

OSR 2006/OLA/Regulation

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UNITED NATIONS  
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Administration Mission in  
Kosovo



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Intérimaire des Nations Unies  
au Kosovo

UNMIK/REG/2006/48  
24 August 2006

**REGULATION NO. 2006/48**

**ON THE PROMULGATION OF  
THE LAW ON FREEDOM OF RELIGION IN KOSOVO  
ADOPTED BY THE ASSEMBLY OF KOSOVO**

The Special Representative of the Secretary-General,

Pursuant to the authority given to the SRSG under United Nations Security Council resolution 1244 (1999) of 10 June 1999,

In conformity with sections 8.1, 9.1.44 and 9.1.45 of the Constitutional Framework for Provisional Self-Government (UNMIK Regulation No. 2001/9),

Taking into account a communication from the President of the Assembly of Kosovo, dated 28 July 2006 concerning the Law on Freedom of Religion in Kosovo adopted by the Assembly of Kosovo on 13 July 2006,

A. Hereby promulgates effective as of the date of signature, subject to Part B below, the Law on Freedom of Religion in Kosovo adopted by the Assembly of Kosovo (Law No. 02/L-31) attached to the present Regulation; and:

B. Determines that article 5.4 of the Law is hereby revised to read as follows:

5.4 All religions and their communities in Kosovo including the Islamic Community of Kosovo, the Serbian Orthodox Church, the Roman Catholic Church, the Jewish Religious Community and the Evangelical Church shall be afforded every protection and enjoyment of the rights and freedoms provided by this Law.

The change in B above shall be reflected in the final official text of the Law.

Signed on this 24<sup>th</sup> day of August 2006.

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Steven P. Schook

Acting Special Representative of the Secretary-General

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PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT

**KUVENDI I KOSOVËS**  
**СКУПШТИНА КОСОВА**  
**ASSEMBLY OF KOSOVO**

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*The office of the President*

Pristina, 28 July 2006

**Mr. Soren Jessen-Petersen**  
**Special Representative of the Secretary-General**  
**UNMIK HQ – Pristina**

Dear Mr. Soren Jessen-Petersen,

I am pleased to forward you the Law No. 02/L-31 on Freedom of Religion in Kosovo as adopted after its second reading by the Assembly of Kosovo on (July 13, 2006).

In compliance with the Constitutional Framework section 9.1.39 the Assembly of Kosovo has been waiting during 48 hours in case a Community may have decided to challenge the approved law. No Challenge occurred.

On behalf of the Assembly, I submit this approved law to you and, with respect, urge you to expedite the necessary administrative action to promulgate and enforce it.

Yours sincerely ,

*President of the Assembly of Kosovo*

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**Kolë Berisha**



PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT

**KUVENDI I KOSOVËS**  
**СКУПШТИНА КОСОВА**  
**ASSEMBLY OF KOSOVO**

Law No. 02/L-31

**ON FREEDOM OF RELIGION IN KOSOVO**

Assembly of Kosovo,

Pursuant to Chapters 3.1, 3.2, 5.7 and 9.1.26(a) on the Constitutional Framework for Provisional Self-Government in Kosovo (UNMIK Regulation No. 2001/9 dated from 15 May 2001), and standards on human rights and liberties covered by international and regional declarations and conventions under the competence of the Council of Europe,

Proceeding from the fact that freedom of religion and belief is a fundamental human right, among other internationally recognized fundamental principals and standards on the freedom of expression, conscience and religion,

Affirming the right of all, without discrimination on any ground and in full equality before the law, to freedom of expression, conscience and religion, regardless of religious conviction or conscience,

Proceeding from the tradition of the common religious life in Kosovo

Aware of our heritage and the traditional values of tolerance, common life and the multi-religious character of Kosovo,

Endeavoring to define unique legal provisions, which will provide equal rights and obligations to religious communities, without any discrimination,

Recognizing the importance for further progress of mutual understanding, tolerance and awareness, and respect of the freedom of expression, conscience and religion;

Hereby adopts the following:

**LAW ON FREEDOM OF RELIGION IN KOSOVO**

Article 1  
Freedom of Religion

1.1. Everyone has the right to freedom of thought, conscience and religion. This right includes the freedom to have, not to have, to retain or to change one's religion or belief and the freedom, either alone or in community with others, in public or in private, to manifest one's religion or belief, in worship, teaching, practice and observance.

1.2. The right of freedom, religion or belief shall include, *inter alia*, the following freedoms:

- a. To worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes;
- b. To establish and govern charitable or humanitarian institutions;
- c. To make, acquire and use the necessary articles and materials related to the rites or customs of a religion or belief;
- d. To write, issue and disseminate relevant publications in these areas;
- e. To teach a religion or belief in places dedicated for these purposes;
- f. To solicit and receive financial contributions and other voluntary contributions from individuals and institutions;
- g. To train, appoint, elect or designate by succession their leaders called for by the requirements and standards of any religion or belief;
- h. To respect days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religion or belief; *and*
- i. To establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels.

1.3. The freedom to express one's religion or belief shall only be subject to limitations as are prescribed by law and are necessary in a democratic society to ensure public order and safety, to protect public health and morals, human rights and fundamental freedoms of others.

## Article 2 Protection from Discrimination

2.1. No one shall be discriminated or privileged in any way on the basis of religious convictions, of belonging or not belonging to a religious denomination or of the observance of religious ceremonies and rituals.

2.2. No one shall be hindered or forced to participate in religious ceremonies or in other forms of manifestation of religious conviction.

## Article 3 Religious Equality

All persons, regardless of their belief or conviction or affiliation to any religious denomination, or participation in any religious ceremony, are equal before the law and are entitled to the same rights in their civil, political, economic, social and cultural life. All legal and natural persons are entitled to equal protection by law.

Article 4  
Protection by Penal Law

4.1. The right to manifest one's religion or belief may not be abused by inciting, provoking or stimulating, religious or racial intolerance or hatred, by impairing the right to life, the right to physical or mental health, the rights to children or the right to respect for private and family integrity.

4.2. The assault of any religious official, the destruction or damage of any religious sites or facilities or other property of religious communities as well as any activities or acts aimed at the instigation, provocation or stimulation of religious hatred shall be punishable under the Provisional Criminal Code of Kosovo.

Article 5  
Religious Neutrality

5.1. There shall be no official religion.

5.2. Religious communities shall be separated from public authorities.

5.3. All public authorities shall recognize tolerance and mutual respect among religions.

5.4. Religious communities in Kosovo enjoy all the rights with this Law.

5.5 Recognizing their identity and their specific contribution to society, the public authorities shall maintain an open, transparent and regular dialogue with religious associations, religious communities in matters of common interest.

Article 6  
Freedom of the Religious Association

6.1. The right of association for religious purposes is guaranteed in accordance with the Law in force in Kosovo.

6.2. The formation of a religious association which, by name or statute, purports to be officially linked to or recognized by a specific religious community is prohibited without the consent of the said community.

Article 7  
Self-Determination and Self-Regulation

7.1. Religious communities are free in the determination of their religious identity.

7.2. Religious communities shall independently regulate and administer their internal organization.

7.3. Religious communities are free in establishing and maintaining communication with individuals and communities at the national and international level as well as forming associations with other religious communities and groups at the national and international level in accordance with the Law in force.

Article 8  
Places of Worship

8.1. Buildings and premises belong to religious communities dedicated to the performance of religious ceremonies are considered inviolable with regard to governmental authorities' intervention, unless a judicial order is issued due to illegal activities or in the case of imminent danger to life or health.

8.2. Unobstructed access by pilgrims, guests and persons who live permanently or temporarily in religious institutions or premises should be guaranteed. This obligation shall be taken into account for the application of the relevant provisions concerning residence and travel.

8.3. The possibility for religious communities to restrict access to their sites within the framework of self-administration shall be guaranteed in accordance with international standards.

Article 9  
Religious Education

9.1. Religious communities are free to establish educational institutions for their needs pursuant to the Law in force.

9.2. The Law on Higher Education regulates the matter of theological studies at universities.

9.3. Schools run by religious communities shall be governed by the neutral application of relevant laws as are other private schools.

9.4. Everyone is free to choose or not to choose religious education according to personal convictions and beliefs. Parents or other legal guardians are entitled to determine the religious and ethic instruction for their children in accordance with their own convictions or beliefs.

9.5. The religious education and upbringing of a minor may not impair his or her physical or mental health or development.

Article 10  
Freedom of Information

10.1. Religious communities and their institutions shall have the right, within the boundaries of the Constitution and the law, to publish information by using all forms of media.

10.2. Religious communities shall be obligated to clearly state their full name in any religious publications, periodicals, and other religious materials, correspondence and public announcements of activities.

10.3. Religious communities shall be entitled to equitable access to public media.

Article 11  
Spiritual Counseling

11.1. With the aim of realizing religious freedom, public authorities shall take measures to guarantee the availability of spiritual counseling in hospitals, in areas of custody or imprisonment, as well as in social care institutions.

11.2. Religious ministers are exempted from the duty to testify in procedures before public authorities and courts of law with respect to any facts or circumstances which they learned in the course of their spiritual counseling.

Article 12  
Financial Matters

12.1. Issues relating to duties, taxes and customs with regard to religious communities shall be governed by the Law in force.

12.2. Institutions of religious communities shall be exempt from the obligation to pay taxes or other general contributions, with regard to the following:

- (a) Places of worship, other properties or parts of properties of religious communities that have as their direct purpose the realization of religious convictions or beliefs, including welfare and charitable objectives;
- (b) Activities that have as their direct and exclusive purpose the realization of religious convictions or beliefs including welfare and charitable objectives; *and*
- (c) Seminaries or other establishments for the training of religious ministers or teachers of religious education.

12.3. Religious communities shall retain the right to ownership, possession and enjoyment of their institutions, endowments, sacred objects and funds devoted to worship, instruction and welfare.

12.4. Religious communities may receive financing from income from their property, from inheritance and gifts, from charitable and other voluntary contributions, as well as by performing other activities in compliance with the Law in force.

Article 13  
Social Benefits

13.1. The clergy of religious communities enjoy the right to pension, health insurance and other rights based on the Law in force.

13.2. For implementation of their religious activities, religious communities may enter into legal relations and conclude contracts with the religious personnel and other employees. The religious personnel and other employees, with whom the religious community has concluded activities, realize their rights pursuant to the work relations and the work performed, similar to other employed persons.

13.3. Regular attendees of religious schools and religious faculties are entitled to their health security rights, child benefits, pension and disability insurance, social assistance rights and public traffic rights, under the same manner and terms realized by attendees of public schools and faculties.

Article 14

The present law shall enter into force after adoption by the Assembly of Kosova on the date of its promulgation by the Special Representative of the Secretary-General.

Law No. 02/L-31  
13 July 2006

President of the Assembly

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Kolë Berisha