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KOSOVO: Continuing concerns over religion law draft

By Felix Corley, Forum 18 (<https://www.forum18.org>)

Despite improvements to the draft text, Protestant pastors still have concerns about the adoption of a religion law, Forum 18 News Service has learnt. The Catholic Church hopes that anything not included in the law now can be changed later, and Bishop Artemije of the Serbian Orthodox Church has refused to take part. Chief mufti Naim Ternava has demanded religious education in schools and that the state pay for up to 2,000 imams. Concerns have also been expressed about the Religious Affairs Department led by Isa Ukella, an official who was in charge of religious affairs in Communist times. Protestant sources have told Forum 18 that "He still pressures believers." The United Nations Mission in Kosovo (UNMIK) has insisted to Forum 18 that any religion law will conform to international human rights standards. One observer noted that the appointment of Danish diplomat Søren Jessen-Petersen, as UN Special Representative, led to UNMIK ceasing to ignore religion and starting to play a much more positive role.

Protestants have expressed continuing concerns about the process of adopting a religion law in Kosovo, despite a vastly improved draft text since last year, a number of pastors have told Forum 18 News Service. While the Serbian Orthodox Church refused to take part in the process, insisting it was "not properly invited", and the Catholic Church and Bektashi Dervish Muslim community have largely remained outside the debate, the Islamic community is pressing for mandatory religious education in schools to be added to the law and state payment for imams. The judicial committee of the Kosovo Assembly in the capital Prishtina heard varying views at a 15 June session, and the committee is due to consider the draft again on 4 July, according to the assembly website. Hajzer Salihu, a legal advisor in the Prime Minister's office, told Forum 18 from Prishtina on 24 June that he expected the final text to be approved by the assembly in September.

But the legal department of the United Nations Mission in Kosovo (UNMIK) insisted to Forum 18 that it will make sure that any religion law which goes to Søren Jessen-Petersen, Special Representative of the UN Secretary-General, for the necessary final approval conforms to international human rights standards. "The latest text is a great improvement on last year's since our staff gave their input, but this is not the end of the line," one official told Forum 18 from Prishtina on 30 June on condition of anonymity. "The text can be improved further if necessary – it will go through a final human rights vetting."

The Organisation for Security and Cooperation in Europe (OSCE) Mission in Kosovo believes the text is much improved since the first version last year. "The text itself has changed and the largest human rights concerns were addressed," spokesperson Sven Lindholm told Forum 18 from Prishtina on 21 June.

Prime ministerial legal adviser Salihu insists that a religion law is needed because Kosovo does not have one. "With this law all legal gaps dealing with issues of religious freedom shall be eliminated and shall be covered with respective provisions which are in the compliance with European standards," he told Forum 18.

After widespread complaints over the previous draft, prepared by Kosovo's government last November (see F18News 19 November 2004 http://www.forum18.org/Archive.php?article_id=457), the government drew up a new version, which it presented to the assembly on 15 April. Leading the drafting process was Besnike Mehmeti, legal officer in the Prime Minister's office. The Muslims, Catholics and Orthodox – regarded as the three traditional faiths – were represented in the working group drafting the law, together with Protestants. The Jehovah's Witnesses - who are mainly ethnic Roma and Serbs - and the Bektashi - who are mainly elderly and concentrated around the town of Gjakovo (Djakovica in Serbian) - were invited, but did not play a significant role.

Professor Qemajl Morina, dean of Islamic Studies at the Islamic faculty in Prishtina, said the Islamic Community finds most of the draft acceptable, but is disappointed that it does not introduce religious education in public schools or set out religious communities' rights to regain property confiscated during the Communist period or compensation in lieu. "Such return of property hasn't even started," he complained to Forum 18 from Prishtina on 30 June. "Three or four mosques and a Catholic church were demolished in Prishtina in the 1950s, and many elsewhere. No compensation has been given."

The chief mufti Naim Ternava complained at the 15 June assembly committee session that the Islamic Community's concerns have not been listened to. As well as demanding religious education in schools and the return of property be included in the draft, he also called for up to 2,000 imams to be paid by the state. The Islamic Community also wants state funds to cover insurance payments by employees of religious organisations and wants a Religion Ministry to be established.

Fr Shan Zefi of the Apostolic Administration of Prizren, who represented the Catholic Church in the drafting process, said his Church is generally happy with the draft. "It is not perfect – nothing in this world is perfect," he told Forum 18 on 1 July. "But it's our first religion law, so it is adequate to start with." He said the Catholics hope that anything not included in the law now can be changed later.

Pastor Skender Hoti of the Emanuel Centre Church in Gjakova welcomed the removal of the requirement in the previous draft for religious communities to have at least 500 members before they can register. But he told Forum 18 on 30 June that he still has some concerns about registration requirements in the latest draft.

Pastor Artur Krasniqi of the Fellowship of the Lord's People, a Protestant church in Prishtina, also has concerns, although he too recognises improvements since last year. He believes the current draft will make it difficult for new religious communities to gain legal status, and also questions whether Protestant communities will get tax concessions if they register individually rather than in one big alliance. He also fears that the law will not end problems over the lack of secular or Protestant graveyards (Muslims, Catholics and Orthodox have their own). He cites the problem of a pastor, who died last year in Gjakovo, who was buried with Muslim rites as otherwise he would not have been able to be buried in a cemetery which Muslims claim.

Bishop Artemije (Radosavljevic) of Raska and Prizren, who heads the Serbian Orthodox Church in Kosovo, declined absolutely to discuss the proposed new law. "No comment," he told Forum 18 from Gracanica monastery on 1 July. The bishop has a policy of not cooperating with Kosovo institutions or the international organisations that run Kosovo. Forum 18 has therefore been unable to establish whether and if so how the Kosovo government invited the Orthodox to take part in the drafting process. Privately, two priests complained to Forum 18 that the Church had not been invited properly to take part.

Some Protestants have expressed concern about the Religious Affairs Department, now within the Ministry of Community and Returns, led by Isa Ukella, an official who was in charge of religious affairs in the later Communist period. "He used to act against Protestants very aggressively then, especially against foreign missionaries who began to come in at the end of the 1980s," one Protestant told Forum 18. "He still pressures believers, warning them that they should be careful."

Pastor Krasniqi believes Ukella – who is a Muslim - has too powerful a role in religious affairs. "He describes himself as 'chief of religions'. That would make him bigger than the pope," he told Forum 18. "He likes to control religion as in the Communist times." He said he and his Church have always opposed a religion ministry or office. "The latest draft law speaks about a government religious commission made up of officials and representatives of religious organisations, but doesn't define what its role should be."

Baptist pastor Bekim Beka is less concerned about Ukella. "He was not our choice but we have to accept him," he told Forum 18. "He is not in a decision-making position, so he cannot obstruct our work." Beka says some government officials still believe they should control religious activity. "There is no need for that – we don't need a ministry of religions as they have in some countries of the region. But an office that coordinates social activity by religious organisations is OK."

Although provisions in last November's draft that would have made it difficult for newly-founded religious communities to gain legal status have now been removed, some observers believe the government is still working to prevent them gaining ground. "The government is reluctant to see too many religious communities," one foreigner who has worked with local religious communities told Forum 18 on condition of anonymity. "They made this very clear to me." The observer believes this makes the law very sensitive, even though religious observance in Kosovo is generally low. "The government feels it has enough problems without conflicts over newer religious communities."

Another foreigner who has worked with religious communities believes that UNMIK is now playing a much more positive role after ignoring religion for the first few years of its existence. "This changed after Søren Jessen-Petersen became special representative in 2004," the observer told Forum 18. "But even then I heard talk privately among UNMIK officials that a Turkish model would be ideal for the Orthodox Churches – unused churches would be preserved as museums and the patriarch has to be a local citizen."

However, the latest draft of the religion law has removed the controversial requirement in last November's text that a religious leader had to be "a citizen of Kosovo", a requirement that appeared to have been targeted at the Orthodox Church, both of whose bishops were born in central Serbia (see F18News 19 November 2004 http://www.forum18.org/Archive.php?article_id=457).

For more background information, see Forum 18's Kosovo religious freedom survey at http://www.forum18.org/Archive.php?article_id=137

For a personal commentary by a KFOR military chaplain on the future of Kosovo, see http://www.forum18.org/Archive.php?article_id=449

A printer-friendly map of Kosovo & Serbia (map title Serbia and

Montenegro) is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=yugosl> . The

map follows international legal usage in indicating the boundaries of territories. Kosovo is in international law part of Serbia & Montenegro, although administered by the UN.

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