres) around the Visoki Decani Monastery to the SOC; government authorities did not hold any municipal officials accountable. The municipality, with central government support, began constructing a road through the SPZ around Visoki Decani Monastery in breach of a Kosovo law banning construction in SPZs. The Kosovo Islamic Community (BIK) continued to report social and employment discrimination against devout Muslims, particularly in the public sector. The government continued to work with the BIK to combat violent extremism and condemned vandalism of religious sites.

According to police reports, protestors assaulted Serbian Orthodox pilgrims and prevented church services from taking place in Gjakove/Djakovica and Istog/Istok. Religious groups met each other regularly to discuss property rights, legislative priorities, and local community issues. Religious leaders participated in numerous interfaith discussions on property rights, legislative priorities, and local community issues. The Organization for Security and Cooperation in Europe (OSCE) continued to coordinate some activities among religious groups, including meetings with municipal mayors, to discuss issues such as permits to construct religious buildings. On January 6 and August 28, ethnic Albanians staged protests

against planned pilgrimages in front of the local Serbian Orthodox Church in Gjakove/Djakovica. Ethnic Albanian protesters in Istok/Istog and elsewhere attacked or intimidated Serbian Orthodox pilgrims on multiple occasions. On October 21, media reported local ethnic Albanians threw rocks at two buses transporting Serb pilgrims to religious services near Istog/Istok. Police arrested five ethnic Albanians for disturbing public order and three ethnic Albanian minors for causing damage to the buses. A prosecutor later released the suspects following a decision not to file charges. The prosecutor did not provide an explanation for the decision. Police initiated a disciplinary procedure against the officers in charge of security for the religious services, suspending one lieutenant for 48 hours.

The Ambassador and other U.S. embassy representatives met frequently with government officials to urge religious tolerance and the issuance of public condemnations of incidents of violence or cases of intimidation. The Ambassador and U.S. embassy representatives also pressed for passage of legislation to allow religious institutions to obtain legal status and for the full implementation of the constitution and the law protecting religious sites. The embassy advocated regularly at all levels of government for full implementation of judicial decisions in favor of minority religious communities and encouraged the resolution of property disputes involving religious groups. The Ambassador and other embassy representatives pressed the government at the highest levels to prosecute perpetrators of violence or intimidation against the SOC, and to respect the SOC's property rights. The embassy discouraged public officials, educational institutions, and other entities from engaging in discriminatory hiring practices against Muslims who self-define as religiously observant or other religious groups. Embassy officials regularly discussed religious tolerance with leaders of all major religious communities.

Section I. Religious Demography

The U.S. government estimates the total population at 1.9 million (July 2018 estimate). Census data from 2011 identifies 95.6 percent of the population as Muslim, 2.2 percent Roman Catholic, and 1.4 percent Serbian Orthodox. Census categories for "other," "none," or "no response" each constitute less than 1 percent. According to the SOC and international observers, a boycott of the census by ethnic Serbs resulted in a significant undercounting of SOC members. Other religious communities, including Tarikat Muslims and Protestants, also contest the census data. Protestant leaders and those without a religious affiliation state census takers incorrectly classified some members of their communities as Muslims.

According to the census regulation, census takers did not inquire if citizens were Protestant.

The majority of the Muslim population belongs to the Hanafi Sunni school, although some are part of the Sufi Tarikat community. There is also a Sufi Bektashi community consisting of a small number of adherents. Tarikat leaders state Bektashis are one of nine Tarikat orders, but the Bektashis self-identify as a separate Islamic order.

Most SOC members reside in the ten 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.

Religion and ethnicity are often linked. The majority of ethnic Albanians are Muslim, while some are Catholic and Protestant; almost all ethnic Serbs belong to the SOC. The majority of ethnic Ashkalis, Bosniaks, Egyptians, Goranis, Roma, and Turks are also Muslim, while most ethnic Montenegrins and some Roma belong to the SOC. Almost all ethnic Croats belong to the Catholic Church.

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 with regard to 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 provocation of violence and hostility on grounds of race, nationality, ethnicity, or religion. It allows courts to ban organizations or activities that encourage racial, national, ethnic, or religious hatred.

The constitution stipulates communities traditionally present in the country, including religious communities, shall have specific rights, including maintaining, developing, and preserving their religion; using their own language; establishing and managing their own private schools with financial assistance from the state; and having access to public media. Additional rights 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. It also stipulates the adoption, amendment, or repeal of all laws pertaining to religious freedom and 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 religious groups to register and 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, or perform other administrative tasks in their own name. Local communities often recognize religious groups' possession of buildings; however, the law does not protect these buildings. SOC property is an exception. The Law on SPZs and Law on Supervised Independence acknowledges SOC property ownership and gives it stewardship over designated areas.

The law stipulates there is no official religion, but it lists five "traditional" religious communities: Muslim, Serbian Orthodox Christian, Catholic, Hebrew (Jewish), and evangelical Protestant. The law provides extra protections and benefits to these five groups, including reduced taxes.

The law provides safeguards for religious and cultural SPZs, determined based on religious and cultural significance, by prohibiting or restricting 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 the SPZ law. The IMC members include the Ministry of Environment and Spatial Planning (as cochair); the Ministry of Culture, Youth, and Sport; the SOC; the Special Representative of the European Union (as cochair); and the 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 education 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 Kosovo government has no control.

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

Government Practices

On March 23, a Pristina Basic Court panel acquitted Shefqet Krasniqi, the former head imam of the Grand Mosque in Pristina, of a February 2017 indictment by Kosovo's Special Prosecutor (SPRK) on charges of religious hatred and tax evasion. The presiding judge cited contradictory statements and lack of evidence as reasons for the acquittal. On October 1, the appellate court upheld the lower court's decision, acquitting Krasniqi on all charges.

On May 18, the Pristina Appellate Court acquitted four imams, whom the Pristina Basic Court had charged in 2017 with committing terrorist acts or "inciting national, racial, religious, ethnic hatred," citing lack of evidence.

Religious leaders continued to advocate adoption of a law drafted in 2015 that would provide a mechanism through which religious groups could gain legal status. The draft passed a first reading at the Assembly in 2017, but a series of political disputes unrelated to the law continued to delay final passage. The law would allow religious groups to conduct business and legal matters with the state and private entities. The Bektashi community also requested the law include language stating it is a distinct Islamic community constituting part of the historical heritage and cultural and social life of the country. Although representatives of many religious groups stated they had found alternative methods

to conduct some of their affairs, most continued to report difficulties in registering property and vehicles, opening bank accounts, and paying taxes on employee salaries. All religious communities said they continued to operate bank accounts not in their communities' names, and the Kosovo Protestant Evangelical Church (KPEC) said it continued to be taxed as a for-profit business.

According to BIK, some school officials continued to apply a mandatory "administrative instruction" (regulation) previously issued by the Ministry of Education, Science, and Technology that prohibits primary and secondary students from wearing religious garb on school property. According to BIK and other Muslim community leaders, public schools occasionally continued to send home students who insisted on wearing headscarves while attending classes; however, during the year, the Ombudsperson Institution did not receive any reports of a school barring students wearing religious garb, such as headscarves, from attending classes. Media reported a professor at the University of Pristina had intimidated female students wearing head coverings, compelling them to leave class. Students reported the occurrences to the University's Ethics Council, which had not met to consider the issue by year's end.

Religious groups said municipal governments failed to treat religious organizations equally on property issues. Although the law specifies municipalities are responsible for the upkeep of cemeteries, in practice, some municipalities allowed religious groups to take de facto possession of public cemeteries. According to both BIK and KPEC, authorities sometimes allowed or compelled local BIK imams to oversee day-to-day cemetery operations. While non-Muslim religious groups reported generally strong relationships with imams at cemeteries around the country, KPEC representatives stated local imams and other BIK authorities occasionally charged them for services even when they provided their own ministers. Pristina's Catholic and Orthodox Christian communities continued to use separate public cemeteries.

On June 18 and 19, as part of an annual event, representatives of the Jewish community and a local public utility company cleaned and repaired Pristina's Jewish cemeteries. Members of the Jewish community said they lacked the resources to maintain their cemeteries and local authorities did not maintain these public sites as required by law. According to Jewish community representatives, local governments did not maintain Jewish cemeteries outside of Pristina, including in Novo Brdo/Novoberde, Lipjan/Lipljan, Kamenice/Kamenica, Prizren, Mitrovice/Mitrovica, and Gjilan/Gnjilane.

The SOC and international organizations said Decan/Decani municipal officials continued to refuse to implement a 2016 Constitutional Court decision confirming the Supreme Court's 2012 ruling that the municipality should return more than 24 hectares (59 acres) of land to the SOC's Visoki Decani Monastery. Mayor of Decan/Decani Bashkim Ramosaj continued throughout the year to refer to the decision as unacceptable. Government authorities did not hold him or other municipal officials to account for failing to implement the Constitutional Court decision. NATO Kosovo Force, also known as KFOR, troops continued to provide security at the monastery.

Decan/Decani Municipality moved forward with plans to construct a road through the SPZ near Visoki Decani Monastery. According to EU and OSCE legal opinions issued during the year, Kosovo law forbids the construction of a transit road through an SPZ. The Prime Minister's Office disputed this legal interpretation. In 2014 the IMC decided the planned road would violate the law. The IMC reaffirmed the road's illegality at an April meeting.

BIK leadership reported the group continued to advocate unsuccessfully for the reconstruction of a mosque in Mitrovice/Mitrovica North, which Federal Republic of Yugoslavia forces destroyed in 1999.

Preparatory work began during the year to connect the public utility company supply network to the construction site for a new "grand mosque" in Pristina. Construction was set to begin in 2019, but was subject to municipal approval.

As of year's end, Pristina Municipality had not allocated a plot of land, approved in a 2016 municipal decision, for the Jewish community to construct a synagogue. Jewish community leaders said this was due to administrative delays and expected the municipality to allocate the land in 2019. The Jewish community in Prizren obtained approval from Prizren Municipality in 2016 to renovate a building for use as a museum and cultural center. The Ministry of Culture, Youth, and Sports contributed 5,000 euro (\$5,700) to the project during the year, and the Jewish community expected construction to begin in 2019.

According to the SOC and international organizations, there was no progress during the year to resolve the government's 2016 denial of a construction permit requested by the SOC for the reconstruction of St. Nicholas Church in the Holy Archangels Monastery in Prizren. In its denial of the permit, the Ministry of Culture stated the SOC was not listed as the land's legal owner in government records. The SOC said that because the government had denied the permit after

the legal deadline expired, the permit was issued by default. The SOC stated the government was violating the law and the Ahtisaari Plan, which gives the SOC full discretion to manage its historic sites. Responding to separate Ministry of Culture concerns, an OSCE-funded expert examined the site to determine whether a pre-existing archeological site was present; however, it had not published its findings by year's end.

The Municipality of Pristina's appeal of the Basic Court's 2015 ruling that the Catholic Church owned property adjacent to the Mother Teresa Cathedral remained pending at year's end. 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, overturning the Pristina municipality's land claim.

The multiethnic police unit for specialized protection of cultural and religious heritage sites, led by a Kosovo-Serb police commander, continued to provide 24-hour, countrywide security to 24 SPZs. For the first time since the country's 2008 independence, there were no incidents during the year at these sites. According to police reports and the SOC, theft and vandalism continued at SOC sites outside SPZs, where police did not provide special protection. The Ministry of Culture said it requested increased support from local governments to protect religious heritage sites.

According to KPEC, Kosovo Customs continued to ask KPEC to pay a fine it levied in late 2017 for the misuse of duty-free imports for religious organizations, stating KPEC's sale for profit of imported used clothing violated the Customs Code. An OSCE legal opinion noted contradictions in Kosovo law surrounding the sale of goods for charitable purposes. KPEC reported successfully clearing one shipment of goods for sale in August without paying the duty, though the legal interpretation remained unclear at year's end.

According to municipal officials and NGOs, the central government continued to provide some funding to Islamic education in BIK madrassahs in Pristina, Prizren, and Gjilan/Gnjilane. Some members of other religious groups and secular representatives believed this funding was discriminatory because the government did not provide funding for religious education to any other religious group.

According to the Ministry of Education, Ethnic Serbs, Gorani, Croatians, and some Roma continued to attend Serbian-language public schools operating under Serbian government parallel structures over which the Kosovo government had no control. Most ethnic Serbs 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 Kosovo Islamic Community (BIK) continued to report social and employment discrimination against devout Muslims, particularly in the public sector.

The Water Regulatory Agency (WRA) continued to waive water utility fees for religious buildings belonging to the five “traditional” religious communities, in accordance with the law. The Commission for Agriculture stated it started the early stages of reviewing the bill on regulating water services in October, stating the 2006 law on religious freedom did not provide for the exemption. Based on the proposed draft amendments, all religious communities would be required to pay water utility fees. Religious leaders said they opposed the proposed amendments, but the WRA said it was necessary to prevent possible misuse of utilities. At year’s end, the water utility fee waivers continued.

The Ministry of Foreign Affairs stopped holding its annual International Interfaith Conference following the 2017 departure of the official in charge. The Jewish community said religious leaders found the decision disappointing; however, they continued to meet regularly amongst themselves.

Section III. Status of Societal Respect for Religious Freedom

There were instances of religious-based violence, interference with religious pilgrimages, hate speech, and vandalism. Because religion and ethnicity are often closely linked, it was sometimes difficult to categorize incidents as being solely based on religious identity. SOC representatives and international organizations reported an increase in attacks on ethnic Serbs during the first half of the year, some commenting that these and other attacks on Serbian Orthodox were often driven more by ethnicity than religion.

According to police reports, on May 28, Kosovo Albanians blocked the road to protest a visit by displaced Kosovo Serbs to church ruins in Petric village (Pejr/Pec region). Protesters threw rocks at the pilgrims, and three sustained light injuries. The 50 pilgrims eventually managed to access the site.

Media and police reported that on May 30, near Istog/Istok, a Kosovo Albanian attacked his neighbors, a Serbian Orthodox priest and his family, while they were

in their car. Police detained the alleged perpetrator, whom the prosecutor later released due to lack of evidence. The SOC called on local authorities to hold perpetrators of violence fully accountable under the law.

On October 21, media and police reported ethnic Albanians threw rocks at two buses transporting Serb pilgrims near Istog/Istok while the pilgrims took part in religious services. Local Kosovo Albanians set up a roadblock with a tractor and tires, but police subsequently dispersed the crowd and the buses managed to leave the site. Police investigated and arrested eight local ethnic Albanians suspected of participating in the incidents. Police released the suspects after prosecutors chose not to bring charges. The prosecutors did not explain the reason for their decision.

On January 6, media and police reported a group of Kosovo Albanians staged a protest in front of the local Serbian Orthodox church in Gjakove/Djakovica, even though displaced Serbs had cancelled their annual visit due to security concerns. Protestors blocked access to the church for several hours while four elderly nuns remained trapped inside, preventing the celebration of Orthodox Christmas liturgy.

Media and police reported displaced Kosovo Serbs from Gjakove/Djakovica canceled an August 28 visit to the city's Serbian Orthodox church, citing a lack of guarantees ensuring their safety. Gjakove/Djakovica residents staged a protest in front of the church demanding the Serbian government apologize for crimes committed during the Kosovo war. Police arrested five protesters. Gjakove/Djakovica Mayor Ardian Gjini told media Serb pilgrims should be required to request permission to visit from ethnic Albanian mothers who lost children during the war.

The SOC reported two cases of police harassment against its clergy in Kosovo-Albanian majority areas. According to the clergy, police officers used unprofessional and ethnically charged language and made baseless accusations against them. In one instance, the victims filed an official complaint with the Police Inspectorate of Kosovo (PIK); however, the PIK ruled it could not find a criminal element in the case and forwarded it to the Professional Standards Unit, which deals with disciplinary violations. Neither the SOC nor the Professional Standards Unit reported any further action on the case.

Politicians from the Srpska List (SL) party criticized and occasionally threatened SOC Bishop Teodosije Sibalic and other SOC clergy in Serbian-language newspapers, radio, television, and official press releases following the SOC's criticism of SL's approach to the Kosovo-Serbia normalization process.

Throughout the year, the SOC criticized media for contributing to a climate of intolerance. BIK said secularists in media outlets generally portrayed devout Muslims in a negative light, claiming online news portals sometimes equated Islam with terrorism.

During the year, national police reported 86 cases targeting religious sites, primarily involving property damage and theft, up from 44 cases in 2017. Of these sites, 59 belonged to the Islamic community, 23 to the Serbian Orthodox Church, and four to the Catholic Church.

In March ethnic Croats reported the desecration of religious symbols in the Catholic church in Janjevo village. A police investigation continued at year's end.

Religious leaders continued to participate in numerous interfaith discussions on property rights, legislative priorities, and local community issues. The OSCE continued to coordinate some activities among religious groups, including meetings with municipal mayors, to discuss issues such as permits to construct religious buildings.

Section IV. U.S. Government Policy and Engagement

The Ambassador and other U.S. embassy representatives met frequently with government officials, including the president, prime minister, assembly speaker, and other members of parliament to urge passage of legislation that would allow religious institutions to function without impediment. Embassy officials urged increased dialogue between ethnic Albanian members of the government and civil society with SOC members. The embassy encouraged government officials to resolve the disputed building permit for St. Nicolas Church in the Holy Archangels Monastery in Prizren. Embassy officials urged the government to respect the law on SPZs, particularly in the case of the planned road near Visoki Decani Monastery. Embassy officials publicly condemned media and political attacks against SOC officials. The embassy advocated at all levels for the implementation of the 2016 Constitutional Court decision in favor of Visoki Decani Monastery, urging the government and the judiciary to hold local officials accountable. The embassy discussed the property issues of other religious groups with government officials on numerous occasions and urged officials to respect the country's laws. Embassy officials urged Kosovo Customs on multiple occasions to delay issuing citations to religious communities for the alleged misuse of duty-free imports

pending clarifications of the Customs Code and the law covering customs exemptions for religious organizations.

Embassy officials regularly discussed religious tolerance with leaders of all major religious groups. They met with BIK imams and members of the Faculty of Islamic Studies in Pristina to discuss efforts to promote tolerance and counter violent extremism and discussed draft laws on religious freedom and cultural heritage. Embassy officials met with religious leaders on multiple occasions to discuss their human rights and legal concerns, and held roundtables with religiously observant Muslims on employment and education discrimination. The embassy often posted messages on social media in support of religious freedom.

In May visiting Department of State officials met with the BIK and SOC to discuss the role of religious communities in interethnic reconciliation. The officials also met parliamentarians and government officials to advocate for passage of a law that would enable religious groups to acquire legal status and to encourage the government to respect SOC rights and engage religious communities more deeply in interethnic reconciliation. In June a joint government/BIK delegation traveled to the United States on a Department of State program to explore the role of religious communities in a secular democracy. In September the embassy sponsored the visit of an interfaith expert from the United States to meet with religious communities to discuss the role of media in reporting on religion.