



## Croatia

### International Religious Freedom Report 2008

Released by the Bureau of Democracy, Human Rights, and Labor

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The Government generally respected religious freedom in practice. There was no change in the status of respect for religious freedom by the Government during the period covered by this report.

There were reports of sporadic vandalism, particularly in the war-affected areas, directed against Serbian Orthodox Church (SPC) property.

The U.S. Government discusses religious freedom with the Government as part of its overall policy to promote human rights.

#### Section I. Religious Demography

The country has an area of 21,831 square miles and a population of 4.5 million. Approximately 85 percent of the population is Roman Catholic, and 6 percent is Serbian Orthodox Christian. Groups that constitute less than 5 percent of the population include Muslims, Jews, and followers of other religions. Religious affiliation correlates closely with the country's ethnic makeup. The Serbian Orthodox, predominantly ethnic Serbs associated with the SPC, live primarily in cities and areas bordering Bosnia and Herzegovina, Serbia, and Montenegro. Most members of other minority religious groups reside in urban areas. Most immigrants are Roman Catholic ethnic Croats from Bosnia.

#### Section II. Status of Religious Freedom

##### *Legal/Policy Framework*

The Constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion. The law at all levels protects this right in full against abuse, either by governmental or private actors.

There is no official state religion; however, the Roman Catholic Church receives state financial support and other benefits established in concordats between the Government and the Vatican. The concordats and other government agreements with non-Roman Catholic religious communities allow state financing for some salaries and pensions for religious officials through government-managed pension and health funds. Marriages conducted by the religious communities having agreements with the state are officially recognized, eliminating the need to register the marriages in the civil registry office. The concordats and agreements also regulate public school catechisms and military chaplains.

In line with the concordats signed with the Roman Catholic Church and in an effort to further define their rights and privileges within a legal framework, the Government has additional agreements with the following 14 religious communities: the SPC, Islamic Community of Croatia, Evangelical Church, Reformed Christian Church, Pentecostal Church, Union of Pentecostal Churches of Christ, Christian Adventist Church, Union of Baptist Churches, Church of God, Church of Christ, Reformed Movement of Seventh-day Adventists,

Bulgarian Orthodox Church, Macedonian Orthodox Church, and Croatian Old Catholic Church.

Both the Coordinating Committee of Jewish Communities (CCJC) and the more recently formed Bet Israel congregation sought a similar agreement with the state. In May 2008 the Government offered a joint agreement to the two groups. The CCJC stated that it would decline the Government's offer to sign a joint agreement with Bet Israel, insisting on an independent agreement. The CCJC also objected to the distribution of government funding to the communities, arguing that the smaller Bet Israel received disproportionately more funding than the larger CCJC. Bet Israel accepted the conditions of a joint agreement, the signing of which was pending at the end of the period covered by this report.

In November 2007 three religious communities--the Church of the Full Gospel, Alliance of Churches "Word of Life," and Protestant Reformed Christian Church--sued the Government before the European Court of Human Rights (ECHR), alleging that the criteria that the Government uses to evaluate a group's qualifications as a religious organization violate the principle of equal position of all religious communities and are therefore unconstitutional. Furthermore, the lawsuit claims that these criteria are applied inconsistently and arbitrarily, depending on the political interests of the Government. In June 2007, claiming the case was outside its jurisdiction, the Constitutional Court rejected a 2005 appeal by the three groups challenging the Government's refusal to conclude agreements similar to those with the Roman Catholic Church and the 14 other communities.

The 2002 Law on the Legal Position of Religious Communities broadly defines religious communities' legal positions and covers such matters as government funding, tax benefits, and religious education in schools. Matters such as pensions for clergy; religious service in the military, penitentiaries, and police; and recognition of religious marriages are left to each religious community to negotiate separately with the Government. In January 2008 the Croatian Helsinki Committee and members of smaller religious communities criticized the law, alleging that it was inconsistent and did not guarantee the equal position of all religious communities.

The Government observes Epiphany, Easter Monday, Corpus Christi Day, Assumption Day, All Saints' Day, Christmas, and St. Stephen's or Boxing Day as national holidays.

Registration of religious groups is not obligatory; however, registered groups are granted "legal person" status and enjoy tax and other benefits. The law stipulates that to be eligible for registration, a religious group must have at least 500 believers and be registered as an association for 5 years. All religious groups in the country prior to passage of the law in 2002 were registered without having to meet these conditions; religious groups new to the country after passage of the law must fulfill the requirements for the minimum number of believers and time as an association. Religious groups based abroad must submit written permission for registration from their country of origin.

#### *Restrictions on Religious Freedom*

The Government generally respected religious freedom in practice. There was no change in the status of respect for religious freedom by the Government during the period covered by this report.

SPC officials reported that they had access to hospitals and prisons to provide pastoral care but continued to complain of difficulties assessing the level of need for Serbian Orthodox religious care in both the military and the police structures. In April 2007 the Ministry of Defense offered the SPC a contract to appoint a priest exclusively to the military; a response from the Ministry of Interior was pending at end of the reporting period.

Facilitating the return of refugees (primarily ethnic Serbs) remained a challenge for the Government, which nevertheless made progress in a number of areas relating to returns. However, some ethnic Serbs, including SPC clergy, who wished to return to the country continued to encounter difficulties or delays in resolving various administrative matters. SPC officials reported that the number of Serbian Orthodox clergy, down to 30 after the 1991-95 war, gradually rose and remained steady at approximately 80 during the period covered by this report. SPC sources continued to complain that new priests across the country had to renew their temporary work permits and residency status at relatively short intervals. The lack of a more permanent status deprived them and their family members of health care benefits and pensions.

A new Law on Foreigners, which came into effect in January 2008, limits many foreign citizens to a maximum six-month stay, which then must be followed by six months outside the country. However, many categories of citizens are exempt from the six-month maximum stay. While the law did not directly affect foreign clergy during the reporting period, SPC officials expressed concern that because foreign clergy were not specifically mentioned as an exempt category, the law could potentially affect foreign missionaries. In a March 2008 meeting with the Ministry of Interior and the Government's Office for Relations with Religious Communities, the SPC received verbal assurances that the Government planned to amend the law to introduce more favorable conditions for resolving the status of foreign clergy seeking temporary and permanent residence. SPC officials were told that in the interim their priests would be allowed to renew their documents without being required to leave the country first. The SPC representatives stated that the new law potentially affected as many as half of their priests, an estimated 40 persons and their families. Approximately a dozen of the 54 Muslim imams in the country were affected as well. Five other religious communities, including the Islamic Community, joined the SPC in March in proposing amendments to the law, suggesting a separate status for clergy, an extension of temporary stay, and a streamlined procedure for obtaining temporary and permanent residence permits. At the end of the reporting period, the Government had not introduced any such amendments.

The Government requires that religious training be provided in public schools, although attendance is optional. The Roman Catholic catechism is the predominant religious teaching offered in public schools. Schools that met the necessary quota of seven students of a minority religious group per school allowed separate religion classes for the students. The SPC complained that primary and secondary schools were issued enrollment questionnaires in September 2007 asking students if they were interested in attending religious classes; however, the questionnaires allegedly mentioned only Catholic classes. SPC representatives requested that their faith be mentioned as an option as well. The Office for Relations with Religious Communities recommended to the Ministry of Education that additional options be presented, but at the end of the period covered by this report, government authorities had not responded.

SPC officials continued to report that many schoolchildren and their parents, particularly in cities where Serbian Orthodox believers do not live in compact communities, remained reluctant to identify themselves as Serbian Orthodox to avoid being singled out. However, SPC officials also reported that the situation had improved, with an increase of students attending such classes in areas with a Serb majority, such as Knin and Donji Lapac.

The Islamic Community reported that some women faced obstacles when attempting to obtain identity cards with photographs in which they were wearing a headscarf. In July 2007 Mufti Omerbasic sent a letter to the Minister of Interior demanding a uniform and favorable interpretation of the regulation on identity cards, allowing Muslims to exercise this aspect of their faith. He alleged that some police stations allowed such photographs to be taken but others did not, and he cited a letter from the Assistant Minister of Interior denying such a right to a woman from Vojnic in April 2007. The Ministry of Interior had not responded to the July letter by the end of the period covered by this report.

In March 2008 Jewish leaders met with the President, Prime Minister, and mayor of Zagreb to discuss the maintenance of Jewish graves in local cemeteries and the situation under standard practice whereby heirless graves can be disinterred after 30 years and the gravesites offered to others. Government officials agreed to pursue an interim arrangement to provide for the maintenance of the graves and to consider changes to the practice.

Restitution of property nationalized or confiscated by the Yugoslav communist regime remained a problem. Many religious communities identified property return as their top priority and complained of the lack of progress. Restitution of all nationalized or confiscated property is regulated under a 1996 law, as amended in 2002. Only persons who obtained citizenship by October 1996 may file claims under the law. With regard to the period covered by the law, government officials stated that a 1999 constitutional court decision has the effect of allowing claims relating to confiscations during the previously excluded period of World War II to be considered under the law's provisions. Noncitizens, including those who fled the country and lost their citizenship, are not allowed to file claims under the law and related regulations.

The SPC noted that the pace of property restitution continued to be minimal at best. The SPC continued to press for changes to the 1996 law, which the SPC alleged opened the possibility for the Government to resell previously nationalized property to new private owners, making restitution more difficult.

SPC officials were particularly concerned about the lack of progress in the restitution of several valuable business and residential buildings in downtown Zagreb, most notably the Zagreb Cinema building. In June 2007, after the Constitutional Court rejected their appeal to regain the building, SPC officials filed charges before the ECHR. A decision on the main charge, that Croatian courts misapplied the law when they refused to ban demolition of the building, was pending at the end of the period covered by this report, and plans to demolish the building were postponed.

The SPC also continued legal action initiated in 2004 against the owners of 40 previously SPC-owned (and later nationalized) apartments in Zagreb to prevent further sale of the units. The SPC also claimed land in the north of Zagreb. No progress was made during the reporting period on these claims or on the return of properties that belonged to monasteries, such as arable land and forests. In early 2008 the SPC discovered that the state allegedly erroneously registered several church properties in the land registry books during the mid-1990s as its own. The SPC filed five lawsuits to reclaim the properties located near Koprivnica and in Graberje near Zagreb.

Reconstruction of a number of Serbian Orthodox churches continued, and approximately 50 Serbian Orthodox churches and other religious buildings received money from the state budget for reconstruction projects in 2007. To make better use of limited funds, the SPC and the Government agreed to focus on full reconstruction of fewer churches instead of partial reconstruction of a larger number. In 2008 SPC officials commended the cooperation of the Government in this respect.

The Catholic Church had some success in receiving restituted property during the reporting period. Church officials reported that the Government was clearly willing to settle any outstanding claims. During the latter half of 2007, church officials reported that the Government returned a substantial forested agricultural property in Djakovo in the eastern part of the country. Church officials noted that in the majority of smaller dioceses, most property claims had been settled but in larger dioceses with more claims, such as Zagreb and Djakovo, restitution of some properties was pending. During the reporting period, the Church took over the large King Tomislav Army Barracks complex, given in exchange for more than 200 previously church-owned apartments in Zagreb.

Several Jewish property claims, including some buildings in Zagreb, remained pending during the reporting period.

The Islamic Community had no property claims. Construction was expected to start on a mosque in Rijeka in mid-2008. Plans existed to build a mosque in Osijek, but administrative procedures for rezoning the land delayed construction. In November 2007 a mosque was opened in the village of Bogovolja near the town of Karlovac.

There were no reports of religious prisoners or detainees in the country.

#### *Forced Religious Conversion*

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States.

### **Section III. Societal Abuses and Discrimination**

Violence and threats against religious persons, institutions, and symbols of all religious groups occurred sporadically, but their frequency and gravity continued to decrease. Religion and ethnicity are closely linked in society, and religion often was used historically to identify non-Croats and single them out for discriminatory practices.

Human rights nongovernmental organizations and religious leaders noted that overall ethnic and religious relations remained stable. The exceptions were occasional incidents largely involving desecration and vandalism of SPC property, most frequently in the Dalmatian hinterland and Knin area.

The media reported that the stone wall surrounding the Serb Orthodox Eparchy building in Sibenik was spray-painted in early May 2008 with threatening anti-Semitic messages. In January 2008 the Orthodox Church Municipality in Split received a letter with neofascist threats against Serb and Jewish persons. The letter, which also threatened President Mesic, glorified the Ustasha prison camps in Jasenovac and Stara Gradiska and contained anti-Serb and anti-Semitic slogans. SPC officials reported that similar slogans appeared on the façade and entrance of the Orthodox Church Municipal Building in Split in mid-January 2008. Also in January persons broke into the Assumption Church in Sibenik and stole two silver light fixtures. Police investigated but did not identify culprits in any of these incidents.

SPC officials reported that St. George's Church, near Knin, was vandalized three times within a 12-month period, most recently in November 2007, when the entrance door was broken down and money was stolen. The church was previously attacked and vandalized in October and December 2006. In Sibenik five teenagers entered the Holy Assumption Church during a Mass in August 2007 and unsuccessfully attempted to throw a burning torch inside the church.

The press reported in August 2007 that offensive graffiti against Serbs was written in large letters near a Catholic church in Sinj at the time of the procession on the Feast of the Assumption of Mary on August 15. A police investigation did not yield any results.

During the reporting period, the *24 Sata* daily newspaper published a survey asking citizens if they approved of construction of mosques with minarets. The overwhelming majority of those questioned opposed such construction. Mufti Omerbasic complained that the way the question was phrased invited a negative answer and did not contribute to promoting an overall atmosphere of tolerance. No legal action was taken against the paper.

The media reported that graffiti saying "Caution, sects are gathering in this church," appeared on the walls of the Church of Full Gospel in Zagreb in August 2007. The church's pastor ascribed it to a member of a charismatic Catholic movement and mentioned earlier occurrences when some persons distributed leaflets with provocative contents in front of the church.

Acts of anti-Semitism were rare. In June 2007 Jewish community leaders expressed outrage at a display of pro-Ustasha (an ultranational and fascist movement) symbols among audience members at a Zagreb concert by popular nationalist singer Marko "Thompson" Perkovic. Jewish leaders in Zagreb also criticized the event and the Government's limited response to the display of the symbols. Following the concert, the Jewish Community of Zagreb received threatening letters with anti-Semitic content. In a debate over whether the national television station HTV should have broadcast the concert, a member of the programming council made comments described as anti-Semitic. In a July 2007 concert in Split by the same performer, police prevented fans wearing Ustasha insignia from entering the concert site. On May 30, 2008, Thompson performed on Zagreb's main square, and a small number of audience members used Ustasha symbols and slogans during the event. The Prime Minister described the concert itself as "harmful" and any use of Ustasha symbols as misguided. The police reported that they were reviewing video tapes of the concert to identify the individuals but had brought no charges by the end of the reporting period.

After a year-long investigation, in April 2008 the county prosecutors in Pozega decided that no grounds existed for bringing charges against a sugar company that in February 2007 produced and distributed sugar packets bearing an image of Adolf Hitler and containing offensive jokes about Holocaust victims in concentration camps. The prosecutors alleged that it could not be established that the factory owner intended to spread ethnic hatred. At the same time, state prosecutors initiated changes to the Law on Public Order that would allow such crimes to be processed as misdemeanors, avoiding the need to prove the intention of spreading hatred.

#### **Section IV. U.S. Government Policy**

The U.S. Government discusses religious freedom with the Government as part of its overall policy to promote human rights. During the period covered by this report, U.S. embassy officials actively worked to encourage the Government to respect religious freedom in practice. In addition, embassy officials met frequently at all levels with representatives of religious communities and minority groups to address human rights and religious

freedom matters.

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