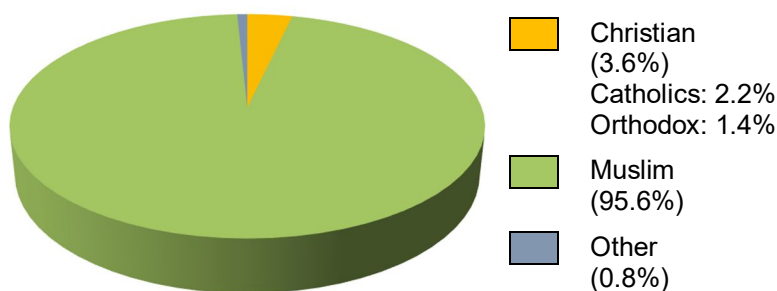


# KOSOVO



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<b>Area:</b> 10,908 km <sup>2</sup>	<b>Population:</b> 1.73 million	<b>Political system:</b> Democracy <sup>1</sup>	<b>Major Language(s):</b> Albanian, Serbian, Bosnian, Turkish, Gorani, Romani
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## Legal framework on freedom of religion and actual application

The Republic of Kosovo lies in the South East of Europe, in the central part of the Balkans. In the South, it is bordered by Albania, in the West by Montenegro, in the North by Serbia and in the East by Macedonia.

Kosovo declared its independence from Serbia in 2008. Serbia continued to claim Kosovo despite a ruling by the International Court of Justice in July 2010 supporting Kosovo's independence. It is the smallest country in the Balkans, and more than one-quarter of its population is under the age of 15. Over the centuries, Kosovo has shared and contributed to various cultures – the Eastern and Western Roman empires, the Austro-Hungarian and Ottoman empires, NATO and the Eastern Bloc. Its heritage includes fourteenth-century churches and monasteries, and mosques of great stylistic perfection that testify to the dense multicultural activity of the region.

The cultural diversity, however, has also been at the origin of ethnic clashes that have devastated the region. Kosovo today is one of Europe's poorest countries with unemployment standing at over a third.

The Constitution of the Republic of Kosovo protects and guarantees freedom of religion. Kosovo is a secular state and is neutral in matters of religious beliefs.<sup>2</sup> Article 9 of the constitution states that the Republic of Kosovo "ensures the preservation and protection of its cultural and religious heritage". Article 24 of the constitution guarantees the equality of all and prohibits discrimination on the ground of religion, Article 38 guarantees freedom of belief, conscience and religion and Article 39 enshrines the protection of religious denominations.

The basic Law on Freedom of Religion in Kosovo entered into force on 1<sup>st</sup> April 2007.<sup>3</sup> The Law has been heavily criticized by religious communities and by international organizations. The lack of clear regulations on registration and financing as well as on construction of religious sites, and the creation and maintenance of graveyards are issues that religious communities have raised as major concerns.

At the end of 2011, the government proposed amendments to the law that would help solve the registration problem. Five religious communities are deemed by the Draft Law to "constitute the historical, cultural and social heritage of the country". These will automatically be registered:<sup>4</sup> the

Islamic Community of Kosovo, the Serbian Orthodox Church, the Catholic Church, the Jewish Community and the Evangelical Protestant Church. The Draft Law<sup>5</sup> provides that the Office for the Registration of Religious Communities, acting within the Ministry of Justice, shall issue registration certificates to these five religious communities, and provide them with the status of legal person. New religious communities can be registered if they have at least 50 members.<sup>6</sup>

The Office for the Registration of Religious Communities is to take its decision within 30 days after the reception of a request for registration.<sup>7</sup> A negative decision can be appealed before the competent court within 30 days. The religious communities which do not meet the conditions for registration will not have legal status.

The Council of Europe Venice Commission published its assessment of the amendment of Law on Freedom of Religion outlining the need for a number of improvements, including expanding the list of religious communities that “constitute the historical, cultural and social heritage of the country” from five groups to include all other established religious groups.

Islam in Kosovo retains its roots from the Ottoman Empire era. The older generation grew up in socialist Yugoslavia and few are devout. Only 10 percent of Kosovars practice their Muslim faith. Kosovo Albanians celebrate Islamic holidays but do not fully obey Islamic rules. This is moderate pro-European Islam that is open to other religions. The growing importance of religion in Kosovo is happening only slowly. Kosovo used to have two Islamic role models to look up to: Turkey and Egypt. However, after the current crises in those two countries, Kosovo is left without a role model.

The 1998-9 conflict in Kosovo involved the voluntary destruction of both Orthodox Christian and Islamic heritage. The destruction began in earnest in March 1998, when Serb forces initiated their military campaign against the Albanian population in Kosovo. The primary targets of the Serb attacks were mosques. Approximately 207 of the 609 mosques in Kosovo sustained damage or were entirely destroyed. Islamic religious schools, libraries, historic bazaars and kullas were also targeted. 75 percent of well-preserved Ottoman urban centers in Kosovar cities were severely damaged. In most cases the damage was deliberate.

Albanians did return in force after the war. During the “upheavals” of March 2004, the Serb Orthodox monasteries became the primary target of the Albanian mob. Orthodox religious architecture was the symbolic centerpiece of Serb Orthodox presence in the region and, as such, became a natural retaliatory target. At least 40 Serbian Orthodox churches and monasteries were completely destroyed, while more than 70 were demolished and burned.<sup>8</sup>

After a conflict in the late 1990s, religious charities from Arabic countries have established a strong presence. Over the past decade, Saudi Arabia has built around 400 mosques in Kosovo. The Saudi Joint Committee for the Relief of Kosovo and Chechnya (SJRC), the largest Arab aid organization in Kosovo, has imposed a new architectural design that is foreign to the traditions of Balkan Islamic architecture. The four-centuries-old Qater Lula mosque in the centre of Pristina, which was not damaged during the war but was in disuse, had been razed to the ground and in its place appeared a large white mosque with large reflective windows.

The Hadum Mosque in Gjakova, a handsome stone structure with a large dome, was part of a historic complex in the centre of the old town that Serbian militias had badly damaged during the conflict. The SJRC had the remains of the neighboring sixteenth-century library bulldozed to make room for a new Islamic centre. After the UN Department of Culture was notified, work on the project was stopped; the SJRC pulled its funding and left behind a demolished mosque.

Alterations made to the mosques of Kosovo by the Saudi Arabia investors also reflect the imposition of their view of Islam. Some Kosovo youth have started to become influenced by Wahhabism<sup>9</sup> and have begun viewing and practising Islam in a different way. Many young Kosovars are now getting scholarships to join Islamic schools in Saudi Arabia. Women in veils or burqas and men with short trousers and untrimmed Islamic beards have become a common sight.

## **Incidents**

In late 2014, police shut down 14 long-established Arabic non-governmental organizations on suspicion that they had close ties with radical Islamic groups in Kosovo. In one of the biggest such operations in the Balkans, they also arrested 78 people, including 11 imams, on suspicion of recruiting Kosovars for Islamic State. They were later released but some are still under investigation.<sup>10</sup> In March 2015, parliament outlawed participation in foreign conflicts for the first time, punishable with up to 15 years in jail.<sup>11</sup> According to the police, some 300 men and 36 women have reportedly joined the ranks of Daesh (ISIS) and Al Nusra in Syria and Iraq. This is the highest per capita ratio in Europe, along with nearby Bosnia and Herzegovina.

The Serbian Orthodox Church claims 1,300 churches and monasteries in Kosovo dating from the Middle Ages to the present day.<sup>12</sup> Decani Patriarchate Monastery of Pec, Gracanica Monastery and the Church of the Mother of God Ljeviska in Prizren are recognized by UNESCO as part of the world cultural heritage.

The 2012 Law related to the ending of International Supervision of Independence of Kosovo regulates the status of the Serbian Orthodox Church in Kosovo.<sup>13</sup> The Law provides that the Serbian Orthodox Church in Kosovo shall be considered as an integral part of the Serbian Orthodox Church (SOC) and that the name and the internal organization of the SOC, including its hierarchy and activities shall be respected.

Four Kosovo citizens were arrested near the Visoki Decani Serbian Orthodox monastery for illegal possession of firearms, causing clerics to raise fears of a potential militant attack. Sava Janjic, the abbot of the Visoki Decani monastery, condemned the police for not treating the incident as terrorism-related.<sup>14</sup>

The tiny community of Catholics in Kosovo, estimated at 60,000, is mostly concentrated in Gjakova, Prizren, Klina and a few villages near Pec and Vitina. There are 33 Catholic churches, 36 priests and 70 nuns. There is great pride that Mother Teresa was Albanian. The main boulevard in Pristina and a Catholic cathedral are named after the beatified nun who received her calling to join the mission in the church of Letnica, in south-east Kosovo. Bishop Dodë Gjergji serves as Administrator of the Roman Catholic Apostolic Administration of Prizren.

## **Prospects for Freedom of Religion**

Many religious groups have stated that a lack of open dialogue explains the failure to promote tolerance and understanding among faith communities. In March 2015 the government organized an Inter-faith Conference in Pristina for the fourth year in a row. It announced it will continue to host an annual Inter-faith Conference to improve social activism against religious extremism, hate speech, and further promote tolerance.

Both the Serbs and Kosovars are trying to adopt a political identity based on European values of multicultural acceptance but the tension on the ground remains high. Serbian Orthodox religious sites remain under strong protection, not all war damage has been restored, and the Kosovar economy remains desperately weak. In these conditions, there are also fears that more ardent strands of religious beliefs are gaining influence in the region as it searches for its new identity. Kosovo faces a major threat that its traditional open model of Islam may be slowly changing toward a fundamentalist one. The society in Kosovo refuses the Wahhabi Islam for the time being, but if fundamental Islamists increase in number they could become a major threat for the secular state of Kosovo.

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<sup>1</sup> Until 2008 the province was administered by the UN. Reconciliation between the majority Albanians, most of whom support independence, and the Serb minority remains elusive: <http://www.bbc.com/news/world-europe-18328859>

<sup>2</sup> Article 8 of the Constitution

<sup>3</sup> Law no.02/L-31 Official Gazette no. 11, 01 April 2007

<sup>4</sup> New article 4A.4.1 of the Draft Law on Amendment and Supplementation of Law No.02/L -31 on Freedom of Religion

<sup>5</sup> The new Article 4 A.4.2

<sup>6</sup> According to article 7.B.1 of the Draft

<sup>7</sup> New Article 7C of the Draft Law

<sup>8</sup> Holy Assembly of Bishops of the SOC 2003

<sup>9</sup> Extreme Islamic doctrine originating from Saudi Arabia

<sup>10</sup> Balkan Insight 26 Jan 2016

<sup>11</sup> EurActiv 27.4.2015

<sup>12</sup> Holy Assembly of Bishops of the SOC 2003

<sup>13</sup> Article 7A Law no. 04/L-115 on Amending and Supplementing the Laws related to the ending of International Supervision of Independence of Kosovo

<sup>14</sup> Balkan Insight News 01 Feb 2016