

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 28th session of the House of Representatives held on January 22, 2004 and the 17th session of the House of Peoples held on January 28, 2004, 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 communities, 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 publicly 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, primary schools and higher education which shall be regulated according to the specific regulations.
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 church or religious community or its members;
 - d. The denigration or ridiculing of any religion;
 - e. The public 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, nor such existing associations, established without relevant church authority, may exist without such a competent consent.
 - g. Incite, encourage or call for religious hatred and prejudices.

Član 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 practise the principles of his religion or belief and act in accordance with them;
2. To practise 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.
2. This Law confirms the continuity of legal personality of the historically based churches and religious communities in Bosnia and Herzegovina: the Islamic Community in 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.

Član 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 audio-visual 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.
4. The State has the obligation to regulate the pensions, disability and health insurance for religious servants by special regulations, initiated by any institution under Article 15.1 of this 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 and that means:

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 must request from the Ministry of Human Rights and Refugees of BiH 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 requested 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 legal person;
 - seat of legal person;
 - service of the person authorized to represent legal person;
 - seal and stamp used by legal person 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 church or religious community may not be founded bearing the same or similar name as that of an existing church or religious community. 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 church or religious community shall be submitted to the Ministry of Justice, and shall comprise:
 - The Statute or Bylaws of the church or religious community, 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 church or religious community and a designated deputy or other representative who is authorized to represent the church or religious community before the state authorities.
3. Within 30 days of submitting an application for the formation of a church or religious community 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. The Ministry may refute the application for registration, provided it concludes that the content and manner of worship and other manifestation of religion is contrary to the legal order, public morale or is damageable to the life and health or other rights and freedoms of believers and citizens.
 6. 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 church or religious community. Legal personality shall be acquired on the date of the decision's acquiring legal force.
 7. 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 church or religious community 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.
 8. 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 Transitional and final provisions

Article 20

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 21

This Law comes into force on the eighth day after its publication in the «Official Gazette of Bosnia and Herzegovina».

(Published on March 9, 2004; Official Gazette of Bosnia and Herzegovina No. 5/04; Sarajevo)