

**BOSNIA AND HERZEGOVINA'S
DRAFT RELIGION LAW:
Draft Text Fails to Meet
OSCE Commitments on Religious Freedom**



**A Report Prepared by the Staff of the
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The Helsinki process, formally titled the Conference on Security and Cooperation in Europe, traces its origin to the signing of the Helsinki Final Act in Finland on August 1, 1975, by the leaders of 33 European countries, the United States and Canada. As of January 1, 1995, the Helsinki process was renamed the Organization for Security and Cooperation in Europe (OSCE). The membership of the OSCE has expanded to 55 participating States, reflecting the breakup of the Soviet Union, Czechoslovakia, and Yugoslavia.

The OSCE Secretariat is in Vienna, Austria, where weekly meetings of the participating States' permanent representatives are held. In addition, specialized seminars and meetings are convened in various locations. Periodic consultations are held among Senior Officials, Ministers and Heads of State or Government.

Although the OSCE continues to engage in standard setting in the fields of military security, economic and environmental cooperation, and human rights and humanitarian concerns, the Organization is primarily focused on initiatives designed to prevent, manage and resolve conflict within and among the participating States. The Organization deploys numerous missions and field activities located in Southeastern and Eastern Europe, the Caucasus, and Central Asia. The website of the OSCE is: <www.osce.org>.

ABOUT THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The Commission on Security and Cooperation in Europe, also known as the Helsinki Commission, is a U.S. Government agency created in 1976 to monitor and encourage compliance by the participating States with their OSCE commitments, with a particular emphasis on human rights.

The Commission consists of nine members from the United States Senate, nine members from the House of Representatives, and one member each from the Departments of State, Defense and Commerce. The positions of Chair and Co-Chair rotate between the Senate and House every two years, when a new Congress convenes. A professional staff assists the Commissioners in their work.

In fulfilling its mandate, the Commission gathers and disseminates relevant information to the U.S. Congress and the public by convening hearings, issuing reports that reflect the views of Members of the Commission and/or its staff, and providing details about the activities of the Helsinki process and developments in OSCE participating States.

The Commission also contributes to the formulation and execution of U.S. policy regarding the OSCE, including through Member and staff participation on U.S. Delegations to OSCE meetings. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from participating States. The website of the Commission is: <www.csce.gov>.

BOSNIA AND HERZEGOVINA'S DRAFT RELIGION LAW: Draft Text Fails to Meet OSCE Commitments on Religious Freedom

Authorities in Bosnia and Herzegovina are presently considering a draft religion law which enumerates the rights and obligations of religious communities and the government. Many aspects of the current draft law fully comply with Bosnia and Herzegovina's commitments as a participating State in the Organization for Security and Cooperation in Europe (OSCE). Unfortunately, the draft law also contains some troubling provisions that should be altered before adoption. The "Law on Freedom of Religion and the Legal Position of Churches and Religious Communities in Bosnia and Herzegovina" emerged from the joint state presidency, developed by the Ministry for Human Rights and Refugees, and was submitted to parliament in June. Parliamentary consideration of the legislation is expected this fall. This report includes specific recommendations which, if adopted and implemented, would help bring the draft into conformity with OSCE commitments.

Ten years ago, the country was in the midst of a four-year conflict marked by horrific atrocities against civilians, massive ethnic cleansing and genocide. The scars of that conflict impact to this day practically all law making in Bosnia and Herzegovina and present a peculiar challenge when addressing the role of religion in society, especially since the leading national groups are largely defined by their Islamic, Eastern Orthodox and Roman Catholic faith or related cultural heritage. While opinions vary on the necessity of a specific law on religion, the eventual passage of an improved, progressive text would help Bosnia and Herzegovina implement its OSCE commitments and, at the same time, set a higher mark for religious tolerance that neighboring countries have yet to match.

POSITIVE ASPECTS OF THE DRAFT LAW

Many parts of the draft law are well constructed, explicitly protecting manifestations of religious belief while limiting the ability of the government to interfere into the internal affairs of a religious group. Article 4 concretizes the right of an individual to "manifest his religion or belief in any manner in worship, practice and observance, maintenance of customs and other religious activities." Article 7 expands this provision, declaring "everyone, individually or in community with others and in public or private" has the right to "manifest his religion or belief." The list of manifestations provided is not exhaustive, but rather highlights specific examples, such as the ability to "practice religious rituals in owned, leased or rented buildings or premises," organize public religious events, and "make, acquire, possess, import, export and use items and materials" for religious ceremonies. Article 10 also allows registered churches and religious communities to distribute religious literature.

Article 10 is exceptional in another notable way, as section 5 declares registered churches and religious communities may "carry out all such activities as are not prohibited by positive law." The drafters, possibly aware of the international norms protecting the right to freedom of thought, conscience, religion or belief, inserted Article 10(5) to make manifest their intent to protect religiously motivated activities. The limitations clause found in Article 14(7) follows international norms, and does not improperly limit activities under the aforementioned provisions. OSCE commitments do recognize that religious freedom is not an unlimited right, but also emphasize the exceptional nature of limitations on this and other rights.

The draft law also clearly defines the area in which registered religious organizations may function without government interference. Article 11 sets forth that "churches and religious communities shall be self-administrating in accordance with their own laws and doctrines" and "shall have autonomy in the

selection, appointment and dismissal of their personnel in accordance with their respective requirements and regulations.” Article 14 declares the separation between church and state, stating that the government may not appoint one religious community to the status of “state religion” and is prohibited from bestowing special privileges on a particular community. Article 14 also makes clear that “the state shall not have the right to interfere in the affairs and internal organization of churches or religious communities.” Section 6 of the same article prevents authorities from having “any involvement in the election, appointment or dismissal of religious dignitaries” or the establishment of religious groups. The recognition in Article 18(4) that applicant groups should not be refused registration because of their unique structure or hierarchy is also positive.

REGISTRATION OF CHURCHES AND RELIGIOUS COMMUNITIES

Problematic areas nevertheless exist. Concerning registration, Article 2(3) defines “churches and religious communities” as “groups, institution or organizations of believers” of which “legal personality is recognized” and registered with the state. A religious group without legal entity status may form an “association” under Article 5(3), but the association “cannot acquire and realize the rights pertaining to churches and religious communities.” Under the draft law, it is only the registered “churches and religious communities” that can, *inter alia*, own property, enjoy tax breaks, publish literature, maintain international contacts and be “self-administrating.” Lower tier associations are explicitly ineligible, and it is unclear whether association status provides any type of legal standing as a nonprofit entity. Apparently a recent amendment to the draft law, “association status” appears to be a catch-all provision for groups which choose not to register or cannot meet the registration requirements, but does not provide the same protections and benefits, such as legal status, afforded registered groups.

Because of this construction, the registration regime increases in importance. Under Article 18, for new groups and unregistered groups to qualify for official status they must submit their doctrines for review to the Ministry of Justice and must meet a threshold of 300 citizens and 30 founding members. Despite the seeming contradiction with earlier portions of the draft forbidding government involvement into the internal affairs of a religious group, the doctrinal review of new applicant groups places the government in the subjective position of determining what qualifies as a religion. The numerical requirement, while a reduction from earlier drafts, remains unduly burdensome, out of step with OSCE commitments and contrary to the overall tone of the draft law. Small religious communities would be prevented from obtaining official status, thereby stigmatizing them and preventing them from enjoying benefits and protections afforded to other groups. For religious groups recognized under the current law wanting to re-register, Article 16 asks simple questions, like the official name and address of the group in question.

In comparison, several OSCE countries such as France, The Netherlands, Turkey and Bulgaria, recognize juridical personality without concern as to the number of community members. In the United States, no official status is conferred, other than for tax purposes, and numerical requirements are not part of the conferral of legal personality.

ADDITIONAL CONCERNS

Article 18(1) prevents formation of a religious community bearing a “similar name as that of an existing religious community or church” and declares “no one may use the symbols, insignia or attributes of a religious community or church without the said religious community’s or church’s consent.” It would

seem churches or mosques or synagogues would likely share various “symbols, insignia or attributes” with other coreligionists, therefore allowing their disqualification for legal personhood. Considering the vague wording could allow arbitrary refusals of legal entity status, this article is particularly problematic.

There are other concerns in the draft law, where the drafters increased legal sanctions against certain conduct, but in doing so, overreached and criminalized legitimate activity. For instance, provisions in Article 20(1) find “attacks upon or insults against religious officials” to be criminal offenses, while Article 21 also would establish as a misdemeanor acts that incite or encourage religious hatred, or denigrate or ridicule any faith. Penalties range from 60 days to three years imprisonment. Despite Bosnia and Herzegovina’s turbulent past, these articles go too far, giving the state authority to prosecute individuals for statements that, while potentially offensive to the target audience, are nothing more than matters of opinion.

Article 15 authorizes the government to establish “agreements” between the Bosnia and Herzegovina Presidency or the Council of Ministers and religious communities. Article 15 appears therefore to allow for the creation of concordats which are legal agreements usually between the Holy See and a sovereign government for the regulation of ecclesiastical matters. It is unclear whether these agreements would advantage only the contracting religious group, or benefit all religious communities in a nondiscriminatory manner. If certain religious communities were to receive an inurement from such an agreement, it would violate Article 14(3) of the religion law prohibiting any grant of “special privileges” to one group from the state.

QUESTIONS WITH SPECIAL RELIGION LAWS

While presently there is no seminal law in Bosnia and Herzegovina governing religious communities and the practice of religious belief, the federal constitution and those of the country’s two entities – the Federation and Republika Srpska – all provide for religious freedom. However, there is an acute gap in Bosnia and Herzegovina’s *corpus juris* concerning the ability for new religious groups to obtain legal status. No mechanism now exists for new religious groups to achieve juridical personhood, thereby forcing many to seek legal recognition as a cultural or humanitarian organization. This very real need, however, does not justify the creation of a special religion law, as it is equally appropriate to place such provisions within laws dealing with taxes or corporations. For example, religious groups in Albania obtain legal personality under the Law on Associations, which confers the status of a non-profit association irrespective of whether the organization has a religious or secular purpose.

Concerning physical threats to religious freedom, criminal statutes pertaining to assault are sufficient to handle religiously motivated violence against an individual or religious community. Notably, the lack of adequate criminal laws does not plague Bosnia and Herzegovina nearly as much as the lack of law enforcement and judicial action. Police have proven to be slow or unwilling to protect minority groups in some areas, as mob attacks in recent years on those seeking to rebuild mosques destroyed during the conflict in some Republika Srpska towns make most evident. The answer is not a specially crafted religion law with novel criminal penalties, but better enforcement of current laws by police and determined prosecutions by authorities.

CONCLUSION

Ultimately, the flaws in the draft reveal the questionable nature of having an omnibus religion law in the first place. Indeed, the recent, disturbing proliferation of European religion laws illustrates how these types of legal regimes often serve to control minority religious communities rather than facilitate greater religious freedom for all. As an OSCE participating State, Bosnia and Herzegovina freely committed itself to a considerable body of norms on religious freedom which the current draft does not meet.

Implementation of the aforementioned suggestions would help reduce the friction between the current draft and Bosnia and Herzegovina's OSCE commitments. Among other things, the elimination of penalties against free speech and the elimination or reduction in the requisite number of founding members are important. While establishing a numerical threshold is not *per se* a violation of OSCE obligations, the requirements should be *de minimus* in nature. The 300-member requirement, and even the 30-founding-member requirement, will arbitrarily inhibit small religious communities from enjoying full rights as a legal entity, and therefore should be eliminated or significantly reduced. "Association status" for unregistered religious groups, found in Article 5, appears to be merely a default designation and should be significantly amended or entirely removed, as it does not provide the same protections and benefits as "churches or religious communities" that are able to fulfill the registration requirements.

DRAFT
Number 04-02 563/03

June 30, 2003

Pursuant to Article IV, Item 4a) and in conjuncture with Article II, Items 3g) and 5a) of the Constitution of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina, at the session of the House of Representatives held on _____ and the session of the House of Peoples held on _____, passed

L A W

ON

**FREEDOM OF RELIGION AND LEGAL POSITION OF CHURCHES AND RELIGIOUS
COMMUNITIES IN BOSNIA AND HERZEGOVINA**

I GENERAL PROVISIONS

Article 1

Respecting own heritage and traditional values and tolerance, and coexistence of those present in multi-confessional character of Bosnia and Herzegovina and considering the contribution to the advancement of mutual understanding and respect for the right to freedom of conscience and religion, this Law governs a uniform legal framework within which all Churches and religious communities in Bosnia and Herzegovina shall act and be equal in rights and obligations, without any discrimination.

This Law guarantees the right of all to freedom of conscience and religion in conformity with the Constitution of Bosnia and Herzegovina (hereinafter referred to: the Constitution), the highest international standards of human rights comprised in the international declarations and conventions of freedom of conscience and religion, being an integral part of the Constitution of Bosnia and Herzegovina.

Article 2

For the purpose of this Law:

1. Discrimination on the grounds of religion or belief means any exclusion, restriction, preferential treatment, omission or any other form of differentiation on the grounds of religion or belief having for its purpose or which may bring about—directly or indirectly, intentionally or unintentionally—the revocation or diminution of the recognition, equal enjoyment and exercise of human rights and fundamental freedoms in civil, political, economic, social and cultural matters.
2. The making of distinctions or preferences by churches and religious communities when they judge it necessary to comply with religious obligations or needs shall not be considered as discrimination on the grounds of religion or belief.
3. Churches and religious communities are groups, institutions or organizations of believers founded in accordance with their own precepts and regulations, doctrines, beliefs, traditions and practices, and of which the legal personality is recognized and which are registered in the Register of Churches and religious communities in Bosnia and Herzegovina.

Article 3

1. This Law shall be applied uniformly throughout the territory of Bosnia and Herzegovina.
2. All other laws and regulations in Bosnia and Herzegovina in this field shall be brought into conformity with this Law.
3. The authorities of entities, cantons and municipalities, when issuing regulations from their own jurisdiction, shall take into account the right to freedom of enjoyment and confession and shall ban any discrimination on the ground of religion or different belief.

II FREEDOM OF RELIGION AND BELIEF

Article 4

1. Everyone has the right to freedom of religion or belief, including the freedom to profess or not a religion. Also, everyone has right to adopt or change his or her religion, and the freedom—individually or in community with others, in public or private—to manifest his religion or belief in any manner in worship, practice and observance, maintenance of customs and other religious activities. Everyone shall have the right to religious education, which shall be provided solely by persons appointed so to do by an official representative of his Church or religious community, whether in religious institutions or in public and private pre-school institutions and primary schools.
2. Churches and religious communities shall not, when teaching religion or in other actions, disseminate hatred and prejudices against any other Churches and religious communities or its members, or against the citizens of no religious affiliation, or prevent their freedom to manifest in public their religion or belief.

Article 5

1. All discrimination based upon religion or belief as defined in Art. 2.1. of this Law is prohibited.
2. The following acts are also prohibited:
 - a. Attacks upon or insults against religious officials;
 - b. Attacks against or damage to the religious buildings or other property of Churches and religious communities;
 - c. Activities or actions aimed at the dissemination of religious hatred against any religious community or church or its members;
 - d. The denigration or ridiculing of any religion;
 - e. The use of religious symbols, signs, attributes or the name of a church or religious community without the consent of the said church or religious community;
 - f. The formation of associations of religious officials or believers without the consent of the relevant church or religious community authorities.
3. Foundation and activity of an association having or not having status of legal entity, established by natural entities for the purpose of exercise of their religious freedom, is not prohibited. The association founded in this manner shall not have the status of churches or religious communities and cannot acquire and realize the rights pertaining to churches and religious communities in conformity to this Law and other regulations.

Article 6

1. Churches and religious communities have an established code of religious rights and duties pertaining to their members, which are in conformity with the nature of their calling and other precepts of the Church or religious community to which they belong.
2. In conformity with the established code of religious rights and duties under paragraph 1 of this Article:
 - a) No one shall be compelled to profess or prevented from professing a faith or belief or to participate in any way in religious worship, ritual or festivals of any rite whatsoever or any religious activity of his or her church or religious community.
 - b) No one shall be compelled, directly or indirectly, to reveal his religious beliefs.
 - c) No one shall be compelled to swear an oath contrary to his religion or belief.
 - d) Religious officials or persons preparing for such service shall be exempt from military service, but shall not be prohibited from military service if it is their wish to serve, in accordance with the law.

Article 7

Freedom of religion or belief includes the right of everyone, individually or in community with others and in public or private, to manifest his religion or belief, including inter alia the right:

1. In daily life to practice the principles of his religion or belief and act in accordance with them;
2. To practice religious rituals in own, leased or rented buildings or premises which, according to specific regulations, meet the requirements for gathering larger number of people, in the open spaces of the religious buildings, cemeteries and houses and estates of its believers;
3. Freely to organize public religious celebrations and other religious and religio-cultural gatherings in public places in accordance with the Law on Public Assembly;
4. To establish, maintain and administer religious institutions, including institutions formed for humanitarian and educational purposes in compliance with the law;
5. To make, acquire, possess, import, export and use items and materials relating to the rituals or customs of his religion or belief in compliance with the law;
6. To establish, possess and dissolve public information services in compliance with the law;
7. To write, publish and distribute books, textbooks and handbooks and disseminate relevant publications in written or pictorial form via the press, electronic media and other forms of electronic communication in compliance with the law;
8. Freely to organize attendance at public religious celebrations, places of worship, processions, organized pilgrimages etc., both within the country and abroad;

III LEGAL STATUS OF CHURCHES AND RELIGIOUS COMMUNITIES

Article 8

1. Churches and religious communities have the status of legal/juristic persons sui generis.

2. This Law confirms the continuity of legal personality of the historically based churches and religious communities in Bosnia and Herzegovina: the Islamic Community of Bosnia and Herzegovina, the Serbian Orthodox Church, the Catholic Church and the Jewish Community of Bosnia and Herzegovina, together with all other churches and religious communities in Bosnia and Herzegovina of which the legal personality has been recognized prior to the entry into force of this Law.
3. Newly formed churches and religious communities also acquire legal personality in Bosnia and Herzegovina as provided for in provisions of Article 18.4 of this Law.
4. All churches and religious communities shall have an official title that shall be defined by their canonical, constitutional, statutory regulations and that as such shall be in general use.
5. All churches and religious communities may establish, alter and dissolve existing internal bodies that have the status of legal/juristic person.
6. All churches and religious communities shall determine by their own internal acts which of their internal bodies shall have the status of legal/juristic person and shall be deemed as such in the territory of Bosnia and Herzegovina.
7. Churches and religious communities in Bosnia and Herzegovina may form associations of churches and religious communities in Bosnia and Herzegovina in accordance with this Law.
8. Churches and religious communities and their organizational forms, having acquired status of legal/juristic person by registration into the register, shall individually be responsible for their relevant liabilities with their whole assets in compliance with the Law.

Article 9

On the basis of their status churches and religious communities shall enjoy such concessions and privileges as are characteristic of non-profit organizations, and in accordance with this Law and with statutory provisions for the internal regulation of religious communities, provided that or to the extent that they do not distribute assets or profits that inure to the benefit of private persons, except where such distributions themselves have a legitimate charitable purpose.

Article 10

Churches and religious communities may:

1. Establish business enterprises, institutions and associations; acquire, dispose of and administer property; and undertake other activities on the basis of resolutions of their bodies and membership, in compliance with the Law;
2. Produce, publish, import, export and distribute religious literature and other printed and audiovisual and other forms of electronically transmitted material or items of general use in the practice of religion, in compliance with the Law;
3. Found cultural, charitable, health and educational institutions of various types and for various purposes, with rights equal to those enjoyed by institutions founded by the State or other authorized entities, and carry out the activities appropriate to the said institutions and manage the said institutions autonomously and directly in compliance with the Law;
4. Establish and maintain international relations and contacts with churches and religious communities and all other subjects in conformity with the messages of the church or religious community;
5. Carry out all such activities as are not prohibited by positive law.

Article 11

1. Churches and religious communities shall be self-administering in accordance with their own laws and doctrines, which shall have no civil-legal effect and shall not be forcibly imposed by the public authorities nor applicable to non-members.
2. Churches and religious communities shall autonomously regulate their internal organization in accordance with their internal regulations, laws and doctrines.
3. Churches and religious communities shall have autonomy in the selection, appointment and dismissal of their personnel in accordance with their respective requirements and regulations.
4. Churches and religious communities shall have right to solicit and receive voluntary financial and other contributions.

Article 12

1. Churches and religious communities may acquire property in accordance with the law.
2. Churches and religious communities may own property and property rights, which they shall be free to use and administer.
3. Churches and religious communities shall have the right to restitution of expropriated property throughout Bosnia and Herzegovina, without discrimination, in accordance with the law.

Article 13

1. Churches and religious communities and their organizations and commercial enterprises shall, in accordance with the Law, pay taxes and contributions on the earnings of their employees (pension, health and invalidity insurance contributions) together with other legally prescribed contributions.
2. All churches and religious communities may collect membership fees and receive income from within the country and abroad.
3. Donations and income of churches and religious communities shall be treated in accordance with the laws and regulations relating to non-profit educational and charitable organizations.

IV RELATIONS BETWEEN THE STATE AND CHURCHES AND RELIGIOUS COMMUNITIES

Article 14

Churches and religious communities are separate from the state:

1. The state may not accord the status of state religion nor that of state church or religious community to church or any religious community.
2. The state shall not have the right to interfere in the affairs and internal organization of churches and religious communities.
3. Subject to clause 4) below of this Law, no church or religious community and their officials may obtain any special privileges from the state as compared with any other church or religious community or their officials, nor participate formally in any political institutions.
4. The state may provide material assistance for health-care activities, educational, charitable and social services offered by churches and religious communities, solely on condition that the said services be provided without discrimination on any grounds, in particular on the grounds of religion or belief, by the said organizations.

5. Churches and religious communities may perform functions relating to the field of family law and the rights of the child in the form of aid, upbringing or education, in conformity with the relevant laws on the said rights and domains of law.
6. The public authorities shall not have any involvement in the election, appointment or dismissal of religious dignitaries, the establishment of the structures of churches and religious communities, or of organizations performing religious services and other rituals.
7. Freedom to manifest religion or belief may be subject only to such limitations as are prescribed by law and in accordance with international standards when it is shown by the competent authorities to be necessary in the interests of public safety, to protect health, public morals, or for the rights and fundamental freedoms of others. Churches and religious communities shall have the right of appeal against such decisions. Prior to the decision on appeal the appellate body may request from the Minister for Religion an opinion relating to such case of limitation of the freedom to manifest religion or belief.

Article 15

1. The matters of common interest for Bosnia and Herzegovina or some or more churches and religious communities can be governed by an agreement made between the BiH Presidency, the Council of Ministers, the governments of entities and churches or religious communities.
2. Implementation of this Law and other regulations thereof, which regulate the relationships between the state and churches and religious communities, together with other issues significant for status and activity of churches and religious communities, shall be, according to the Law on Ministries and other bodies of administration of Bosnia and Herzegovina, under jurisdiction of the Ministry of Human Rights and Refugees of BiH.

Article 16

1. Ministry of Justice of Bosnia and Herzegovina (hereinafter referred to as: Ministry of Justice) issues regulations on establishment and maintenance of unified register for registration of all churches and religious communities, their associations and organizational forms requests so by church and religious community.
2. The register under previous paragraph is kept by the Ministry of Justice.
3. Churches and religious communities under Article 8.2, show the following data in their application for registration:
 - name of church or religious community;
 - seat of church or religious community;
 - service of the person authorized to represent a church or religious community;
 - seal and stamp used by church or religious community in its activity;
4. In addition to the information stated in the previous paragraph, non-registered or newly founded church or religious community provides in its application the information under Article 18 of this Law.

Article 17

1. The Ministry of Human Rights and Refugees shall have the right and duty to draw the attention of the entity, cantonal and municipal governments to every case of violations of the right to freedom of religion, and to require that the legally prescribed measures be undertaken to prevent such violations.

2. In such cases the authority referred to by the Ministry from the above paragraph shall within seven days inform the Ministry of the measures undertaken for protection against violations of freedom of religion.
3. Ministry of human rights and refugees shall establish contacts and cooperation with all registered and to be registered churches and religious communities and discuss all the issues relating to freedom of religion and legal status of churches and religious communities in conformity with the Constitution, international conventions and this Law.

V FORMATION OF NEW CHURCHES AND RELIGIOUS COMMUNITIES

Article 18

1. New church or religious communities may be formed by 300 (three hundred) adult citizens of Bosnia and Herzegovina, without regard to their entity citizenship. A new religious community or church may not be founded bearing the same or similar name as that of an existing religious community or church. No one may use the symbols, insignia or attributes of church or a religious community without the said religious community's or church's consent.
2. Written application for the formation of a religious community or church shall be submitted to the Ministry of Justice, and shall comprise:
 - The Statute or Bylaws of the religious community or church, with obvious content and method of practice of religion and confession, scope and manner of activities;
 - A statement of its official religious doctrines;
 - The signatures of at least 300 citizens-adherents (forename and surname, date and place of birth, current address, personal identity number and signature);
 - A resolution on formation adopted by at least 30 founders of the church or religious community; the forename and surname of the leader of the religious community or church and a designated deputy or other representative who is authorized to represent the religious community or church before the state authorities.
3. Within 30 days of submitting an application for the formation of a religious community or church the Ministry of Justice shall issue a decision on registration in its register of churches and religious communities.
4. In reviewing the submissions required pursuant to previous paragraphs of this Article., the Ministry shall respect the right of every church or religious group to autonomy in structuring its own affairs so long as it does so within the framework of the constitutional order, this Law and in accordance with international law.
5. If the Ministry fails to issue such a decision within 60 days, the new church or religious community or shall be considered to be registered with the expiry of 60 days from the date of submission of the application for registration of the religious community or church. Legal personality shall be acquired on the date of the decision's acquiring legal force.

6. The applicant or registered church or religious community shall have the right to file an appeal with the Council of Ministers of Bosnia and Herzegovina against the registration carried out in the manner provided for by the preceding paragraph or against refusal to register the new church or religious community. The Council of Ministers issues final decision on registration or rejection to register. The appeal may be justified on the basis that the legalization of the said religious community or church would violate the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Protocols thereto, or the provisions of other treaties relating to freedom of religion and other freedoms and rights.
7. Administrative litigation against such final decision may be instituted within three months before the Court of Bosnia and Herzegovina .

Article 19

Associations of churches and religious communities in Bosnia and Herzegovina

1. Two or more churches and religious communities of Bosnia and Herzegovina may found associations of churches and religious communities.
2. Associations shall be formed by agreement, statement or other document in which the founders shall be enumerated, and the aims and objectives of founding the association, the manner of forming joint administrative and representative structures, and the period for which the association is formed shall be set forth.
3. Associations of churches and religious communities formed on the basis of Article 19.2. shall have the status of juristic persons.

VI CRIMINAL ACTS AND MISDEMEANOR

Article 20

1. For the purposes of this Law, the following shall be considered as criminal acts:
 - a) discrimination based on religion or belief,
 - b) attacks upon or insults against religious officials,
 - c) attacks against or damage to religious buildings,
 - d) acts of religious hatred against any religious community or church or its members
2. Persons convicted of the above criminal acts shall receive:
 - a) a sentence of imprisonment of from three months to three years,
 - b) in the event of serious consequences arising from such criminal acts the perpetrator shall receive a sentence of imprisonment of from six months to five years.

Article 21

1. For the purposes of this Law, the following shall be considered as misdemeanours:
 - acts that prevent or impede the performance of religious rights and duties or the manifestation of religious sentiment;
 - acts that misuse religious communities or churches, their institutions or religious activities, or misuse the manifestation of religious sentiment for political aims;
 - acts that incite or encourage religious hatred in cases where such activities do not constitute a criminal act;

- acts that compel or forbid another to carry out or participate in the performance of religious rights and duties or to manifest his religious sentiments contrary to the precepts valid for all members of the church or religious community;
 - acts that compel, constrain or impede citizens in the realization of their Constitutional rights, those enjoyed on the basis of the European Convention on Human Rights and the Protocols thereto, or other international human rights instruments guaranteeing freedom of conscience and religion;
 - acts that in any way impede the carrying out of religious instruction, whether organized within churches and religious communities or in schools;
 - the denigration or ridiculing of any faith;
 - the use of the symbols, insignia or attributes of a religious community or church without the said religious community's or church's consent.
2. A prison sentence of up to 60 days shall be imposed on individuals for misdemeanours:

VII TRANSITIONAL AND FINAL PROVISIONS

Article 22

1. Ministry for human rights and refugees of BiH shall, within the period of six months after coming into force of this Law, issue the Instruction for the purpose of implementation of this Law.
2. By coming into force of this Law, the "Law on legal status of religious communities of SR BiH" shall be out of force ("Official Gazette of SR BiH", No. 36/76)

Article 23

This Law comes into force on the eighth day after its publication in the "Official Gazette of Bosnia and Herzegovina and shall be published in the official gazettes of the entities and Brcko District of Bosnia and Herzegovina.

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