

For the freedom to profess
religion in the contemporary
world.

Counteracting the causes
of discrimination and helping
the persecuted based on the example
of Christians



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The religious freedom in Croatia: the current state and perspectives

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Introduction

The aim of this expertise titled “The religious freedom in Croatia: the current state and perspectives” is to provide up-to date information about current situation in Croatia regarding the issue of religious freedom and its future perspectives.

To achieve this aim, the paper will be divided in the following sections with the following themes and agendas. In first chapter we will analyse legislative definitions of the concept of religious freedom, but also philosophical and theological definitions of freedom, religion, freedom to profess religion. After that we will look at definitions of religious persecution and intolerance toward the freedom to profess religion. In this way we will have good foundation for our main agenda. In the second chapter our goal will be provide framework of our theme. Because of that we will analyse the freedom to profess religion and religious persecution in Europe and then in Croatia, with the help of couple of recognized NGO that deal with this topic. In this way we will gain better understanding and contextualisation of our theme. In the third chapter we will provide recent examples of religious persecutions in Croatia or of denial of the religious freedom. Cases that we will discuss and analyse are of different sort: from themes of religious activities in public space, religious symbols in public in public and state institutions, to cases of freedom to profess religious teachings and attitudes in schools, public discourse, and at work with special attention to conscience objection.

Although Catholics in Croatia understand themselves and are seen by others as “silent majority”, there were cases where certain groups opposed to situations that they held as examples of religious discrimination and persecution. Therefore, in fourth chapter we will provide examples of possible defence strategies to religious persecution, such as first protest “Stop Christianophobia” in Croatia; also establishment of “Ordo Iuris” for those under attack by anti-Christian measures; then the first lawsuit in Croatia against hate speech and discrimination towards believers. Since cases of religious persecution are usually enabled and fuelled by certain prejudices and stereotypes, in the fifth chapter we will analyse the notion of anti-Catholic prejudices. As many believe that media are to blame for spreading the anti-Catholic prejudices and stereotypes, we will provide results of recent scientific project that deals with this topic. We will therefore analyse in this chapter how is Church seen in Croatia through media: positively or negatively, and what kind of anti-Catholic prejudices are developed through media?

In the conclusion of this work we will provide short synthesis of what was previously said about the situation in Croatia and what kind of future situation we could expect to develop in Croatia. After that we will put forward our perspective on how to change the future and oppose further spread of religious persecution.

1. Definitions of religious persecution and freedom to profess religion

In the first chapter of this work we will introduce the issue of religious freedom and religious persecution. The concept of the freedom to profess religion can be divided into two more fundamental concepts: freedom and religion. Beside those concepts we will also provide understanding of their relationship – the freedom to profess religion. Therefore, in the first part of this chapter we will discuss philosophical, theological and legislative definitions of freedom, religion, and freedom to profess religion. After that we will look at legislative definitions of religious freedom. In the final step of this chapter we will analyse definitions of religious persecution and intolerance toward the freedom to profess religion.

1.1. The Prologue for freedom to profess religion

1.1.1. Philosophical and theological perspectives of the concept of freedom

What does it mean when we say that we are free beings? How do we conceive our freedom and what do we mean by it? Are we absolutely free beings or there are some constraints? We will discuss our freedom in a philosophical and theological perspective.

First let's look at the concept of freedom as such. When we use the word "freedom" or "free will" what do we mean and which forms of human behaviour we encompass? In everyday speech, the word "freedom" knows the different contents with which it is shaped. We can divide them into five stages: a) free movement in accordance with its own dynamics; b) free conduct that is not conditioned by external coercion; c) free conduct that is not conditioned by external coercion and which involves the moment of knowledge and conscious action – in Aristotelian sense it is the freedom of will; d) freedom as a methodological action carried out in accordance with certain laws; e) freedom in the perspective of autonomy – an entity sets rules and laws for itself to hold them. In this way, we are encompassing situations and experience from freedom of movement (the first two degrees), through human intellect and decision-making where we experience freedom of our human will (third degree), to freedom and reason (fourth degree), and finally freedom as autonomy (fifth degree)¹.

Therefore, human freedom emphasizes the autonomy of man with the central idea of *causa sui* (self-causing), *as the spontaneous action of the subject that its causes are not outside himself, but only in himself, and that, as such, it is an essential part of a him special nature*².

Philosophy also emphasizes that freedom is realized in a negative and positive sense. In a negative sense, man is "free of something". That means that he can be independent of any internal or external causes that force him to act in a certain way. In a positive sense, man is "free for something". That means that he is free to decide for a certain value (for instance – to be good) and then try to achieve it³.

In everyday life, where we make our choices and acts, where we practise our freedom, man is revealed as a being who has the possibility of choice. We can distinguish between: a) the possibility of choice between action and non action (*libertas exercitii*). For example: Will I get up of bed and come to work or will I remain in bed sleeping; b) the possibility of choosing between two opposite values (*libertas contrarietatis*). For example, the choice between good and evil, or between two political parties; c) the possibility of choosing within different versions of the same value (*libertas specificationis*). For

[¹] N. Malović, *Suvremeno poimanje slobode i njegove posljedice za kršćansku praksu*, „Bogoslovska smotra“, 85 (2015) 4, p. 941 – 955, p. 942.

[²] Š. Marasović, *Kršćanska društvena svijest. Prilozi iz društvenog nauka Crkve*, Split 2010, p. 120.

[³] Š. Marasović, *Opća moralna teologija (skripta)*, Šibenik 1995, p. 63.

example, it is a choice of a specific form of relationship that I want to attain with another person – acquaintance, friendship, or marriage.

We can say that freedom of will is shown in the fact that one has the ability to choose and make decisions between multiple possibilities. When we make our everyday decisions, with the help of our reason, emotions, or intuitions, in this act of decision is realized *voluntas deliberate* (thoughtful freedom). In this way, we are free beings, independent in choosing our aims. But, at the same moment we are also responsible for our actions and decisions. Once we choose our goals, then such an act includes a “readiness for effort” to achieve the selected end. What is important to emphasize is that freedom of will, like all other natural attributes of the human being, *is firstly given to a man in a small seed; so freedom, therefore, must grow alongside the rest of life*⁴.

After this short philosophical introduction to the concept of freedom, we will not turn to the theological understanding of what it means to be free. This insight will additionally clarify how Christians understand their freedom in the religious perspective and what they expect from the society and members of society in this regard.

The theological understanding of the freedom and free will is a synthesis of philosophical and biblical concepts. Biblical and theological thought develops freedom not only from the possibility of choice, as in the above case of philosophy, but also from the fact that Christians “live their freedom and, by the Bible and Christian theology, this freedom is the result of salvation of Jesus Christ, and is always a gift of grace”⁵. Theology therefore thinks about freedom as freedom of choice, but also freedom as a graceful gift from God⁶.

Precisely because of the relationship with God’s freedom, human freedom is not at risk of arbitrariness, in which it can claim for absolute freedom that establishes what is good and what is evil. St. John Paul II. in the encyclical letter *Veritatis Splendor* reminds us on *the Book of Genesis* where we read that the Lord God commanded the man, saying, *You may eat freely of every tree of the garden; but of the tree of the knowledge of good and evil you shall not eat, for in the day that you eat of it you shall die* (Gen 2:16–17). For St. John Paul II. this imagery teaches faithful that the power to decide what is good and what is evil does not belong to man, but to God alone. The human freedom is guaranteed only if humans can understand and accept God’s commands. Humans therefore possess an extremely far-reaching freedom, because they can eat *of every tree of the garden*. The important and fundamental notice is his freedom is not unlimited, for it must restrain itself before *the tree of the knowledge of good and evil*. In theological terminology, Christians are called to accept the moral law given by God. That is why St. John Paul II. will write that *human freedom finds its authentic and complete fulfilment precisely in the acceptance of that law. God, who alone is good, knows perfectly what is good for man, and by virtue of his very love proposes this good to man in the commandments*⁷.

1.1.2. The concept of religion

In the second step we will try to provide short insight into the concept of religion and religious experience. The phenomenon of religion is present in all known human cultures that have different religious attitudes and religious behaviour. The attempt to define religion therefore requires a thorough analysis, but, given the given form of our work, we must satisfy with the humble approach to this phenomenon. Religion is the relationship of man with the sacred, *whereby ‘relationship’ can have a great breadth*

[⁴] Ibid., p. 67.

[⁵] Š. Marasović, *Kršćanska društvena svijest*, p. 120.

[⁶] Ibid., p. 124.

[⁷] J. Paul II, The Encyclical letter *Veritatis splendor. On some fundamental questions of the Church’s Moral Teaching*, Vatican 1993, number 35.

of meaning and include theoretical, aesthetic and ethical religious act⁸. Human adoration of the sacred is expressed through the system of beliefs, ethical values and acts. According to St. Thomas Aquinas, all who honour and serve God can be called religious⁹.

Although expressive religious forms can be multifaceted, they are so general that a human being can be characterized as a *religious being*¹⁰. The aim of this paper is not to defend the thesis that human beings are *homo religiosus*, but there are strong natural and cultural reasons for claiming this. Yet, we will satisfy just to briefly mention the numbers concerning the presence of religious people in the world, but also the future possible developments of these numbers. This will show how the presence of religion in human population is guaranteed in the following decades, even growing in numbers. This means that the issue this project is dealing with is of central importance not only for the moment, but also for our future.

The Pew Research Center provided the information about the global religious landscape in 2015, but also projections of changes of global religious landscape until 2060. Christians were the largest religious group in the world in 2015, making up nearly a third (31%) of Earth's 7.3 billion people. Muslims were second, with 1.8 billion people, or 24% of the global population, followed by religious "nones" (16%), Hindus (15%) and Buddhists (7%). Adherents of folk religions, Jews and members of other religions make up smaller shares of the world's people.

Looking at the future, between 2015 and 2060, the world's population is expected to increase by 32%, to 9.6 billion. Over that same period, the number of Muslims – the major religious group with the youngest population and the highest fertility – is projected to increase by 70%. The number of Christians is projected to rise by 34%, slightly faster than the global population overall yet far more slowly than Muslims. As a result, according to Pew Research Center projections, by 2060, the count of Muslims (3.0 billion, or 31% of the population) will near the Christian count (3.1 billion, or 32%).

Except for Muslims and Christians, all major world religions are projected to make up a smaller percentage of the global population in 2060 than they did in 2015. While Hindus, Jews and adherents of folk religions are expected to grow in absolute numbers in the coming decades, none of these groups will keep pace with global population growth. The religiously unaffiliated population is projected to shrink as a percentage of the global population, even though it will increase modestly in absolute number.

In 2015, there were slightly fewer than 1.2 billion atheists, agnostics and people who did not identify with any particular religion around the world. By 2060, the unaffiliated population is expected to reach 1.2 billion. But as a share of all people in the world, religious "nones" are projected to decline from 16% of the total population in 2015 to 13% in 2060. While the unaffiliated are expected to continue to increase as a share the population in much of Europe and North America, people with no religion will decline as a share of the population in Asia, where 75% of the world's religious "nones" live¹¹.

Having in mind these numbers and already stated fact that religious behaviour is strongly present in all known human cultures in our history, we can state and defend with arguments that the human being is a *homo religiosus*, meaning that religious behaviour is a part of his nature. Furthermore, if the numbers of atheists, agnostics and people who did not identify with any particular religion around the world, will continue to grow in Europe, then we can expect to have more problematic situations regarding right of freedom to profess religion. All of said, are important aspects to remember for the other parts of this chapter.

After the brief introduction to the concepts of freedom and religion, we will now dedicate our attention to the concept of "freedom to profess religion".

[8] "Religion", in: *Teološki rječnik*, K. Rahner – H. Vorgrimler (eds.), Djakovo 1992., p. 486 – 488.

[9] T. Aquinas, *Summa Theologiae*, II^a-IIae q. 81 a. 1 ad 5.

[10] Hrvatska Biskupska Konferencija, *Katekizam Katoličke Crkve*, Zagreb 1994, br. 28.

[11] C. Hackett at all, *The Changing Global Religious Landscape*, Pew Research Center 2017.

1.1.3. The freedom to profess religion

How do then Christians understand their freedom to profess religion? With the help of philosophical and theological insights on the issue of freedom and religion, we can say to be a catholic is a matter of his or her free choice. Entering the relationship with God man understands that he is called to freely and responsibly live the freedom that was given to him by God. In this way, a Christians comprehend that freedom is the ability of a human being to do good in this world. Man is free to choose what is important, righteous, true and he has a special position in created world since he is the only creature created in the image of God (*imago Dei*), being a being endowed with reason and free will. *The Compendium of the Social Doctrine of the Church* emphasizes how man is a free being and hence *man's dignity demands that he acts according to a knowing and free choice that is personally motivated and prompted from within, neither under blind internal impulse nor by mere external pressure*¹².

1.2. The freedom to profess religion – legislative framework

The issue of the freedom to profess religion has legislative framework in Croatia. Therefore, to better understand the situation we will provide short introduction to the regulations concerning Europe and more specifically Croatia.

1.2.1. European laws protecting the freedom to profess religion

The European Convention on Human Rights understands freedom of thought, conscience and religion as a fundamental right. In the Article 9 of the Convention it is stated:

1. *Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.*
2. *Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.*

The European Convention in Article 2 of Protocol No. 1 deals with the right of parents to ensure the education of their children in accordance with their religious convictions. Further on, the Article 14 of the Convention, which prohibits discrimination based on, among other things, religion and opinions: *The enjoyment of the rights and freedoms set forth in [the] Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.*

The principle of freedom of religion also appears in a number of other texts. It is also important to notice that the number of cases examined by the European Court of Human Rights under Article 9 in the last fifteen years has been constantly increasing *and this trend can be explained by the increasing importance of religion and related matters in socio-political discourse*¹³.

[¹²] Pontifical Council for Justice and Peace, *The Compendium of the Social Doctrine of the Church*, Washington 2005, number 135.

[¹³] Council of Europe/European Court of Human Rights, *Guide on Article 9 of the Convention – Freedom of thought, conscience and religion*. Updated on 30 April 2019. Available at: echr.coe.int/Documents/Guide_Art_9_ENG.pdf.

1.2.2. Croatian laws protecting the freedom to profess religion

Before we look at legislative framework concerning the right to profess religion in Croatia, let us take a brief look at *the religious landscape* in Croatia. This will enable us to better understand the importance of relations between the state and the dominant Catholic Church.

According to the Population Census of Croatia from 2011, 86.28% of the population are Catholics. This is one of the highest percentages of Catholics in an European country. Further on, 4.44% are members of the Serbian Orthodox Church, 1.47% are Muslims, 0.34% are Protestants. Without religion or atheists 3.81% of the population declared, 0.76% were agnostics and sceptics, and 2.17% did not agree. Croatia and Poland are the two countries with the highest percentage of Catholics from all Slavic countries.

Now we ask, how is the relation between the state and the Catholic Church in Croatia regulated by law?

First of all, between the Holy See and the Republic of Croatia on December 19, 1996 three treaties (the concordat) were signed: one on legal issues, the other on educational cooperation and culture and the third one about the worship of Catholic believers, members armed forces and police services of the Republic of Croatia. Croatian Parliament ratified the Treaty on Legal Issues on 9 February 1997, a the other two on 24 January 1997. If look at the legal point of view, these Treaties have an international legal value and this value goes above the law of each state and is more important in a case of disagreement with existing legal provisions legal provisions of international importance prevail. Yet, these Treaties take into account existing legislation of the Republic of Croatia. What is important to emphasize is that this Treaty guarantees that the Church and the state are each in their own right of order independent. *They commit to each other to cooperate in the care for the complete spiritual and material development of man and to promote the common good (Article 1). The Catholic Church will therefore have complete freedom in the exercise of the apostolic mission concerning the worship, administration, teachings, and activities of the Catholic associations (Article 4)*¹⁴.

The relations between religion and the state is also managed in the Constitution of the Republic of Croatia. We will mention here three articles: 39, 40 and 41. In article 39 we can read how *any call for or incitement to war or use of violence, to national, racial or religious hatred, or any form of intolerance shall be prohibited and punishable by law*. Next article clearly states how *freedom of conscience and religion and the freedom to demonstrate religious or other convictions shall be guaranteed*. The article 41 further on deliberates on the relation of religions in the state and how state protects them: *All religious communities shall be equal before the law and separate from the state. Religious communities shall be free, in compliance with law, to publicly conduct religious services, open schools, colleges or other institutions, and welfare and charitable organisations and to manage them, and they shall enjoy the protection and assistance of the state in their activities*¹⁵.

In this way the Croatia protects, at least nominally, the freedom to profess religion. State and Church are separated, but not strictly separated. Church cannot interfere in state issues, but state cannot also interfere in Church issues. State has an obligation to help and protect religious communities. This kind of relation could be called “the cooperation model” between state and Church.

Regarding the organization of the state as such, in view of the articles cited, specially 41., it is still publicly debated whether Croatia is a secular state or not¹⁶. Regardless of the main issue of this debate,

[14] N. Eterović, „Ugovori između Svete Stolice i Republike Hrvatske“, *Crkva u svijetu*, 1997. (2), 181 – 186, 183.

[15] The Constitutional Court of the Republic of Croatia, *The Constitution of the Republic of Croatia. Consolidated text* (As of 15 January 2014). Official Gazette Nos 56/90, 135/97, 113/00, 28/01, 76/10 and 5/14. Edited and translated by the Constitutional Court of the Republic of Croatia. Available at: https://www.usud.hr/sites/default/files/dokumenti/The_consolidated_text_of_the_Constitution_of_the_Republic_of_Croatia_as_of_15_January_2014.pdf.

[16] I. Miklenić, “Hrvatska nije ni ‘sekularna’ ni konfesionalna država”, *Glas koncila*, August 28, 2017. available at: <https://www.tportal.hr/vijesti/clanak/glas-koncila-u-ustavu-ne-pise-da-je-hrvatska-sekularna-drzava-20170827>; M. Šurina, “Ustavni stručnjaci ne

there is often a lack of tolerance in the public debate in the view that people belonging to church have no right to comment on state affairs and decisions.

1.3. Definitions of religious persecution and intolerance toward the freedom to profess religion

Now we will enter into analyses of the denial of the freedom to profess religion. In the first part we will analyse the definition and different kinds of religious persecution and intolerance toward the freedom to profess religion. After that we will look at reasons why they occur with brief analyses of prejudice and stereotypes.

1.3.1. The religious persecution

Although a self-understanding of the term “religious persecution” might be imposed at first glance, such as that it is a term that covers all violence based on the victim’s religion, we should still look at it a little more carefully.

The persecution, first used in 14 Century, is defined as *the act or practice of persecuting especially those who differ in origin, religion, or social outlook*¹⁷. When speaking about operational definitions for religious persecution Grim and Finke conclude how some authors prefer to include any kind of harassment because of religious beliefs while for other it is put into the perspective of martyrdom. In this way some definitions are too broad and hard to measure, while some are more precise, but misses many situations that could be connected to the term.

Because of that Grim and Finke define religious persecution as *physical abuse or physical displacement due to one’s religious practices, profession, or affiliation. Thus, religious persecution is more than religious opposition or a denial of personal rights; it occurs when individuals are either physically harmed or forced to relocate due to their religious affiliation, beliefs, or practices*¹⁸. Some years later, same authors will claim that when people undergo the physical abuse or are displaced because of religion then often it is *a form of social conflict that is often embedded in larger conflicts within and between societies and countries*¹⁹.

So, when we are dealing with the case of religious persecution and when something else is at stake? To help us understand the complexity of this question, we will consult the document “UNHCR statement on religious persecution and the interpretation of Article 9(1) of the EU Qualification Directive”. In this statement from 2011, the Office of the United Nations High Commissioner for Refugees stated that persecution is constituted when committed any kind of violation of an absolute right, such as public safety, order, health, or morals or the fundamental rights and freedoms of others, or derogated from in times of public emergency threatening the life of the nation.

But we cannot consider that every violation of rights is so serious that it can be labelled as persecution. Furthermore, there is also the possibility that violent acts taken separately do not amount to persecution. Nevertheless, if various violent acts are taken together, then we could be witnessing an attack at basic human rights. For example, even though in certain cases discrimination does not

dvoje u to je li Hrvatska sekularna država, evo njihovih objašnjenja”, *Tportal*, August 8, 2017. Available at: <https://www.tportal.hr/vijesti/clanak/ustavni-strucnjaci-ne-dvoje-je-li-hrvatska-sekularna-drzava-evo-njihovih-objasnjenja-foto-20170828/print>.

[17] “Persecution”, in: Merriam-Webster Dictionary, available at: <https://www.merriam-webster.com/dictionary/persecution>.

[18] B. J. Grim, R. Finke, *Religious Persecution in Cross-National Context: Clashing Civilizations or Regulated Religious Economies?*, „*American Sociological Review*”, 72, (2007) 4, 633–658, 643.

[19] B. J. Grim, R. Finke, *The Price of Freedom Denied. Religious Persecution and Conflict in the Twenty-First Century*, Cambridge 2011, XII.

reach the classification of persecution, *it can constitute persecution if there has been a persistent pattern of discrimination which in itself constitutes a serious violation of the prohibition of nondiscrimination, including by seriously restricting the applicant's enjoyment of other human rights – for example, the right to practise his or her religion*²⁰. Therefore, when discussing these issues, it is always mandatory to understand concrete situation of the person in case.

The freedom to profess religion is therefore in opposition to the religious persecution. If people are free to profess their religion, then there is no religious persecution. If people are persecuted because of their beliefs, then there is no freedom to profess religion. It should be mentioned that there are cases in which the denial of the right to profess religion doesn't not necessary fail under persecution, but each case is case for itself. We will later on comment some cases from Croatia on the topic of the freedom of religion, that could be also classified as religious persecution.

1.3.1.1. Terminological clarifications

Since we will benefit from the above clarification of main concepts that we are talking about (freedom, religion, religious persecution...) it will also be useful to shortly describe certain concepts that will occur during further analyses. Let's go through some of the main concepts. Attitude of person can be understood as a mental position regarding a particular fact or topic. The concept of bias, that is close to prejudice, can be defined as a personal judgment, often unreasoned and prejudiced outlook. Discrimination is an unfair treatment based on arbitrary standards or criteria. Also, socialization is the process by which a culture is learned, usually through the influences a youth experiences while growing up. The most important concept for discussing religious freedom and religious persecution is prejudice. This is a highly complex phenomena, with a long history of development. Nevertheless, we could state that it is a negative attitude, emotion, or behaviour toward individuals based on a prejudgment about those individuals with no prior knowledge or experience. Furthermore, stereotyping is an oversimplified prejudgment of others using physical or behavioural characteristics, usually exaggerated, that supposedly apply to every member of that group²¹.

2. The freedom to profess religion and religious persecution

In this chapter our goal will be to provide further details about our working framework of our theme. Because of that we will analyse the freedom to profess religion and religious persecution in Europe and then in Croatia, with the help of official Reports from recognized NGO that deal with this topic. In this way we will gain better understanding and contextualisation of our theme.

2.1. The situation in Europe

Religious persecution is usually regarded when considering tragic events on Middle East or in economically poor countries, or in countries tormented by the war. Nevertheless, there is much more to this concept and the reality of it is much closer to us than we think. Because of this we will try to understand what is happening in European Union, of which Croatia is the youngest member.

[²⁰] UN High Commissioner for Refugees (UNHCR), *UNHCR statement on religious persecution and the interpretation of Article 9(1) of the EU Qualification Directive*, 17 June 2011, C-71/11 & C-99/11, available at: <https://www.refworld.org/docid/4dfb7a082.html>, p. 9.

[²¹] R. C. Hanes, S. M. Hanes, K. Rudd, *Prejudice in the Modern / World Almanac*, volume 1, Detroit 2007, p. 20.

Religious persecution is growing in scale and intensity. Different reports from different organizations, such as United Nations and different NGOs, clearly point to the conclusion that religious persecution is gaining its momentum, threatening the societies around the world. According to some calculations, one third of the world's population suffers from religious persecution in some form²².

Further on, there is a growing number of evidences how Christianity is the most persecuted religion of modern times. *The Open Door* (OD) delivered a *Report* in 2019 that showed how persecution of Christians is continuing to escalate, as in this actual year 40 of the 50 *World Watch List* countries have been designated as countries where Christians are at risk of very high or extreme levels of persecution. Approximately 245 million Christians living in the top 50 countries experience high levels of persecution or worse²³. Many other reports and analyses show how Christians are under persecution that is becoming more and more violent²⁴. This is also extremely important since in a great number of countries many human rights depend on religious rights. *Christian persecution is a human rights issue and should be seen as such. Freedom of Religion or Belief is perhaps the most fundamental human right because so many others depend upon it*²⁵.

Regarding the justification why to focus only on Christian persecutions, which is also important for justification of our topic in this paper, Rt. Rev. Philip Mounstephen stated a couple of reasons, among them that holds how Christianity as a world religion has become *a bellwether for repression more generally*. In this way, if in some context Christians are being discriminated, then probably also other minorities are facing the same problems. Therefore, *renewing a focus on Christian persecution is actually a way of expressing our concern for all minorities who find themselves under pressure. And ignoring Christian persecution might well mean we're ignoring other forms of repression as well*²⁶.

There could be an idea that one thing is the persecution of Christians in the West and another in other parts of the world. But, is Europe such a safe environment for Christians, free of any kind of persecution?

Good introductory ideas about various possibilities of religious persecutions are well posited by Pope Francis who in April 2016 said that there are two kinds of persecutions. *There is the explicit kind — to which he related to the martyrs killed at Easter in Pakistan — and the sort of persecution that is polite, disguised as culture, modernity and progress, and which ends up taking away man's freedom and even the right to conscientious objection*²⁷.

The first type of persecution is constantly present in areas of the world described above and is due to confessing the name of Christ and it is thus a clear, explicit type of persecution. Yet, the second type of persecution is often spoken about since it is *disguised as culture, disguised as modernity, disguised as progress: it is a kind of — I would say somewhat ironically — polite persecution*²⁸. Pope Francis claims that it is recognizable *when someone is persecuted not for confessing Christ's name, but for wanting to demonstrate the values of the Son of God*²⁹. Thus, it is a kind of persecution against God the Creator in the person of his children. Pope Francis' arguments that we can see in everyday situations when the powerful make laws that force individuals and nations to follow certain laws. If they do not do it, they are politely persecuted, *if you don't do this, you will be punished: you'll lose your job and many other*

[22] P. Mounstephen, *The Bishop of Truro's Independent Review for the UK Foreign Secretary of Foreign and Commonwealth Office Support for Persecuted Christians. Final Report and Recommendations*, Crown Copyright 2019, p. 15, available at: <https://christian-persecutionreview.org.uk/storage/2019/07/final-report-and-recommendations.pdf>.

[23] *The Open Doors World Watch List Report 2019*, Matthew Rees (ed.), 3. Available at: <https://www.opendoorsuk.org/persecution/resources/wwl-advocacy-report-2019.pdf>.

[24] P. Mounstephen, *The Bishop of Truro's Independent Review*, p. 15–17.

[25] *Ibid.*, p. 6.

[26] *Ibid.*, p. 7.

[27] Pope Francis, *Two kinds of persecution* (Tuesday, 12 April 2016), "L'Osservatore Romano", Weekly ed. in English, n. 16, 22 April 2016.

[28] *Ibid.*

[29] *Ibid.*

things, or you'll be set aside. Pope Francis concludes that *God made us free, but this kind of persecution takes away freedom*³⁰.

According to *the Observatory on Intolerance and Discrimination against Christians in Europe (Dokumentationsarchiv der Intoleranz gegen Christen)*, Christians have been fired, sued, and even arrested for exercising their freedom of expression or conscience. Therefore, Christians in Europe are not simply experiencing “polite persecution” but also clergy and layman have been killed or attacked for their faith, churches vandalized, robbed, and burned. There is also a tragic phenomenon of attacks against Christian refugees and asylum seekers in Europe.

To have a better insight into the situation in Europe, a good place to start is the above mentioned Observatory, that is a non-governmental and not-for-profit organization registered under Austrian law and funded by private donations.³¹ “Intolerance and Discrimination against Christians” is the phrase they use to describe the ranges of hostilities and marginalization. Their examples include different kind of religious persecutions, such as physical attacks and threats against individual or communities, desecration and vandalism of Christian sites, discriminatory laws and biased application of facially ‘neutral’ laws, exclusion of Christians and Christian symbols from the public sphere, interference with parents’ rights, and violations of freedom of religion, expression, association, and conscience.

Their work is visible also in Reports that are made of cases of intolerance and discrimination against Christians, starting from 2005. Let us take a short introduction into couple of last of these Reports, because it will give us an argument in favour of the thesis that religious persecution in Europe is growing, but also the severity of violent acts.

In “Report 2014” we can find the 150 most striking cases of intolerance against Christians in Europe. The special topic discussed in this Report was the problem of militant equality laws, the so-called horizontal equal treatment directive which is being pushed at the level of the European Union and partly also nationally. Dr. Gudrun Kugler, director of the Observatory, explains how *Equality before the law was achieved over centuries by liberation movements. It has now turned into equality of moral choices, equality in statistics of how men and women live, and equality of how individuals treat each other. These understandings deviate quite far from the original meaning of equality before the law, which we rightly hold on to. Yet, this development remains largely unchallenged. It currently mounts in the adoption of intolerant anti-discrimination legislation being debated at the EU-level and at many European national levels. A number of human rights – especially of Christians in Europe – are at stake: Religious freedom, freedom of conscience, and private autonomy are in great danger*³².

Report from 2015 bears the subtitle “Christian refugees”, with documented over 180 cases of intolerance against Christians across Europe. The special topic of that Report was the problems facing Christian refugees and asylum seekers in Europe. Ellen Kryger Fantini, Executive Director of the Observatory, explains that *in 2015, Europe faced its greatest crisis in recent years with the flow of refugees and migrants. And with this, a new challenge has emerged: the protection of the most vulnerable asylum seekers – Christians fleeing persecution and genocide. After they have risked their lives to reach the safety of Europe, they have been met with violence, threats, and discrimination on the basis of their Christian faith at the hands of fellow migrants and, in some cases, the staff members in refugee homes*³³. This report explains the scope of the problem, provides examples of responses and potential solutions, and gives the Observatory’s recommendations to policymakers and aid organisations.

[³⁰] Ibid.

[³¹] Details about this organization are from their own website: <https://www.intoleranceagainstchristians.eu>.

[³²] G. Kugler, “The Problem of Intolerant Equality Laws”, *Report 2014*, Observatory on Intolerance and Discrimination against Christians in Europe, Dr. Gudrun Kugler (ed.), 2015, p. 6.

[³³] E. Kryger Fantini, “Introduction”, *Report 2015*, Observatory on Intolerance and Discrimination against Christians in Europe, 2016, p. 5.

The last Report from 2018, documents 500 cases from 2016 and 2017³⁴, and among them we can find the range of hostilities against Christians in their daily lives: from the ‘squeeze’ of interference with religious liberty, parental rights, freedom of expression and conscience, to the ‘smash’ of physical attacks, and vandalism of churches and cemeteries. Notice how Report uses two unexpected terms “squeeze” and “smash”, that was used by the Christian charity Open Doors in its annual World Watch List. The Report sees these concepts as befitted for explanation of situation in Europe. The concept “squeeze” refers to the pressure Christians experience in all areas of life, to situations such as: *from interference with freedoms of conscience, expression, and association to denial of access to justice and legal services. The rights of Christian parents to raise their children in conformity with their faith are infringed. Christian owned businesses are sued or forced out of business because of discriminatory ‘equality’ policies. Christian religious symbols are removed from the public square, Christians are subjected to negative stereotyping in the media, and Christian groups are excluded from university campuses*³⁵.

The concept “smash” refers to violence and aggression, from vandalism and desecration to threats and physical violence against faithful because of their faith. These are also defined as ‘hate crimes’, that The Organization for Security and Cooperation in Europe’s Office for Democratic Institutions and Human Rights (ODIHR) defines as an incident with two distinct elements or features: *first, the act is a criminal offense, and second, that it is motivated by a bias or prejudice towards a particular group of people*³⁶. These two concepts “squeeze” and “smash” will be of great importance when we later on try to understand the situation in Croatia.

2.2. The religious persecution in Croatia

What is the situation in Croatia regarding the freedom to profess religion? Is situation according to the Constitution of the Republic of Croatia that we mentioned earlier? Or are there examples of religious persecution? In an attempt to answer these questions, firstly we will use “The Religious Freedom Report” by the Aid to the Church in Need and bring forth the basic info³⁷.

As in previously mentioned Reports, this document also clearly stated that incidents motivated by religious hatred show that the right to religious freedom in the world today is not sufficiently respected

[³⁴] Let us mention six examples from the Report involving students: 1. In the United Kingdom, two magistrates were disciplined for expressing their views on same-sex parenting and a court ruled that a university acted lawfully when it expelled a graduate student for posting his support of Biblical teaching on marriage and sexual ethics on his personal Facebook page; 2. Students Union at University College Dublin, a university founded by Blessed John Henry Newman, voted to remove Katie Ascough, the Catholic pro-life president of their student union. This vote came after Ascough, on legal advice, stopped the Union from publishing information about the cost of abortion and information relating to abortion pills; 3. Polish Universities Cancelled Pro-Life Speaker After Protests; In early March, the legal advocacy group Ordo Iuris and several student organizations invited Rebecca Kiessling, an American pro-life speaker, to give speeches at several universities in Poland. While all of the universities had initially agreed to hold the events, they abruptly cancelled the events or modified the format, after leftist groups protested; 4. Christian Postgraduate Student Expelled for Opposing Gay Marriage; A Sheffield University social work postgraduate student, Felix Ngole, quoted a biblical verse in support of his opinion about marriage and sexual ethics. This post, on his private Facebook account, was part of a discussion thread about gay marriage in which others expressed opinions on all sides of the debate. Two months later, he was brought before a disciplinary board at the University after a fellow student reported the post. The Fitness to Practise Committee told him, after a hearing, that he had been “excluded from further study on a programme leading to a professional qualification” and was “no longer recognised as a University student.” This was because, as a result of his Facebook comments, he “may have caused offence to some individuals” and “transgressed boundaries which are not deemed appropriate for someone entering the Social Work profession.” He appealed the decision, noting that his “beliefs about marriage and sexual ethics reflect mainstream, biblical understanding, shared by millions around the world.” He lost the case on court; 5. University Students Want Pro-Life Posters Removed; Aberdeen University students petitioned to have a pro-life poster removed from campus, claiming it is “actively harmful” to women. The Catholic chaplaincy on the campus displayed posters for a 40 Days of Life event, featuring people holding signs and prayer vigils outside the city’s maternity hospital during Lent. 6. U.K. May Scrap Single-Faith Schools; Christian schools may soon be required to ensure that half of their students are from different religious backgrounds, due to concerns that Christian only schools “heighten community divisions.

[³⁵] Report 2018, *Observatory on Intolerance and Discrimination against Christians in Europe*, 2018, p. 9.

[³⁶] Report 2018, *Observatory on...*, p. 9.

[³⁷] *The Religious Freedom Report*, Aid to the Church in Need, available at: <https://religious-freedom-report.org/>.

or recognized, even though it has been a part of the United Nations Universal Declaration for seventy years. This is exactly why the Aid to the Church in Need report has been published on 809 pages, at the same time in seven world languages, highlighting the fact that 61 percent of the world's population lives in countries where religious freedoms are not respected and they cannot express his own faith with complete freedom.

To get relevant data, they developed a special methodology, and each country in the world was analysed in three segments: by legislative protection of religious freedom, incidents directed against members of religious groups and future perspectives. Now we turn to the issue of Croatia.

Concerning the “Legal framework on freedom of religion and actual application” the following information's are important. First thing to mention is that it is clearly stated by the constitution of Republic of Croatia that freedom of religion is guaranteed. In this way, all religious communities are equal under the law. Further on, all religious communities are free to conduct public religious services, but also to establish and run schools, faculties and charitable organisations. To be recognised as a religious community, a faith group needs at least 500 members and five years of registered operation.

The Croatian state has entered into separate legal agreements with different religious communities. With the help of these agreements different issues are regulated, such as how much state subsidy employees of the various communities should receive, their eligibility for state pensions, state support for the upkeep and renovation of religious buildings, chaplains' access to prisons, military and state institutions, special food requirements for Adventists and Muslims and provision for paid leave for Muslims for religious festivals which are not state holidays.

The state is also officially recognizing marriages conducted by religious communities thanks to the agreements between the state and religious community. The newly married couple therefore has no need to register the marriage at the civil registry office.

The public schools in Croatia allow religious teaching in cooperation with religious communities which have agreements with the state. Only children whose parents gave their permission can attend the religious teaching, which is in this way optional. The number of attendances is extremely high. In primary schools, about 90 percent of all children receive religious education classes about the Catholic faith. In some areas this number goes even closer to 100 percent. In high schools, about 65 percent of students receive Catholic education classes. Children also have the possibility to take the alternative is courses on Ethics. If a religious community is not registered by the state, she is not allowed to provide religious education in schools, but also, she does not have possibility to enjoy the privilege of state funds for religious activities.

Here are some further interesting but important information about the situation for religious communities in Croatia. There were 54 registered religious communities by the end of 2017. Public holidays in Croatia include a solid number of the Catholic religious holidays, but it is also legal for non-Catholics to celebrate other major religious holidays.

Given by the previous numbers, but also by the common knowledge, it is obvious that the Catholic Church is the dominant religious community in Croatia, as is now and also in the whole past of this state. The ruling party in government, whether left, centered or right, on different occasions mentions and recognises, sometimes explicitly sometimes implicitly, the Church's historical and cultural role in Croatian people.

Further on, there are 17 ecclesiastical circumscriptions and 1,598 parishes in Croatia, and currently 25 bishops, 2,343 priests and 3,711 religious, by the time of writing “The Religious Freedom Report”.

It is also interesting to mention that there is one Catholic TV channel, Laudato TV; two Catholic radio stations (Croatian Catholic Radio and Radio Maria) with coverage of the whole Croatia. Faithful can also enjoy many weekly and monthly magazines and read news on several Catholic internet news portals. There are many Catholic professional associations.

Concerning the vocations to the priesthood and male religious life “The Religious Freedom Report” states that they are relatively stable but female vocations are decreasing. During the writing of this report, we could say that the vocations to the priesthood is also experiencing decreasing. The role of lay people increased almost immediately after the introduction of religious instruction in schools.

In the section of “The prospects for freedom of religion” of the Report, relations between the state and church in Croatia depend on which political party is in power. Also, important insight from this Report is that there is huge tension concerning the preferred conception of the state, on the one hand, the secular model, as proposed by the European Union, and on the other, a model where religion has an important role.

Report noticed that certain liberal civil society organisations have had a great impact on politics and on the promotion of secularism in Croatia. A radically secular worldview has been expounded, in which atheistic or agnostic views of religion have been proposed in an effort to achieve political neutrality. Advocates of this worldview declare that, in the name of democracy, faith-based communities should be excluded from public debates on social and ethical issues such as abortion, same-sex marriage and euthanasia.

The secular ideology, which portrays faith as something that is a disease for state, is a challenge for the Catholic Church, which has had a significant influence on the national, cultural and religious identity of modern Croatia. This challenge motivates Christians to engage in dialogue about political issues at all levels. Report concludes that it remains to be seen whether Croatia will become an increasingly secular state or whether it will be a place of encounter between religious groups cooperating with political structures for the common good.

Incidents

Concerning the incidents in Croatia, Report brought couple of cases that we will mention.

First. The Serbian Orthodox Church reported couple of events of desecration of Orthodox churches.

Second. The catholic Archdiocese of Split-Makarska objected to the inclusion of the play ‘Our Violence and Your Violence’ as part of the ‘Marulicevi Dani’ theatre festival in Split. The archdiocese claimed that the play, directed by Croatian theatre director Oliver Frljic, is offensive to citizens and faithful, and called on the festival organisers to reconsider including it. The play features a hijab-clad woman being raped by Jesus after pulling a national flag from her genitals. The archdiocese stated that it had acted after receiving many complaints from faithful who were distressed and disgusted by the play.

This play was also performed in Polski Theater in Bydgoszcz. Several city councillors and a parliamentary representative from the conservative ruling party Right and justice found themselves offended and filled a complaint with the prosecution. Polski Theater in Bydgoszcz said that they respect the right of the artist to the independence of attitudes and freedom of speech and does not intend to influence their creative freedom guaranteed by even the provisions of the Constitution of the Republic of Poland guaranteeing to every person the freedom of artistic creation, scientific research and publication of their achievements, freedom of education and freedom of use cultural goods.

This type of provocation has become a regular event in Croatians theatre. We can observe that the state does not have a unique attitude against plays or art exhibitions that hurt the religious feelings of the faithful or demand that freedom to profess religion be suppressed in the name of tolerance and progress of society. The main argument for the provocative plays is that these are art expressions, that is very special and needs to be free to be able to speak the truth. Therefore, you cannot put boundaries on art. Good remark is that in most cases Catholics are under attack, and not the other religions.

3. The examples of religious persecutions in Croatia or denial of religious freedom

Given the definitions of the religious persecutions and religious freedom in first part of the paper, we will try to mention examples of certain types of religious persecution and discrimination that happen more often than some others, in this way being exemplar cases of what is happening in this country. Therefore in the following pages we will discuss and analyse themes of religious activities in public space, religious symbols in public in public and state institutions, cases of freedom to profess religious teachings and attitudes in schools, public discourse, and at work with special attention to conscience objection.

3.1. Religion persecution by the clearing of the public space

Because of the strong influence of public groups that are promoting secularism in its radical form, there is an a growing tendency to see public space as space freed from religious symbols, gestures, art or as space for expressing religious attitudes or attitudes of social importance that could be coming from religious believes.

For instance, Croatia's "March for Life" is annually held. In 2019 it was held on 25th May in five cities. By the numbers from the police and local media in Zagreb, the capital of Croatia some 7000 people joined the walk, while in Split, the second largest city in the country, some 4000 people.

Although, this initiative is relatively secure in public space during the event in these two cities, in city of Rijeka there was an attempt to stop the walk. Despite the agreed route, as well as permits from city authorities, a group of counter-protesters tried to stop the Walk for Life just minutes after it began. A dozen women sat on Korzo River in Rijeka holding a placard that read "They came first for the women, who is next?"³⁸ Except for this incident, that was highlighted more in news coverage than the event itself, in Rijeka there was also a counter-moment "Walk for freedom". Fortunately, despite these two walks being in proximity, there were no incidents. Nevertheless, there is regularly a tension building in media concerning the walk, enabling the development of negative attitude toward the walk itself, labelling the supporters as women suppressors or "church traditionalist". Here are some titles from media: "The Catholic Church has lost the moral argument of abortion"; "The Church must not interfere in the right woman whether she will give birth or not"; "The abortion ban kills 192 women daily – for what they are walking around?" The negative attitude of the articles is directed toward the Church itself, not the people who are participating in the walk. In this way, the negative prejudices are developed against the institution as such, demanding the abolition of the right to declare publicly their attitudes toward the question of abortion.

The second interesting public initiative is "The 40 Days for Life Initiative". "This is an ecumenical prayer pro-life initiative for life, and indirectly an initiative to stop abortion. To date, over one million people of all Christian denominations have officially participated in 855 cities in 61 countries in the world. It was launched in Croatia in 2014, and in it already "officially" participated over 10,000 people in 33 Croatian cities", according to the official web page of "The 40 Days for Life Initiative"³⁹. Up till now, according to the page, 62 lives were saved from death by abortion known, also there was a reduction of abortion rates in several hospitals, and also the conversion of many mothers and fathers who have performed abortions.

[38] N.N., "Hod za život u Rijeci nije trajao 10 minuta i već su ih pokušali zaustaviti", news portal Bitno.net, May 18, 2019, available at: <https://www.bitno.net/vijesti/hrvatska/hod-za-zivot-u-rijeci-nije-trajao-10-minuta-i-vec-su-ih-pokusali-zaustaviti/>.

[39] Information gathered from the webpage: <http://40danazazivot.com/o-nama/>.

There is a growing tension against this Initiative. For instance, some members of left-wing political parties peacefully demonstrated against the initiative. Also, political party titled “Pametno” (meaning cleverly, smart...) demanded from the state to stop and ban the gatherings of people praying near the hospitals – at least 150 meters from the hospital. *Gatherings and protests at the very entrances to medical facilities are disturbing for patients, especially for women who are already traumatized by their own situation. All citizens must have the freedom to go to hospitals without fear of public condemnation*, stated the party members in their statement⁴⁰.

In April this year seven Muslim believers in city of Split started praying in the parking lot in Tolstoj street, which was recorded in a video footage. After that they left, and nobody saw or communicated with them. Yet, this act arouse certain public attention since this is not a usual event in Croatia. Meshihata of the Islamic Religious Community commented to the media that *generally speaking, it is the obligation of the faithful to perform the prayer, however, considering that from Tolstoy street in Split, where the recording was made, nearby prayer space is only a few hundred meters away, then such a move has no justification*⁴¹. Asked by the press, the local police made a statement that *following the published photos, we conducted our own checks and found that during their detention at that place, they did not commit a misdeed or a criminal act, and in that sense there was no need for police action*⁴². Officially, there was no problem or crime. Nevertheless, common people in their comments on the webpage articles where highly divided. Some claimed that it was a provocation by Muslims in a Catholic state. Others claimed that it is was completely normal and expected behaviour in a city through which a tremendous number of tourists pass by.

What was also an issue in the comments is the question can people hold their prayer rituals in public space, whether it was an announced or not announced? The relation of public space and freedom to profess religion will definitely become, if by now it is not already, a first-class question.

Another topic of prayer in public spaces that is on the border of religious persecution because of denial of the right to profess religion is the question of prayer in school for the beginning of new academic year.

There is a custom in Croatia in the certain schools that the catholic priest from the local parish is invited by the principal of the school to visit the school and bless the pupils and teachers for the beginning of the new school year. Parents of children can also attend the blessing. Pupils and teachers are not obliged to attend this religious ritual.

As expected, in certain schools this custom is not welcomed by all parents who consider that this is not appropriate for a state institution, since Croatia is seen as a strictly secular state. Now, we have already above addressed the question whether Croatia a strictly secular state and what does this mean. Argument in favour of this religious ritual is that most of the children in school attends religious teachings as they are faithful.

Nevertheless, in certain areas the blessing is done in the Church, probably avoiding the possible negative reaction of parents who are not satisfied with this custom.

For instance, every year at the start of the new academic year we have new cases of misunderstanding and different approaches. News portal Tportal writes in 2012. how collective blessing in the Elementary School Simon Kozacic Benje in Zadar went without a hitch, while the same idea was met with fierce resentment at the Elementary School A.B. Simic in Zagreb. Due to pressure from parents, the principal of the Zagreb school eventually cancelled the student's blessing, although only about

[⁴⁰] Hina, “Pametno traži da se moliteljima zabrani pristup 150 metara od bolnica”, Index.hr, March 12, 2019, available at: <https://www.index.hr/vijesti/clanak/pametno-trazi-da-se-moliteljima-zabrani-pristup-150-metara-od-bolnica/2070370.aspx>.

[⁴¹] G. Radanović, “Splitska policija oglasila se o klanjanju na parkingu: Muslimani nisu počinili nikakav prekršaj; No, iz Islamske zajednice poručuju: Za takav potez nema nikakvog opravdanja”, Slobodna Dalmacija, April 25, 2019, available at: <https://www.slobodnadalmacija.hr/dalmacija/split/clanak/id/600493/splitska-policija-oglasila-se-o-klanjanju-na-parkingu-muslimani-nisu-pocinili-nikakav-prekršaj-no-iz-islamske-zajednice-porucuju-za-takav-potez-nema-nikakvog-opravljanja>.

[⁴²] Ibid.

three percent of children are of other faiths or atheists. The notice of blessing in school was not precise and was understood as if all children are obliged to attend, which revolted some parents⁴³.

For the Ministry of Science and Education's there is nothing wrong with the blessings in the schools: *In accordance with the Law on Primary and Secondary Education, principals are the management and professional leaders of the school. Therefore, the decision whether to share a blessing on the first day of school in schools, with the beginning of the new school year, is exclusively within their jurisdiction*, answered the Ministry. Further on Ministry also responded that *schools are living communities that work closely with everyone in their living and working environments, including the local community, various civil society organizations, associations, cultural societies, and the Church*⁴⁴.

The Croatian Office of the Ombudsman for Children is against practise of religious rituals in schools. Their main concern is for children who are not believers or are of a different religiosity than the Catholic one but are nevertheless invited to join. The Ombudsman thinks that children are then in an uncomfortable position.

Ombudsman for Children, Ivana Milas Klaric, in an interview with news portal Index, pointed out that in recent years parents complained that religious content was organized, and attend was obligatory. *Since these were procedures that did not comply with the approved religious education program, nor with the will of the parents, we repeatedly warned the Ministry of Science and Education about this, and reported cases to the education inspection, which acted and imposed measures on individual schools.*

Ombudsman Milas Klarić points out that the attendance of priests and representatives of religious communities at school events or their participation in the teaching of religious instruction in the manner and under the conditions prescribed by law is not problematic for children who have chosen to attend religious instruction. Their main agenda are cases when all children required to participate in religious content and mass, no matter religious or not. Therefore, they recommend that these rituals are done in churches, and not on first day of school⁴⁵.

Another case regarding blessings in schools is the manifestation of the Days of Bread and Fruit of the Earth, when usually priests comes to school and blesses the bread, fruits and children. Attendance is also not mandatory. Yet, in 2018. there was a scandal since one parent was not satisfied with this event and this was heavily debated in media. Journalist Darko Pavicic, who follows religious topics, warns how this event was enough *to curb an avalanche of intolerance for religious and spiritual*. Pavicic claims that *Croatian schools have a dramatic situation in terms of worldviews. Rape in the guise of alleged secularism, and in fact an aggressive anti-religious movement, has reached its peak in recent days in several known and unknown cases.*

Journalist further on continues that there is the anti-religious special war in Croatian schools that has *moved from the frontline to a guerrilla and individual form of confrontation with religion, the Church and religion in general*. He also mentions another case that happened almost in same time period, when the dean of high school was scared of pressure of media and cancelled already announced lecture in school by priest Damir Stojic, known by his public appearances and catholic attitudes. We will elaborate this case later. In the conclusion of his article, journalist says that the faithful, who are majority in Croatia, *are constantly clay pigeons of modern savages wrapped in a mantle of supposed tolerance and false coexistence*⁴⁶.

[43] N.N., "Ništa od kolektivnog blagoslova u školi", Srednja.hr, September 5, 2012, available at: <https://www.srednja.hr/novosti/nista-od-kolektivnog-blagoslova-u-skoli/>.

[44] M. Pauček Šljivak, "Blagoslov djece i mise za prvi dan nastave: 'Tome je mjesto u crkvi, a ne školi'", Index.hr, September 4, 2017, available at: <https://www.index.hr/vijesti/clanak/prvi-dan-nastave-u-hrvatskoj-blagoslov-djece-i-vjerski-obredi-po-skolama/991883.aspx>.

[45] Ibid.

[46] D. Pavičić, "Silovanje blagoslova na danima kruha u školi?", Vecernji.hr, October 24, 2018, available at: <https://www.vecernji.hr/premium/silovanje-blagoslova-na-danima-kruha-u-skoli-1278286>.

3.2. Religion symbols in public and state institutions

Now we will discuss similar topic regarding sacred symbols in public and state institutions. This is also very popular debating theme in Croatian public space.

The latest case that raised huge public and media attention is from January this year, when public ombudsman Lora Vidovic, empowered by the state to look after human rights, said that religious symbols in public institutions should be restricted.

This was part of her answer to the question raised by the activist Ivan Zidarevic from the European Civic Initiative Zagreb, sent a letter to the principal of Dugave Primary School and then to the Ombudsperson for Children and Inspection of the Ministry of Science and Education about the cross in the premises of that educational institution.

Ombudsman Vidovic answer to this question was published by media, from which we can read that she claims how “in the Republic of Croatia, the promotion of religious symbols in public institutions is not legally regulated and that for the time being there is neither the practice of the Constitutional Court nor the practice of the European Court of Human Rights in relation to the Republic of Croatia”. She also states that there is no consensus among European countries on this issue. Therefore, in her conclusion, the Ombudsman gives the right to Zidarevic, who believed that the placement of the cross in elementary school was a violation of the Constitution. We will quote her longer since her position reflects basic principles of those who proclaim that religious symbols don't have a place in public institutions.

Since the Croatian legal system guarantees religious freedom on the one hand, which is why the state must guarantee its citizens and religious organizations the right to express their religion in symbols, on the other, the Constitution requires the state to be separated from religious organizations. Therefore, in order to treat their children or staff in educational institutions in a non-discriminatory manner, the display of religious symbols in the common premises of these institutions, and also in the common premises of all other public institutions, should be restricted, the Ombudsman's Office replied to the question by Zidarevic⁴⁷.

Because of the whole issue, news portal Narod.hr asked the Ministry of Education two questions. First, they reminded the Ministry of the 2011 European Court of Human Rights judgment that highlighting the cross in school premises does not contravene the European Convention on Human Rights, under the Right of Access to Information Act. It was the case from Italy, in which the judgment pointed out that the cross in public school classrooms in Italy is a consequence of historical development and tradition and has no religious connotation and can therefore be present in public school classrooms in secular states⁴⁸.

Head of the Holy See Press Office, Father Federico Lombardi gave a statement that the judgment at the highest international judicial level recognizes that *human rights culture is not contrary to the religious foundations of European culture* and must not be brought to this position, because Christianity has made a significant contribution to it. It is a very significant decision, Lombardi points out. *The judge confirmed that presenting the cross was not an indoctrination, but rather an expression of the cultural and religious identity of Christian countries,* Lombardi said. He also welcomed the decision by which the Human Rights Tribunal recognizes to each country the discretion to treat religious symbols. *Had a different decision been made,* Lombardi points out, *religious freedom would have been restricted or abolished.* Further on, the statement also said that the decision would restore the confidence of a large number of Europeans in the European Court of Human Rights, as many are convinced of the formative

[47] M.B., “Pučka pravobraniteljica: Trebalo bi ograničiti isticanje vjerskih simbola u javnim ustanovama”, Novosti, July 18, 2019, available at: <https://www.portalnovosti.com/pucka-pravobraniteljica-trebalo-bi-ograniciti-isticanje-vjerskih-simbola-u-javnim-ustanovama>.

[48] N. N., “CitizenGO poziva: Potpišite peticiju i pošaljite poruku pravobraniteljici Lori Vidović o križu kao dijelu hrvatskog”, Narod.hr, August 22, 2019, available at: <https://narod.hr/hrvatska/citizengo-poziva-potpisite-peticiju-i-posaljite-poruku-pravobraniteljici-lori-vidovic-o-križu-kao-dijelu-hrvatskog-identiteta>.

role of Christian values throughout the continent's history⁴⁹. In this way, this verdict will be important for all future cases, also regarding the situation in Croatia.

News portal Narod.hr asked Ministry the following questions: 1. Does the European Civic Initiative Zagreb have the right to ask the Primary School to remove the crucifix from its premises?; 2. Will the Ministry respond to the exit of the European Civic Initiative Zagreb and how?

On the first question, Ministry responded that there are no regulations in the Republic of Croatia prohibiting the display of religious symbols in public and state institutions. However, Narod.hr noted that there was no concrete answer to the second question as to whether the Ministry would respond to the launch of the European Civic Initiative⁵⁰.

Because of the statement of Ombudsman Vidovic that the cross in the common premises of all public institutions should be restricted, CitizenGO initiated the petition titled "Cross: a symbol of our civilization and part of Croatian identity". At the time of writing, the petition has collected over 11,000 signatures, with a final goal of 20,000. In this way, we could say that these kinds of initiatives are gaining strength in Croatian society. Before me introduce the claims in petition, first let us notice that CitizenGO claims that they are a community of active citizens who, through online petitions, work to protect and advance the protection of human rights: the right to life, family and freedom. As they put on their official website, in their work they aim to ensure respect for human dignity. Their headquarters are in Madrid, they have teams in fifteen countries on four continents⁵¹.

In their petition "Cross: a symbol of our civilization and part of Croatian identity", they have also pointed out toward the judgment of the European Court of Human Rights in 2011. concerning the Italian case. In this way, they pointed out to Ombudsman Vidovic that *if you look at Croatian history, it is very easy to see that the identity and culture of Croatia are not characterized by Christianity any less than the identity and culture of Italy. Christianity is inextricably linked to Croatia, our identity, history and culture, and the message of the cross is universal*, claims the petition.

It also important to notice how again there is a question in what way is Croatia a secular state and how does this relate to religiosity of majority of Croats, especially since this issue was mentioned in the statement of Ombudsman Vidovic? For the activists of CitizenGO the secularity of the state means the legal separation of religious and state authorities, and as such "it is a welcome legal separation", protecting both religious institutions and the state. But, for CitizenGO the secularity of the state *does not mean social, cultural and educational separation. It does not mean erasing religion and religious symbols and Christian values from public space and imposing state atheism. It does not mean that the state must stifle the religious identity of its people, on the contrary, it promotes and protects it, and Croatian identity has been marked with the symbol of the cross for centuries*. Therefore, they claim that Ombudsman Vidovic wither statement was doing her job and defending the rights of the citizens, but that she *questioned the fundamental religious freedoms guaranteed by the Constitution of the Republic of Croatia*⁵².

Regarding the cross in institutions in 2019. Croatian could also read that during the meeting of the Dugopolje Municipal Council, the ruling political right-wing party HDZ and the opposition HSP had a dispute why the cross was not highlighted in the town hall. Municipal Council President Josko Celan (HDZ), explained that the cross may offend someone because some councillors may be of other faiths.

HSP Councillor Ivica Radosevic explains that he asked for a cross and the idea was – with a cross against party discipline: *I asked the president of the council to put that cross in the town hall so that*

[49] N.N., "Sveta Stolica zadovoljna 'presudom križu'", Glas Koncila, March 19, 2011, available at: <http://www.zg-nadbiskupija.hr/dokumenti/aktualnosti/sveta-stolica-zadovoljna-presudom-križu>.

[50] M. Tikvica, "Pročitajte što nam je Ministarstvo odgovorilo na upit o raspelu u OŠ Dugave", Narod.hr, July 30, 2019, available at: <https://narod.hr/hrvatska/procitajte-sto-nam-je-ministarstvo-odgovorilo-na-upit-o-raspelu-u-os-dugave>.

[51] Information is gathered from their official web page: <https://www.citizenngo.org/hr/o-nama>.

[52] N.N., "Križ: simbol naše civilizacije i dio hrvatskog identiteta", CitizenGO, July 29, 2019, available at: <https://citizenngo.org/hr/pr/172541-kriz-je-neraskidiv-dio-hrvatskog-identiteta>.

councillors could vote more easily, not to be under pressure from their parties⁵³. The theme of crosses in town halls is not uncommon for Croatia. The HDZ majority voted last year to set up crosses in the town halls of cities of Bjelovar and Makarska.

This politically motivated discussion about cross in a small township as is Dugopolje, encouraged media to ask Minister of Administration Lovro Kuscevic (HDZ) to comment the case. Minister Kuscevic thinks that it is inappropriate to put out symbols that would offend the feelings of citizens. Nevertheless, Kuscevic believes that the cross should not in any way offend the feelings of citizens of whatever religion they may be. *I have a crucifix in my office at the Ministry of Administration, as I had at the Ministry of Construction. I brought it with me from the first ministry because my successor said he didn't need it*, said Kuscevic and elaborated further that Croatia is a secular state, separate from the Church, but that in his opinion the cross should not bother anyone⁵⁴.

In 2018, there was also another publicly interesting case regarding the cross and the fact that Croatia is a touristic country, meaning that tourism is one of our main sources of income. Bishop of Krk Ivica Petanjak sent a message for Sunday of Tourism, which is celebrated on May 6th. Bishop Petanjak is the chairman of the Committee of the Croatian Episcopal Conference on the Pastoral of Tourists, and in his message, he calls on those who rent accommodation to put a cross in the apartments. *Our guests want to find peace and refreshment for the body, but also for the spirit. You must have already experienced how some tourists actively live their Christian vocation during the holidays and publicly manifest it with their dress style, diet and prayer on certain parts of the day as well as on various other occasions. (...) In that sense, why tourists in our homes and apartments would not find the cross as a Christian feature and as a sign that they know where they came to*⁵⁵.

President of the Family Tourism Union at the Croatian Chamber of Commerce, Danijela Cavlovic, commented on the Bishop's recommendation concerning the cross saying that *any religious features are unnecessary. We are hosts who receive citizens from all over the world, so highlighting the symbols of one religion could offend members of another religion*. She also said that she has nothing against the cross on the walls, but, *one does not need to impose his religion on anyone, nor does the symbol of the cross on the wall say anything about man. The cross is not proof of human values of the host, nor that he will be the best renter in the world just because he hanged a cross*, said Cavlovic.

The initiative of bishop Petanjak was also commented by the head office of the Croatian National Tourist Board. They issued a statement in which it is reminded that the Ministry of Tourism prescribed conditions in the *Rulebook on the classification and categorization of facilities*. It is the question of conditions that accommodation facilities should possess, such as mirrors, paintings or other decorative objects. *Renters can also decorate their accommodation with other objects, noting that they should take care of their personal and guest dignity. Therefore, when highlighting objects in accommodation facilities, care should be taken not to violate national, religious, cultural and other attitudes and feelings of the guests*, the Croatian National Tourist Board said⁵⁶.

Because of these cases and the debates they aroused in public, there was an interesting interview in newspaper "Glas Koncila" with prof. dr. Fran Stanicic (37) from the Department of Administrative Law at the Faculty of Law in Zagreb, whose field of scientific work is the issue of the legal position of religious communities. The journalist, among other issues, asked prof. Stanicic about cases where

[53] I. Milun, "Zaiskrilo zbog križa: 'Zatražio sam da ga stavimo u vijećnicu, da vijećnici mogu jednostavnije glasati'", Dnevnik.hr, March 27, 2019, available at: <https://dnevnik.hr/vijesti/hrvatska/prepucavanje-oko-križa-u-dugopoljskoj-vijećnici-zatražio-sa-m-križ-da-vijećnici-mogu-jednostavnije-glasati---554637.html>.

[54] I. Puljić-Šego, "Ministar Kušević: U uredu imam raspelo, Vecernji.hr, March 27th. 2019, available at: <https://www.vecernji.hr/vijesti/ministar-kuscevic-u-uredu-imam-raspelo-1309271>.

[55] N.N., "Poruka biskupa Petanjka za Nedjelju turizma", IKA, May 05, 2018, available at: <https://ika.hkm.hr/novosti/poruka-biskupa-petanjka-za-nedjelju-turizma/>.

[56] N. Sućec, Križevi u apartmanima: Biskup za, iznajmljivači protiv. Što vi mislite?, Tportal.hr, May 07, 2018, available at: <https://www.tportal.hr/biznis/clanak/anketa-križevi-u-apartmanima-biskup-za-iznajmljivaci-protiv-sto-vi-mislite-foto-20180507>.

believers are confronted with the removal of crosses and statues of saints from parks and public spaces, with the prohibition of religious processions and the teaching of religious instruction in schools. In these cases, do believers have the right to invoke religious freedom and should they be allowed to do so? Also, what European courts say about this? In his response, prof. Stanicic also mentioned the judgment of the case in Italy, in which the European Court of Human Rights said that the cross is a symbol of cultural affiliation, and therefore has no proselytizing connotation. That is why cross on the wall in institution *does not constitute a prohibited indoctrination of school children*⁵⁷. Concerning the religious instruction in schools, prof. Stanicic said that the European Court of Human Rights has repeatedly stated in its decision *that it is the sole freedom of the State to decide whether to organize religious instruction in public schools and in what form, again with the prohibition of indoctrination, which in my view would mean that religious instruction should not be compulsory for all children in schools*⁵⁸.

Prof. Stanicic reminded how only three countries in Europe do not have religious education in public schools, and that is France – with a historical exception in Alsace-Moselle, Slovenia and Albania. *All other states in Europe have religious education in public schools, whether confessional – which is the dominant form in about 2/3 of the states, or in the form of religious culture – which is predominantly in Scandinavian countries*, said prof. Stanicic⁵⁹.

This part of the talk concerning the religious instruction in schools we have cited here because often when there is a public debate about religious symbols in state institution, the religious instruction is called up as something also not belonging to state institution. Second reason is because or next topic is directly connected with the religious instruction.

3.3. Freedom to profess religious teachings and attitudes

In this section we will look at the cases where it was questionable should religious people express their opinion based on religious teachings, or should they withhold it. In another words – should they be quiet, or can they speak freely their mind?

3.3.1. Freedom to profess religious teachings and attitudes in schools

First, we will look at the cases from education sector. As we already mentioned, in Croatia, religious teaching subject in elementary and high schools is optional for children. Once selected, it becomes a mandatory subject. The child may give up religious subjects at the beginning of the new school year if he / she wishes. There is a huge pressure from the society on teachers in schools as such and usually their mistakes end up as media headlines. The religious teachers are even in worse situation, because they are expected to be completely free of mistakes in their behaviour and teachings. Of course, such ideal situation does not exist. Further on, every time a religious teacher ends up in media because of his possible misdoings, the whole profession of religious teachers is called out to blame and the fact that there is religious education in schools. And then in the final step, the Church as such is called upon as blameworthy subject.

This situation enables a huge pressure on teachers in public, making them do their job in an uneasy and unfriendly social environment, since they have to be careful not to say something that could be

[⁵⁷] I. Tašev, “Zadiranje u pravo slobode vjeroispovijesti izaziva sukobe”, Glas Koncila, August 1, 2019, available at: <https://www.glas-koncila.hr/pravni-strucnjak-prof-dr-frane-stanicic-o-sve-cescim-zadiranjima-u-vjerske-slobode-zadiranje-u-pravo-slobode-vjeroispovijesti-izaziva-sukobe/>.

[⁵⁸] Ibid.

[⁵⁹] Ibid.

misinterpreted and as such, a new media headline and a case for lawsuit. Of course, one thing is to say something that is wrong or logically mistaken or an insult to somebody else. But, another thing is not to be free to profess your religion and your religious attitudes. Let us look at one example that shows very clearly how religious teachers can become publicly harassed and spend years in courts proving their innocence.

The example case is from 2011., when the lesbian association Kontra and the associations Iskorak and the Center for Sexual and Gender Minority Rights filled the appeal against religious teacher Jelena CoriC Mudrovic of the Bartol Kasic Elementary School in Zagreb Jarun. She was accused of using the terms “illness, extravagance and anomaly” in her teachings about homosexuality. The Zagreb County Court and then later on in 2015 the Supreme Court of the Republic of Croatia dismissed the appeal, acquitting Jelena Čorić Mudrovčić of the guilt and responsibility.

It is interesting to mention that religious teacher Coric Mudrovic was reported to the associations by a mother whose child did not attend religious instruction. In contrast, parents of children attending religious studies testified in court that the teacher did not made such a statement. On the contrary, when she spoke about homosexuality, she said that all people, including homosexuals, regardless of their religion, race or sexual orientation should not be offended, but should be respected. The professional-pedagogical supervision at schools also did not find anything controversial in her teaching, even when they conducted an anonymous survey with children and interviewed them and some teachers.

Let us look at the judgment of the courts. The Supreme Court upheld the County Court's allegations that it found that an eighth-grade class teacher did not use terms such as “illness, extravagance and anomaly” for homosexuality, according to the lawsuit in the lawsuit, but used formulations in a textbook in which *does not explain homosexuality as depravity, but states that homosexual acts are inherently erratic, contrary to natural law and in no case approved, they do not choose their sexual condition – it is a temptation for most of them, so they should be accepted with respect, compassion and consideration, to avoid any sign of unfair discrimination against them*⁶⁰.

The court proceedings also found that religious instruction was intended *exclusively for the children of parents who, according to their own belief, desire such upbringing for their own children* which is why *it cannot in principle constitute a disadvantage in terms of the legal essence of discrimination*, since in the lawsuit associations referred to the Anti-Discrimination Act⁶¹.

What is also interesting is that the Supreme Court states, inter alia, that freedom of religion as a constitutional and convention law is stronger than the law on anti-discrimination, and that *religious instruction as an expression of freedom of religion* by its very nature *necessarily includes the freedom to express one's own religion*⁶².

3.3.2. Freedom to profess religion attitudes in public discourse

Concerning the freedom to profess religion in public discourse there is a recent case that shows how the concept freedom is still not quite clear. In this case, against the Archbishop of Djakovo, msgr. Djuro Hranic there was filed an anonymous criminal complaint for alleged public incitement to violence and hatred of homosexuals. This complaint the State Attorney's Office in Osijek and Zagreb and is concerned with the bishop's statements given to reporters after the traditional Christmas pastoral message and congratulations at the end of 2018.

[60] Hina, “Vrhovni sud odbacio zalbu: 'Vjeroučiteljica nije vrijeđala homoseksualce’”, Net.hr, November 11, 2015, available at: <https://net.hr/danas/hrvatska/vrhovni-sud-odbacio-zalbu-vjerouciteljica-nije-vrijeđala-homoseksualce/>.

[61] Ibid.

[62] Ibid.

The anonymous author states that the Archbishop Hranic wanted to justify violence for expressing a homosexual orientation in the public and thus “cause anxiety and fear” in homosexuals. In this way, he has sent a message that homosexuals are not safe in the Croatian public space and may be the target of the attack. Further on, regarding the part of statement where Hranic expresses an opinion that the child deserves a “normal, ordinary, average family,” the author of the complaint states that the bishop thus *spreads hatred for families of homosexual persons and single-parent families*⁶³.

Another case is from 2017. when a group of citizens started a petition toward Croatian Radio and Television to cancel engagement with commentator Luka Popov on the show “Fifth Day”. It is a show where a small group of intellectuals comment daily happenings in Croatia and world. This time the theme was the case of a boy with Down Syndrome Adam Kadic and his first communion in small town of Gradiste and his parish priest Alojzije Asic. Discussing the case, commentator Luka Popov quoted the clarification of the parish priest, in this way telling his side of the story. Because of this, a group of citizens started a petition seeking to cancel Popov’s contract with the national TV because he *publicly propagated discrimination and segregation of children with Down syndrome on public television*.

Revolted by this, another group of citizens started a petition “Supporting Luke Popov and Freedom of Speech”. They claim that it is a human right to make a public opinion, as Ph.D. Luka Popov, physicist, intellectual and Catholic public figure did in the show aired on May 5, 2017. *Any attempt to censor Luka Popov simply because his opinion is not liked by a small part of the citizens of the Republic of Croatia, although he has neither violated it nor called for a violation of the laws and the Constitution of the Republic of Croatia, will be considered a blow to freedom of thought, speech and religion, and in this case we ready to use all available legal mechanisms against Croatian Radio and Television*, reads the petition signed with “Citizens for Freedom of Speech”⁶⁴.

Now turn to recent case in 2018 that we already shortly mentioned earlier. Salesian Don Damir Stojic was invited by headmaster of the Zagreb School of Fashion and Design to deliver at a lecture on the topic of “Faith and Youth”. It was organized for all interested students and it was a non-obligatory lecture. After some parents complained on Facebook about this lecture as if it was obligatory for all students, media highlighted the story, then the Ministry of Education headed by Blazenka Divjak also made a “pressing” comment, and then the acting headmaster of the school dr. sc. Maja Dacic Zeravica cancelled the event.

In view of the unexpected media publicity, with the aim of protecting students as the most sensitive group, we are announcing that the aforementioned lecture by the student chaplain of the Archdiocese of Zagreb, Don Damir Stojic, as part of the Catholic Religious Teaching with the theme Youth and Faith for students attending Catholic religion classes, will not hold. We have no further statements, said Dacic Zeravica⁶⁵.

Ministry of Education gave a statement that *students and employees of the School who are not believers or who are not believers of the majority Catholic religion should not be discriminated against, that is, such and similar activities should be organized so that they are not binding on all students. An urgent statement was requested from the School on the said case*.

After the cancellation don Damir Stojic commented that this was a chase and that *a message was sent to every principal and teacher – ‘Don’t you dare to do something like this, here’s what awaits you’. I am afraid that there will now be a form of self-censorship, of both the principal and the religious teachers*⁶⁶. For him this is a case of bullying. *So, 70, 80 years ago, during fascist Italy and Nazi Germany, black*

[63] S. Lepan, “Hranic prijavljen zbog poticanja na nasilje i mržnju prema homoseksualcima”, Vecernji.hr, December 20, 2018, available at: <https://www.vecernji.hr/vijesti/nadbiskup-hranic-prijavljen-zbog-poticanja-na-nasilje-i-mrznju-prema-homoseksualcima-1290212>.

[64] N.N., “Sloboda govora: Pokrenuta peticija u znak potpore komentatoru Luki Popovu”, Bitno.net, May 10, 2017, available at: <https://www.bitno.net/vijesti/hrvatska/sloboda-govora-pokrenuta-peticija-znak-potpore-komentatoru-luki-popovu/>.

[65] N.B., „Don Damiru Stojicu otkazali predavanje u školi zbog pritisaka medija i Ministarstva obrazovanja!», Narod.hr, October 18, 2018, available at: <https://narod.hr/hrvatska/don-damiru-stojicu-otkazali-predavanje-u-skoli-zbog-pritisaka-medija-i-ministarstva-obrazovanja>.

[66] N. Boljfečić, “Don Damir Stojic o otkazivanju predavanja nakon pritiska MZO i medija: ‘Ja ovo vidim kao pokušaj zastrašivanja’”.

shirts were worn and people were intimidated, today they do not have black shirts but have a pen and a keyboard. Classical leftist intimidation and bullying, which happens on US campuses where leftists try to silence dissenters. I think that mentality has overflowed with us⁶⁷. He also thinks that this was an unprecedented attack on that headmistress and religious teacher, and that is why they gave up under that pressure.

Now we would like just to briefly touch the theme of politicians and their freedom to profess religion. Namely, if politicians are not prone to speak about their religious part of life and the way it is affecting their decision-making process, because they believe that they could be mocked by media or opponents, then we are speaking about discrimination.

In the YouTube video “*Religious Freedom in Europe: A Christian Case Study*”⁶⁸, that was a first discussion of discrimination of Christians in European parliament, politician Nathan Gill, member of European parliament, was talking how there is a growing level of intolerance towards Christians in Europe, that was built on Christian values. He also stated that politicians in United Kingdom, but also in Europe as well, have been significantly questioned about their Christian religious belief. Gill thinks that they would never been asked if they were a member of another religious group.

This is also becoming an issue in Croatia. If you are a Catholic and a politician, then journalist want to now all your personal thoughts on religion, moral and their application on your political attitudes and your personal life, for instance your sexual life. Many politicians are unwilling to publicly comment such topics and that is why politicians are slowly abandoning to openly profess their religion and their religious attitudes, except on big religious holidays. This is also a case where you are not equal as others in the same situation, which means that the freedom to profess religion is endangered.

3.3.3. Freedom to profess religion at work – conscience objection

One of the most discussed cases in Croatia regarding freedom to profess religion at work and conscience objection was the case of Jaga Stojak. This example clearly showed how doctors and medical nurses are under pressure from their colleagues because they do not want to be part of abortion operations. Also, concerning the abortion, Croatia has a law regulation from 1978 that is still in force and which enables a woman to terminate her pregnancy at her own request.

Let us take a closer look at the case. Jaga Stojak (49) after 27 years of profession work, of whom the last 14 spent working as a midwife at the Knin Hospital, was delivered the Decision on the regular dismissal of the employment contract because she refused to attend intentional interruption of pregnancy by inviting a conscience objection. Stojak says that it was not the first and only time when she, as a practical Catholic refused to participate in that process. *There was a lot of controversy and a meeting in the hospital because more midwives had the same conviction. Over time they were broken in different ways. One went to the ambulance, the other went to Rijeka, the third one still resisted somehow. I persisted... For the punishment I moved to the first shift which meant a lower pay, others started to humiliate me, mocking me and my work, openly complaining that I do not work good*⁶⁹.

After her case became public, she appealed to the hospital and was returned to her job. As media reported, behind the decision to return midwife Stojak to work stood personally the Minister of Health, Dr. Rajko Ostojic. Although Director of the hospital referred to the Labor Act, her move came

Narod.hr, October 20, 2018, available at: <https://narod.hr/hrvatska/don-damir-stojic-o-otkazivanju-predavanja-nakon-pritiska-mzo-i-medija-ovo-je-zastrasivanje-netko-treba-stati-ispred-rulje-i-reci-e-necete>.

[⁶⁷] Ibid.

[⁶⁸] *Religious Freedom in Europe: A Christian Case Study*, Streamed live on Jun 5, 2018, by EFDD Group, available at <https://www.youtube.com/watch?v=fREwooEQRaE>.

[⁶⁹] N.N., “Dobila otkaz jer je odbila raditi pobačaj”, Slobodna Dalmacija / Tportal, August 04, 2013, available at: <https://www.tportal.hr/vijesti/clanak/dobila-otkaz-je-je-odbila-raditi-pobacaj-20130804>.

under criticism from the Croatian Medical Chamber and Croatian doctors, who advocate the right to conscience objection.

According to unofficial statistics, as many as 75 gynaecologists in Croatia do not perform abortions, referring to possibility conscience objection. Midwifery also stand by this possibility and also by the Midwifery Code of Ethics, so the Ministry of Health has led itself to all positive applications, but also to European practice in appealing to conscience, which is neither worldview, ideological, nor political, but a matter of universal human rights. One of the reasons why The Ministry acted relatively quickly, was probably fear that the Stojak midwifery case could become politicized and become a world-view problem. The civic association “Vigilare” already called on citizens to e-mail the cabinet of Minister Ostojic and looking to return Jaga Stojak to work⁷⁰.

As we can see, Stojak case clearly shows how these issues happen often, for instance, also to her colleagues who refused to participate in abortion and then suffered “polite persecution”, as pope Francis named it.

In April 2019 there was an interview with a Croatian health professional who spent one year in an abortion health facility in Croatia. Although during education abortus was not the topic, the first day of the internship changed everything for her. The head nurse guided her to the room and began to explain through abortions. The nurse said that she is against abortion for religious reasons and that she has a conscience objection. The head nurse said ‘okay’ but also added not to mention it to anyone. Nevertheless, she was a witness of abortion that day, and it was a shock for her. Next day she did not change her opinion in front of the responsible person at the health care facility. Yet, this person at first initially reacted violently. *In private, you should be one person, when doing your job, another. As for me, you can give up*, she was told. *We continued the conversation in the cafeteria where I reiterated that abortion was a murder for me and that I would not separate business from private*. After that, conversation was more peaceful and, in the end, her job became care of women who had an abortion⁷¹.

It is very interesting to note that a conscience objection was made by 13.5 percent of midwives of about 1,700 who are experiencing interventions related to pregnancy termination in Croatia. Every second midwife would do the same if they knew that they would not have problems at work because of this, showed a poll results that was conducted by the Midwifery Chamber, and was presented at the 1st Congress of Coordination Chambers in Health held in 2019⁷².

There are also some troubling issues regarding the conscience objection as such. After the fake news in 2019 that in hospital in Dubrovnik abortion was carried out without any anaesthesia because all anaesthetists called for conscientious objection that day, there were some objections raised⁷³. In this way, we could expect to have in future serious debates about conscience objection, its validity, since it is a *serious obstacle for the exercise of the ‘reproductive rights’ of women*⁷⁴.

[70] D. Pavičić, “Primalju koja je odbila asistirati na pobačaju vratili na posao!”, *Vecernji.hr*, August 15, 2013, available at: <https://www.vecernji.hr/vijesti/primlja-koja-je-odbila-asistirati-na-pobacaju-vratili-na-posao-598997>.

[71] N.N., “Hrvatska primalja: ‘Svjedočila sam pobačajima i do 16. tjedna, borila se za priziv savjesti i tješila majke’”, *Bitno.net*, April 19, 2019, available at: <https://www.bitno.net/vjera/svjedocanstva/nasa-sugovornica-svjedocanstvo-hrvatska-primlja/>.

[72] N.N., “Strašan slučaj iz dubrovačke bolnice: ‘Zbog priziva savjesti svih anesteziologa u smjeni, ženi su pobačaj radili naživo’”, *Danas.hr*, March 25, 2019, available at: <https://net.hr/danas/hrvatska/strasan-slucaj-iz-dubrovacke-bolnice-zbog-priziva-savjesti-svih-anesteziologa-u-smjenu-zeni-su-pobacaj-radili-na-zivo/>

[73] <https://www.rtl.hr/vijesti-hr/regional/dubrovacki-dnevnik/3420931/kiretaza-na-zivo-u-dubrovniku-ispostavilo-se-da-je-prica-i-pak-drugacija>

[74] <https://citizengo.org/hr/pr/169732-ne-podupirite-klimu-straha-branite-temeljna-ljudska-prava>

4. Examples of possible defence strategies to religious persecution

In this part of our paper we will shortly discuss concrete ways and models of fighting against religious discrimination and persecution that was organized in Croatia by certain groups. This is truly interesting phenomena in Croatian society since it is advocating for a new way to deal with religious discrimination and persecution. We need to clarify that majority of Catholics in Croatia understand themselves and are seen by others as “silent majority”, meaning that they will not directly react to individual cases of religious persecution. Therefore, we are witnessing cases where certain groups publicly opposed situations that they held as examples of religious discrimination and persecution. That is why we will describe examples of possible defence strategies to religious persecution, such as first protest “Stop Christianophobia” in Croatia; also establishment of “Ordo Iuris” for those under attack by anti-Christian measures; then the first lawsuit in Croatia against hate speech and discrimination towards believers.

4.1. First protest “Stop Christianophobia” in Croatia

The case of religious teacher Jelena Mudrovic that we have discussed earlier, was also interesting for another reason. The Vigilare Association⁷⁵ and Association “Bl. Alojzije Stepinac”, organized a rally in 2011 in front of the Zagreb County Court to support the respondent religious teacher. The rally was called “Stop Christianophobia” and was the first protest rally of its kind held in Croatia. It was a peaceful protest of hundreds of Catholic believers who warned of the rise of Christianophobia in Croatia. Catholic organizations, which have urged Catholic believers online to protest peacefully with badges and patches labelled “Stop Christianophobia,” believe that the lesbian association “Kontra”, though aware that there is no legal basis to get a lawsuit, has filed a lawsuit to promote itself in public and to spread intolerance towards the Catholic Church and its moral teaching.

Following a peaceful protest, the organizers made the following announcement on their websites where they indicated that the event was a gathering of citizens with religious, Catholic views, *who went to the streets to express their solidarity with the accused religious teacher Jelena Mudrovic and her husband Mila, that is, against the mobbing and public harassment they are experiencing and which, in one way, has led Mile Mudrovic to severe stroke*⁷⁶.

In the statement they also emphasized that they want to introduce the term “Christianophobia”, the official international term denoting the phenomena of anti-Christian behaviour, hate speech and intolerance of the religious and moral beliefs of Christians, especially Catholics. It is because it has become necessary in Croatia. *As one silent majority in Croatia, Catholic citizens will no longer remain silent and suffer more frequent attacks, ridicule and open discrimination from some organizations, associations, official institutions and the media at the expense of religious beliefs and shrines. In Croatia, we condemn every occurrence of anti-Semitism, Islamophobia as well as Christianophobia*⁷⁷.

They have also reminded how religious education at school is an optional subject and that no one is forced to attend religious studies. *We support laws that protect human dignity from discrimination, but we cannot support a law that privileges some and places others at a disadvantage. We ask the Croatian*

[⁷⁵] The name of this association comes from Latin word *vigilare*, which means to be awakened, to watch closely what is happening. “Through information, actions and initiatives initiated or endorsed by Vigilare, supportive citizens can specifically respond as e-citizens, not just watching foreign public figures or institutions threaten, ridicule and demean their values”, as is stated on the official web page of the association. <http://vigilare.org/>.

[⁷⁶] N.N., “Katolici izrazili javnu potporu optuženoj vjeroučiteljici Mudrovčić”, Glas Koncila, March 08, 2011, available at: <http://www.zg-nadbiskupija.hr/mobile.aspx?id=5008>.

[⁷⁷] Ibid.

Government to amend the Anti-Discrimination Law to stop such unnecessary harassment of citizens⁷⁸, stated the protestors.

4.2. Foundation “Ordo Iuris” for those under attack by anti-Christian measures

There is also another recent event that is important for topic of understanding the situation in Croatia. To hear politicians give statements that could be offensive toward believers, is not unusual in public debates in Croatia.

These statements that could be seen as insults even come from politicians at the high-ranking position in state structure, like the one of the presidents. For instance, already mentioned The Vigilare Association, led by Catholic activist Vice Batarelo, has filed a lawsuit almost two years ago against former President of the Republic Ivo Josipovic for *harassing or discriminating against members of the Catholic religion* by stating that *Croatia is a secular state, not a Catholic mosque. The Supreme Court dismissed the lawsuit and ruled that “the feelings of members of the Catholic religion may have been offended by such a statement, but at the same time they were not disadvantaged by any other group of persons⁷⁹.*

Because of this judgment, in the middle of 2019, Vice Batarelo announced a Foundation for those under attack by anti-Christian measures called “Ordo Iuris”. The Foundation should provide quality legal protection in disputes concerning the rights of believers and religious communities. *We need to have quality legal professionals. This prompted us to launch the Ordo Iuris project as soon as possible. The new and friendly but independent Foundation for legal culture, Ordo Iuris, will take care of legal issues and cases in the future, providing appropriate advisory and financial assistance to those who are exposed to anti-Christian measures in the public, workplace or in the media, declared Batarelo, further stating that the court pardoned Mr. Josipovic this time, but for him and other publicly aggressive secularists, this is a warning not to downplay and belittle the Catholic faith and beliefs, because from now on, as Ordo Iuris, we will intervene in public discourse every time it is necessary and take all legal measures to defend our civil rights⁸⁰.*

This is an interesting moment in Croatian society. It has become apparent that there is a rise of cases against freedom to profess religion and that citizens need to react. The Vigilare Association could be seen first among many other movements to come and try to legally defend freedom to profess religion. Their chairman Batarelo says that they respect every person but that *this does not mean that we must endure any injustice in the form of hate speech at the expense of the Catholic faith or Catholic believers. Of course, we all have the right to free speech, but we can all be held accountable for the spoken word. If we do not respect ourselves, how can we expect others to respect and value us or take us seriously at all? It is much easier to live in a ‘I don’t see and hear’ attitude, to be politically correct, not to face opponents of the Church and Catholic beliefs⁸¹.* In this way they also aim to sensitize society in Croatia “especially among atheists, secularists and elite structures, politicians and public figures”, that anti-Catholic prejudice and discrimination is not acceptable⁸².

[78] Ibid.

[79] T.Ba./Hina, “Batarelo izgubio tužbu: Josipović nije uznemirivao ni diskriminirao katolike”, *Tportal*, June 23, 2019, available at: <https://www.tportal.hr/vijesti/clanak/batarelo-izgubio-tuzbu-josipovic-nije-uznemirivao-ni-diskriminirao-katolike-20190623>.

[80] D. Maršanić, “Vice Batarelo pokreće borbu protiv militantnog sekularizma: Pazite se svi vi koji ismijavate i pljujete katolike!”, *Teleskop.hr*, July 19, 2019, available at: <https://teleskop.hr/batarelo-josipovic-spor-or-do-juris?fbclid=IwAR23086-W-Jv5RZPJA632srozQqHEN-fxqwJS6lT43DKbofjx4T5uZq4>.

[81] V. Batarelo, “Predmet ‘Vigilare protiv Ive Josipovića’”, July 16, 2019, available at: <http://vigilare.org/vijest/predmet-vigilare-protiv-ive-josipovica/>.

[82] Ibid.

4.3. The first lawsuit in Croatia against hate speech and discrimination towards believers

What is called the “first lawsuit in Croatia against hate speech and discrimination towards believers” is the case about writings of a news portal Index.hr. This news portal is one of the most visited ones in Croatia and therefore one of the most influential. So, what happened?

During 13th to 18th April 2016 in Zagreb was organized the arrival of the body of Saint Leopold Bogdan Mandić. S. Mandić is highly respected by the faithful in Croatia and this was truly special religious event. In the words of the archbishop Cardinal Josip Bozanić, who we will cite here at length, we can gain insight how this event was truly important for Croatian people: “*These were the days of Saint Leopold’s meeting with his compatriots in the Croatian capital, and also the days of the powerful intervention of God that took place on the 150th anniversary of Bogdan’s birth in Herceg Novi. In those days we met with a Saint who dedicated his life to the confessional service. This experience is an encouragement to the sacrament of reconciliation that is increasingly present in our capital, Croatian shrines, parish and monastery churches and chapels. Saint Leopold teaches us that the only mercy of God and our trust in God is the way of deliverance from evil,*” wrote archbishop Bozanić in the preface to the monograph dedicated to this event, noting that in those days rivers of people of different ages, intellectual levels and life status flowed around the earth remains of St. Leopold, and that *the radiance of joy was seen equally on the face of a child, a young man, a woman and a man of mature age, an old man and a disabled person, reflecting the soul of our Croatian people*⁸³.

For this occasion, that attracted a huge number of believers, not only from Croatia, but also from other countries, the Croatian national television (HRT) provided live coverage of the event during certain moments. Yet, on the first day of the event the news portal Index published a comment by journalist Hrvoje Marjanović, titled *The Dead Live: The Catholic Necrophilia Orgies are the craziest show on HRT*⁸⁴. Two days later another comment was published on the same news portal titled *What to listen to while you wait in line for the dead man to touch*⁸⁵. After that, journalist Vojislav Mazzocco published the article *Catholics got angry and started threatening – what would Saint Leopold say?*⁸⁶

As a reaction to the news comments, independent association “In the name of the family”⁸⁷ reported Andreja Hudik, editor-in-chief of Index.hr portal to the Croatian Journalists’ Association, which responded with a conclusion that the Ms. Hudik did not violate Article 25 of the Croatian Journalists’ Honor Code.

After that association “In the name of the family” has filed a joint lawsuit together with the Association for the Promotion of Family Values – Blessed Alojzije Štepinac; “Vigilare” – an association to promote citizen participation in the civilian and political sectors of society and preserve the dignity and rights of the individual, family and value of life; The Student Catholic Center Palma and the Croatian Catholic Society of Educators. Lawsuit was directed against journalists of Index.hr portal Hrvoje Marjanović and Vojislav Mazzocco, as well as the Index promotion d.o.o. for discriminating texts that offend saint Leopold Mandić, but also all Catholic believers in Croatia.

[83] N.P., “Fotomonografija o boravku tijela sv. Leopolda Bogdana Mandića u Zagrebu”, May 22, 2017, available at: <http://www.zg-nad-biskupija.hr/dokumenti/aktualnosti/fotomonografija-o-boravku-tijela-sv-leopolda-bogdana-mandica-u-zagrebu>.

[84] H. Marjanović, “Mrtvaci uživo: Katoličke nekrofilске orgije su najludji show na HRT-u”, Index.hr, April 13, 2016, available at: <https://www.index.hr/magazin/clanak/mrtvaci-uzivo-katolicke-nekrofilске-orgije-su-najludji-show-na-hrtu/886983.aspx>.

[85] L.K., “Što slušati dok čekate u redu za diranje mrtvaca”, Index.hr, April 15, 2016, available at: <https://www.index.hr/magazin/clanak/sto-slusati-dok-cekate-u-redu-za-diranje-mrtvaca/887247.aspx>.

[86] Vojislav Mazzocco, “Katolici se razbjesnili i počeli prijetiti – što bi rekao sveti Leopold?”, Index.hr, April 15, 2016, available at: <https://www.index.hr/vijesti/clanak/komadaju-tijela-dobrih-ljudi-a-bijesni-su-kad-im-netko-kaze-da-su-bizarni/887470.aspx>.

[87] Association “In the name of the family” has a mission through social advocacy, actively participate in empowering marriage and families and building a democratic society. Association has emerged from the activities of the civic initiative „ In the name of the family „, which brings together individuals, families, civic associations and religious associations, communities and movements – all those who promote common values – marriage and family, as is stated on the official page of the Association, at <https://uime-obiteljji.net/>.

In the name of the sides that filed a joint lawsuit Kresimir Planinic, Member of the Board of Directors of the Association “In the name of the family” said to the media that this was the first lawsuit to discriminate against believers in Croatia and that *the most important thing is to stop the unworthy and insulting speech in the public space. This should be stopped and sanctioned because the way it is written about believers, about a ceremony and about Croatian saints is below the level of human dignity*, Planinic emphasized, adding that as the atheistic understanding and their philosophical approach should be respected, the religious attitude should also be respected. *This is the essence of pluralism, and it is the same in the media – they cannot hide behind independence, ie the right to speak, with such abusive approaches*, Planinic said⁸⁸.

In the lawsuit there are a couple of important moments to highlight here for our agenda. Against journalist Hrvoje Marjanovic, it is stated that he *directly discriminated against persons of the Catholic faith by placing them at a disadvantage from other persons in a comparable situation by questioning their right to assemble publicly and to manifest their religion publicly by exercising their religious custom of publicly worshipping a saint’s relic. Such treatment results in the likelihood that such behaviour will, on some Catholic subjects, have a restrictive effect on their public and social life, that is, they will restrict themselves in public manifestations of faith and in public gatherings, so as not to be shamed, defamed and declared ill and morbid as the first defendant did in the article above*⁸⁹.

Further on, it is also claimed that Marjanovic harassed persons of the Catholic faith by violating their dignity as a believer, causing a fearful, hostile, degrading or abusive environment. He did this by declaring the customs and dogmas of the Catholic Church sick, declaring all those who attended the worship of Saint Leopold Mandic necrophiliac, calling the whole event ‘Catholic Necrophilic orgies’, comparing Catholics and their beliefs with animals (cats) and comparing a Catholic custom with ‘the urge of a cat to bring the dead body of a bird she killed to the door of her master’s house’⁹⁰.

Against Vojislav Mazzocco it is also stated that he discriminated Catholics by placing them at a disadvantage from other persons in a comparable situation, by questioning their right to publicly manifest their religion. The lawsuit states that this right is guaranteed by Article 40 of the Constitution of the Republic of Croatia and Article 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. Such treatment will maybe have a restrictive effect on some persons of the Catholic faith and their public and social life, claimed associations.

Furthermore, it is claimed that Mazzocco harassed persons of the Catholic faith by violating their dignity as a believer, causing a fearful, hostile, degrading or abusive environment. He did this by declaring the customs of the Catholic Church ill, portraying the practices of worshipping relics and the emergence of these relics as trenching the bodies of the saints, and compared the persons of the Catholic faith to the obscure terrorist and declared them bloodthirsty⁹¹.

Because of the stated above, associations think that the news portal Index.hr committed a more serious form of discrimination, a form of repeated discrimination or multiple discrimination. *It should be noted that this is not the first time that this publisher is discriminating on the basis of religion, believers of the Catholic faith. He did the same thing on February 4, 2014, when he published an article, ‘How did you get on parade with skulls and pieces of dead people?’ This shows that the publisher has previously been known as a discriminator and harasser of Catholic faiths, and that he established “practice of discriminating, harassing, insulting and disrespecting different opinions and beliefs and above all hatred of the Catholic Church as a whole.*⁹²

[⁸⁸] M. N., “Prvo ročište protiv Indexova govora mržnje i diskriminacije vjernika”, December 23, 2016, available at: <http://hu-benedikt.hr/?p=80180>.

[⁸⁹] Ibid.

[⁹⁰] Ibid.

[⁹¹] The whole lawsuit can be read at: https://narod.hr/wp-content/uploads/2016/07/Udru_na_tu_ba_072016_scan.pdf

[⁹²] Ibid.

Very interesting fact is that the persecutors highlighted that this kind of articles are discriminating a large number of persons, since in the last census in the Republic of Croatia, which was conducted in 2011, 86.3% of the population stated that they were Catholic.

Another important issue is that the persecutors conclude how this kind of discrimination cannot be justified in any way, and with the right to freedom of expression. The aim of the lawsuit is that the discriminating text are removed from the news portal and that Index.hr stops with praxis of publishing texts that could be discriminating towards Catholics⁹³.

In 2017, the court dismissed the claim as unfounded. During the court trial journalists have defended themselves by claiming that the article is a “satirical review” and that it *does not refer to believers, but is primarily a criticism of a public-television procedure that cancelled the announced broadcast of show ‘Croatia Live’ because of direct transmission of the welcome of the body of St. Leopold Mandić*. In was also stated that the “necrophilic orgy” is not a criticism of the faithful but a social critique of the HRT process and the church’s actions. Further on, it was also said that the article ‘What to listen to while you wait in line for the dead man to touch’ does not discriminate against persons on the basis of Catholic or any other religion because it is a humorous video compilation.

Judge Lidija Jelavic accepted the defendants’ interpretation and ruled that *the believers were not the ‘target’ of the articles in question, but the purpose of articles was to express a satirical critique of the TV broadcast of the event in question*. Further on, judge stated that defendants have proved that the articles in question did not in any form, directly or indirectly, discriminate against believers of the Catholic religion (Article 2, paragraphs 1 and 2 of the CCA). The decision also said that the articles *were not intended to violate the dignity of persons of the Catholic faith and to cause fear, hostile, degrading or abusive environment, or to harass faithful that would be equated with discrimination*⁹⁴.

After the verdict, Index.hr published the article about the decision of the court, stating how *this trial was extremely dangerous for journalistic freedoms in Croatia. With it, extreme Catholic NGOs tried to introduce into the Croatian legal practice the condemnation of blasphemy and to ban only critical thinking about the practices of the Catholic Church*⁹⁵.

The other side continued their lawsuit by appealing to the Supreme Court of Croatia. Their attorney Kresimir Planinic said that *this unjustified first-instance judgment is not based on the facts submitted by the Association ‘In the name of the family’, and that it seems that you can insult as much as you wish and then hide behind some artistic expression and claim that you didn’t mean it. The defendants’ defence was based solely on their statements that they actually criticized the National Television when, for example, they say that Catholics are sick. It will be interesting in the second instance proceedings to read the Supreme Court’s thinking on this view*⁹⁶, Planinic said to the press. At the moment, there is still no decision from the Supreme Court.

5. Development of anti-Catholic attitude in Croatia

Mentioned examples clearly show that there is a slow anti-Catholic attitude being developed in Croatia. Part of the reason for this fact are anti-Catholic prejudices and stereotypes. These two are usually, as all other developing attitudes in person’s life, influenced and shaped through media, family and society. There is a common opinion that major responsibility for the development of anti-Catholic

[⁹³] N.N., “Udruga U ime obitelji izgubila presudu protiv Indexa, najavljena žalba”, Vecernji.hr, November 06 2017, available at: <https://www.vecernji.hr/vijesti/udruga-u-ime-obitelj-izgubila-presudu-protiv-indexa-najavljena-zalba-1205993>.

[⁹⁴] Ibid.

[⁹⁵] Vojislav Mazzocco, “Markić i Batarelo opet izgubili od Indexa, katolici nisu uspjeli zabraniti humor”, Index.hr, November 6, 2017, available at: <https://www.index.hr/vijesti/clanak/markicka-i-batarelo-opet-izgubili-od-indexa-nekrofilске-orgije-nisu-diskriminacija-katolika/1005715.aspx>.

[⁹⁶] N.N., “Udruga U ime obitelji izgubila presudu...”, Vecernji.hr.

prejudices and stereotypes are on the media, that encourages untruthful information and ideas about catholic agendas. Therefore, for our work on question regarding freedom to profess religion in Croatia, it is important to deal with this problem. So, we are going to ask two questions in this part of the paper:

- 1) How is Church seen in Croatia through media: positively or negatively?
- 2) What kind of anti-Catholic prejudices are developed through media?

5.1. How is Church seen in Croatia through media: positively or negatively?

We will use data from a new scientific research project titled “Religious themes in the Croatian media space”⁹⁷. During 2016 and 2017 researches went through 710 news contributions published in different media: radio, newspapers, television and Internet.

Here are two of their conclusions:

- a) on the topic of faith, it is clear that media does not speak with the help of and in theological context, but in a social context. Therefore, the question is: are today's media, with their language and nature, enabled to speak about faith⁹⁸? Many journalist are not educated to report on these topics, also many of stories are controversial so it is not easy to write about them; and it is not easy to present the subject *here and now*, since faith issues have an intention toward transcendence⁹⁹.
- b) media have the power to spread the news to huge masses and in a short period of time. Media is therefore seen as a “window to the world”. But, this window can be differently shaped and can look to *only a specific world*¹⁰⁰. Meaning, media can create anti-Catholic harmful stereotypes and prejudices, but it does not mean that they really do.

Let us consider now couple of common opinions about relation between media and Catholic Church. In Croatia it is a common opinion that media is full of negative stereotypes about Church. But, is it really so?

Regarding stereotypes, authors of the study state that stereotypes can be positive, meaning that they help people to more easily deal with reality. Yet, they can also be negative, meaning that they generalize certain features to all members of the group.

Out of 710 articles on religious themes, in 578 (81,4%) there were no stereotypes used. In other media contribution there are partially used stereotypes, out of which: 7,5 % are related on religious community (stereotypes are that these communities are seen as other social and political institutions or communities); 2,5% on person (stereotypes are that religious personality have roles that they do not really have, with their spiritual role usually neglected); 3,7 % on religious holiday (as part of folklore) and 3,5 % on some other concepts related to religious community (as religious subjects). Yet, these stereotypes can be used against Church in general and for promoting groups that are different or opposed to Church.

Socially harmful norms (such as defamation, embarrassment, disruption of reputation) are found in 13 percent of media contributions. In half of these articles' stereotypes were present¹⁰¹.

Further on, there is an common opinion that media usually negatively speaks about Church. Out of 242 newspaper articles on Catholic Church, 53,3 % of articles were neutral concerning value orientation

[⁹⁷] J. Valković, *Vjerska tematika u hrvatskom medijskom prostoru*, Zagreb 2019.

[⁹⁸] J. Valković, (Vjerska) informacija – u procjepu između medijske logike i očekivanju vjernika, in: J. Valković, *Vjerska tematika u hrvatskom medijskom prostoru*, Zagreb 2019, p. 95 – 119, p. 95.

[⁹⁹] K. Novak – L. Osmančević, Stereotipi u medijskom izvještavanju i odgoj za medije, in: J. Valković, *Vjerska tematika u hrvatskom medijskom prostoru*, Zagreb 2019, p. 143 – 160, p. 148.

[¹⁰⁰] K. Novak – L. Osmančević, Stereotipi u medijskom izvještavanju..., p. 144.

[¹⁰¹] Ibid., p. 152.

regarding Church. Articles with negative value orientation was only 11,6 %. Articles with positive value orientation was 17,8 %. Articles in which you could not tell value orientation were 12,8 %. And negative and positive value orientation were equal in 4,5 % articles.

So, why do we have the opinion that media is so negative about the Church? Maybe we as audience value and read more the negative value articles, the same objections we use against media – that they value more and push forward the negative value articles. This is in line with famous statement that “only bad news is good news”. That is why investigation that we are considering here went on to see in which kind of articles there are more negative value articles concerning the Catholic Church.

There findings showed that in news and reports, 85,5 % and 62,9 % are neutral value articles, while positive and negative value are equal. But, in columns and comments articles with negative value is relatively high – 32,4 %, articles with positive and with neutral value are 5,9 %, and articles with positive-negative value are 17,6%.

In interview 54,5 % are positive, and in reports are 83,3 % articles positive. There were no negative values. So, when media is interviewing someone from Church or writing about concrete Church activity “on the field” or some Church event, then authors regularly have positive attitude toward persons or events.¹⁰²

These are important numbers, because commentators usually put a stamp or a final word/ verdict on some objectively written article or on some event, in this way shaping the public opinion. Just to mention that concerning sensationalism in titles of media contributions, that is used to increase the influence of the certain article/show/report, we are talking about relation between title and content of the contribution. The biggest presence of sensationalism is on Internet¹⁰³.

5.2. What kind of anti-Catholic prejudices are developed through media?

We would like here to quote the thought of bishop Fulton J. Sheen: *There are no more than 100 people in the world who truly hate the Catholic church, but there are millions who hate what they perceive to be the Catholic Church*¹⁰⁴.

Now we would like to provide a short insight on anti-Catholic prejudices and stereotypes that are present in media and are especially present in columns that are signed by respected authors, that influence the public opinion. These are themes that are usually present, repeated and showed as being of extremely important for development of society as such. We will extract three main prejudices and provide examples how are they described.

First prejudice: Catholic church in Croatia is extremely rich and her aim is to get richer. In daily Croatian newspaper “Jutarnji list” you could read how Catholic Church in Croatia, for five years in the period from 2014 to 2019, got from the state some 1.65 billion HRK. The article further continues how this is only a part of the money, because when it comes to the salary of the teachers of religious subjects in schools, then the money for spiritual salvation, the money for restoration of the cultural goods of the Catholic Church, the work of religious schools and colleges, this amount goes up to about 3.6 billion HRK, which is about 720 million kuna per year. In euros, it is 97 milion euros per year. Further on, we can read titles as “The church in Croatia likes gold, wealth, and power” (*Deutsche welle*, 2013), where we could read how Croatian bishops finally removed their golden crosses because of pope Francis. Article “The Catholic Church in Croats resembles the heroes of soap opera ‘And rich

[102] A. Mikić – K. Novak, Katolička Crkva u hrvatskom nacionalnom i regionalnom tisku, [in:] J. Valković, *Vjerska tematika u hrvatskom medijskom prostoru*, Zagreb 2019, p. 177 – 201.

[103] K. Sedak, Senzacionalizam u kontekstu vjerskih tema, [in:] J. Valković, *Vjerska tematika u hrvatskom medijskom prostoru*, Zagreb 2019, p. 161 – 176, p. 168.

[104] C. Kaczor, *The Seven Big Myths about the Catholic Church*, San Francisco 2012, p. 9.

cry also” (*Slobodna Dalmacija*, 2018), claims that Church cares more about accountants than about theologians.

In daily newspaper “Novi list” from city of Rijeka, you could read the title “This is great: The Catholic Church in Croatia, billed in hundreds of millions of dollars from the budget, complains of discrimination” (*Novi list*, 2019.). Just to provide a few more title examples: “How the Church in Croatia Enriched: An Inquisitive Imprisonment, forcible baptism and forced labor”; “For Notre-Dame, billions of euros have been collected, and children are starving. Is it hypocritical?”; “What is covered in the Vatican contracts that turned us into Church servants?”; “Why is there no money for the sick? Because billions are spent on the Church”; “Tell us: Should we stop paying billions of Church?”

One of favourite themes concerning the theme of money and Church is also the issues of taxes and Church: “How much do we really pay the Church: Can we introduce a religious tax payment in Germany or, better yet, Austria?”; “How to Fund the Catholic Church in Croatia” (*Monitor.hr*); “Should the Church Pay Taxes?” (*Barometar.hr*); “Church tax would not appeal to voters” (*Vecernji.hr*); “The Catholic Church will have to pay income tax” (*Dnevnik.hr*).

This is just a part of the media titles from 2018 and 2019, on the subject of the Church and the wealth. In principle, there is nothing new in the figures, but one and the same topic is “spinning” in a number of ways trying to portray the Church in Croatia in a negative light. In some moments people from Church tried to respond with answers where does the money go, but nowadays they do not want to react whenever some media publishes this theme as their headline. In this way all work of religious institutions is usually seen through the glasses of Church wealth. This puts faithful in a unequal position and therefore this prejudice harms the freedom to profess religion.

The second prejudice: The Church is against science and progress of humankind. The Church should leave science alone. This is an old prejudice that tries to convince people how the Church has a negative attitude towards science and how theology as such does not belong to the Academy of Science. The other side of this same prejudice argues that all that concerns the objectivity of the world and the facts about the world and people, the Church should leave it alone to the sciences. Out of many, the following titles could be read: “World-renowned biologist: I am alarmed what Croatia is doing to its children with religion subjects in schools”; “We don’t have money for science but we have the Church’s luxury”; “Minister Divjak responded to Cardinal Bozanic: In schools, science facts are taught. I’m sure the Church knows its jurisdictions”; “Why the Church distorts science and thus threatens the lives of millions of people?”;

At one point, the Catholic Faculty of Theology at the University of Zagreb opened negotiations with the Faculty of Philosophy on the possibility of joint collaboration in the realization of certain study programs. The amount of negativity to the idea that the Faculty of Theology and the Faculty of Philosophy cooperated together was simply astonishing. There were riots against idea that priest could give lectures at Philosophical Faculty and that students from Theology could attend joint studies. The result of these negotiations was predictable. Some of the titles: “Nothing of the ‘clericalization’: Philosophical refusal to cooperate with the Catholic Faculty”; “Theology is burdensome for the Faculty of Philosophy, students do not want a contract with KBF”; “The Contract between Philosophical Faculty and the KBF will bring harm to students of Philosophical faculty”; “Academic Solidarity: Merger of FFZG and KBF is an attack on Secularity of Higher Education”; “Professor Kapovic: I do not want the Church to dictate what will be taught at the Faculty of Philosophy”.

Third prejudice: The Church is against women. This prejudice is regularly pulled through several issues important to the society: abortion rights, family relationships, violence against women, and women’s issues in clergy structures. The Church is exclusively regarded as a protector of men, as one who defends fetuses in matters of abortion and so directly attacks the freedom of a woman; the one who seeks to preserve the marriage community even though the husband regularly mistreats or is violent against his wife; and ultimately as an institution that does not allow any form of women’s

influence on decision-making and work in the Church. Let us look at a couple of examples from media titles: “Priest to the victim: Bear the violence, because divorce is sin”; “300 women were killed, family violence grows, and conservatives talk about gender: here’s what is true, and what the fogging around the Istanbul Convention”; “Acknowledgment of an Abused Woman: The priest told me that I had to bear it”; “Croatian bishops rescue family: Violence does not need to be a rod for family destruction”...

Compared to the prejudices about the Catholic Church which are pronounced in the rest of the world, Croatia is no exception. Christopher Kaczor in his book *The Seven Big Myths about the Catholic Church* (2012) states how the Roman Catholic Church has long been the target of suspicion and hostility. These are the topics: faith versus science, the status of women, the clergy abuse scandals, contraception, and same-sex unions. Author demonstrates that much popular opinion about Catholicism has been based on misunderstanding and misinformation.

There is also another recent book with the similar issues, titled “Forty Anti-Catholic Lies: A Myth busting Apologist Sets the Record Straight”¹⁰⁵, by the author Gerard Verschuuren. Author is offering to the reader the arguments against well-known prejudices against the Church. Here are some prejudices that he is dealing with: Church still lives in the Dark Ages; reject modern ideas of justice; oppress women; oppose free speech; killed thousands during the Inquisition; reject science; helped Hitler seize power, etc.

Let us conclude this part of the chapter. The three prejudices about the Catholic Church in Croatia that we have briefly introduced now, are only a smaller part of a huge number of other half-truths that we can consume in everyday media and public debates. The important thing is that the other side – Catholic Church – cannot come to the word. In articles they are not asked for their side of the story. Or, if asked, then often their statements are cut and only in small parts. Or, even worse, words from church representatives are presented in an ironic way, especially through titles, making it clear that the editor is mocking with them. So, many now restrain to give any comments to daily media afraid that they will be “shown in bad light” and later criticized in their Church for such statements. In this way, public space is emptied from theologians and representatives of the Church. We can also say: the freedom to profess religion in public space is left for criticism with no advocates.

This milieu of anti-Catholicism is slowly, but stably gaining strength in Croatian society. What kind of image do these prejudices develop about Church and believers? That believers are naïve and traditional people, trusting only their bishops and parish priests. Further on, that they are extremely uneducated in scientific achievements and that they do not give trust the scientific institutions. Being traditional, they are against progress. This label “traditional” has become truly popular if you want to discredit someone, in a way that you want to show him having strong and unchangeable attitudes, that are not following the current contemporary issues and solutions to the problems. Regularly you have “the traditional” assigned to the Church and to all kind of movements, whether political, social or institutional that are in line with the Church teachings.

In this way people, and especially young people are trying to avoid this unpopular label of being “traditional”, because it is now connected with being unfair or just stupid. These prejudices about Catholic Church that are very old are now popular in Croatian society, and they have become part of the daily way of speaking about the Church, thus becoming something that is true to a large part of the people. This is very clearly shown in the statistical data of the decline of trust in the Church as an institution. Therefore, we could say that the prejudices we listed above, contribute to radically secular worldview trying to dominate the public space and enframe the freedom to profess religion.

[105] G. Verschuuren, *Forty Anti-Catholic Lies: A Mythbusting Apologist Sets the Record Straight*, Manchester 2018.

Conclusion: The ways of responding on religious persecution on personal and state level

In the area of the European Union, incidents that are fuelled by stereotypes, discrimination and prejudices of anti-Catholic nature are increasingly occurring. Many examples that we have mentioned and described in this paper show that Croatia, although majority of citizens are declared Catholics, follows this negative trend of the increase of cases of religious persecution and discrimination. We also saw that there is a slow development of the opposition against such situation, bringing public and state attention to such cases. Further on, we have also provided arguments in favour of the thesis that if Christians in Europe are endangered, then other religions that are in minority are also endangered. This calls for further attention toward preservation of one of the fundamental human rights and this is freedom to profess religion.

We could further notice that there is a solid practise of systematic follow-up of incidents that violate individuals' rights only because they are Christians. This is a good path toward the development of a systematic and informed public awareness of these events, both at local, national and European level.

In a young EU Member State, such as Croatia, which has always been recognizable to itself and to others, as a state whose values are formed by Catholic teachings, there is a gradual change of public opinion towards the Catholic Church. The change takes place also by the help of developing stereotypes in the media space. The stereotype of the Catholic Church gives birth to anti-Catholic prejudices, with which the media unfriendly to the Church are persistently "bombing" the public space.

The prejudice is a phenomenon that is deeply rooted in the mode of existence of the human being and its way of understanding. Prejudices against the Catholic Church are not from today, they have their own history and a strong anchorage in public opinion. As such, they can not be eradicated. Nevertheless, anti-Catholic prejudice can be fought. Although, we must say, that in our personal opinion this awareness and struggle against prejudices and religious persecution is still far away from the consciousness of the Catholics in Croatia.

We are now asking: what is the future of the religious freedom, both in Croatia and in the European Union, and is this future connected to the further development of anti-Catholic prejudices and perceptions of the Catholic Church, enabling further regression of the freedom to profess religion?

Concerning Croatia, we strongly believe that in the future we will have the final establishment of the current still "transit" stereotype of the Catholic Church in the public opinion. The Catholic stereotype and anti-Catholic prejudices will certainly include the following characteristics:

a) Catholics are traditionalists – they are not progressive or on the side of human progress (whatever progress means): they are distrustful of the new contemporary ideas of social development, including a wide range of areas, such as:

political organization – traditional attachment of the Catholics to the right political wing, with occasional support to the extreme right position and certain movements that have a prefix "catholic";

working ethics – workers' rights issues, such as issues of "non-working Sunday" or maternal leave, will be considered outdated ideology of Christianity. A new economy that wants to be sustainable and competitive, will not know the workers' rights developed from human fundamental anthropological marks, but workers' rights developed only from the principles of efficiency. Requirements for, for instance, of a non-working Sunday, to be with the family and to celebrate God, will become a sign of laziness;

medical issues: anti-Catholic prejudices will contribute to the destruction of Christian anthropological image, which will have effect on numerous other issues, such as the issue of abortion, euthanasia, etc. Similar developments can also be expected in the field of sexuality;

ghettoization: the question arises as to how society in the future will look at Christian prayer areas and pastoral centres within big cities, which are increasingly deprived of housing? Will the church

space be considered ineffectively designed space, which contributes to the division of society on a religious basis? Like, for example, a Christian church in Sweden that recently removed crosses so that Muslims would not feel unwelcomed.

b) *Anti-scientific attitude of Christians*: thanks to the prejudices of “eternal” rivalry between religion and science, Christians will be considered as persons who cannot think beyond the framework of the dogmas of their faith. As such, they will be seen as incapable of understanding and contributing to the development of science. Since scientific discoveries are interpreted in such a way as they are opposing religious truths, Christians will no longer be called into public discourse on the application of certain scientific discoveries and ethical dilemmas.

c) *Against science-based education*: the knowledge that is mediated through the education system must be built on the facts that have been acquired by the scientific method. Religious subjects as such are not desirable in schools because religious truths are not based on empirical facts. Therefore, prejudice claims that Christians promote their subjective, scientifically unfounded knowledge, and thus, children from a small age point to an illogical way of thinking that does not contribute to the development of society. Today in Croatia it is commonly asked: Should in public schools be a place for the subject of religious themes, adapted to particular religions, or do they have no place in school? Surely in the future the question will no longer be asked in such a way. In the future, we can expect to be understandable that there is no place for religion subjects in state educational systems. But, even more, in the future, we could be hearing questions that are asking is it reasonable to have lectures at the parishes themselves? Although parish catechesis takes place in privacy without the “harm” for the secularity of the state and its institutions, the question arises as to what kind of knowledge children are being taught and whether the state should supervise this form of knowledge transfer?

d) *Double moral*: Catholics have been and will always be suspected for double moral – this famous anti-Catholic prejudice claims that Catholics are teaching, believing and saying one thing, but acting completely differently. Because of this, every bad move of individuals in the Church, is publicly seen as a proof of the double moral of the whole community.

e) *Loss of public voice*: influence of Christian media will gradually fade in the public space, as they are already fading in Croatia. The dominance of the media that straightforwardly supports secularism against theism will gradually strengthen even more. We have already pointed to the fact that the media, the society and the parents, are the three main sources of shaping people’s attitudes. The perception of the Church will thus be framed within firm outlines of its stereotype and prejudices.

Nevertheless, we believe that the greatest danger for the freedom to profess religion lies in the following: that once that the stereotype of Catholic Church and anti-Catholic prejudices are firmly grounded in public opinion, they will smoothly shape the opinions of all future generations that are to come. Prejudices will no longer be seen as prejudices – they will become knowledge that is firmly grounded and as such undisputed. In this way, fertile soil for cases of religious persecution and discrimination will be placed and human right of freedom to profess religion will slowly lose its significance and clarity of recognition as a fundamental right.

In this final step, we ask how to change the future and oppose further spread of religious persecution and discrimination? What we have learned about the anti-Catholic prejudices and stereotypes that give fuel to religious persecution can enable us to try to develop some strategies how to fight them.

First of all, prejudices are constantly repeated, and their “truth” is constantly being recounted, and the emotion that they trigger is always present. Catholic institutions or movements should be directed towards the public deconstruction of anti-Catholic stereotypes and prejudices. A very interesting examples are the books that we have mentioned in this paper, that are developing such approach.

We can say that all anti-Catholic prejudices are of a similar type and motive, but that they still retain a certain regional distinction specific to them and are identified as “true” with the help of examples from the local church. In this regard and strengthened with the words of Jesus “Then you will know

the truth, and the truth will set you free” (Iv 8,32), every church area should be publicly engaged in the deconstruction of the “truth of prejudice”. These measures or anti-prejudice arguments should be publicly available, regularly updated and used. In this way, the public will always have an insight into what the other party has to say, and this will make the public debate richer. Certainly, one should be aware that transparency has its price for the Church also, but the truth is more valuable since it will enable a stronger position against any attempt of deprivation of religious rights and freedom.

Further measure supporting the freedom to profess religion could be a public database of individual cases that violated religious freedom. In this way, the local church should also have a publicly listed incidents of religious discrimination and persecution against Christians in their area, caused by stereotypes and prejudices. On the state level there should be a public base that would unify the data of all individual cases. The next level could be the level of the European Union. In this way, politicians and other people involved in decision making in Europe could have good arguments in hands against the laws and types of social behaviour that does not tolerate or that endangers freedom to profess religion.

One of the most powerful and most effective ways of fighting prejudice, discrimination and persecution is the struggle against prejudice, discrimination and prejudices of others. When some prejudices are being developed and maintained about some religious community, or generally when some prejudices or discriminations in the society are alive, then the faithful should react and not remain silent. In this way, public perception changes, and the actors themselves discover that the fight against prejudice is not easy work.

Education on all levels is definitely one of the most important strategies to maintain the religious freedom. We are proposing educational activities that would embrace wide range of audience, from schools to colleges, from journalists to politicians, from working class people to scientist, from youth to elderly. All members of society need to be taught in principles of one of the main human rights – freedom to profess religion. Further on, people need to be educated how religious prejudices and stereotypes are shaped; how they go on existing unnoticed; and how they act on our thinking and action, even though we explicitly reject them.

The passive position of “silent majority” that claims how things will work out to the good on their own is not a right way to deal with the growing body of cases against freedom to profess religion. Therefore, what is required is joint action on all levels, from public appearances of vulnerable groups to opening up places for dialogue between different groups. We strongly believe that only in the dialogue can we develop the space of freedom to profess religion and of peaceful coexistence. Only in dialogue other persons can be seen as they really are.

For our final remark, we would like to stress that we need to notice, recognize and abandon our own prejudices and behaviour that is directed against other people’s freedom to profess religion or some other fundamental human right. This is maybe the hardest assignment of them all.

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