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RELIGIOUS MINORITIES IN THE MEDIA SPACE OF THE REPUBLIC OF CROATIA

Mira Lulic & Nives Mazur Kumric***

The roots of armed conflicts that spread over the territory of the Former Yugoslavia in 1990's had been largely connected with the religious differences among members of the Orthodox Church (Serbs and Montenegrins), the Catholic Church (Croats) and Muslims (Bosniaks). During the time of war in the involved States (Croatia, Bosnia and Herzegovina, Serbia and Montenegro), the media significantly contributed to spread hatred and intolerance among religious groups. In the post-war period, the situation has gradually improved. So nowadays, there is a complex network of laws and rules intended to protect and respect the rights of religious minorities in Croatia. Moreover, a wide range of laws regulate the rights of religious minorities access to the Croatian public television and radio. However, despite a well-defined legal framework, religious minorities continue to be dissatisfied with the way the media deal with religion and relevant issues in practice. Their plea for impartial and neutral media is easy to understand if we take into consideration the fact that the media have an utmost importance in raising public awareness in the area of rights of religious minorities, the improvement of their status and tolerance of majority population in that respect.

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INTRODUCTION

For their strong public impact the media represent a significant factor of the society, inseparably linked to the right to information as one of the basic human rights. In the States formed after the dissolution of the former

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Yugoslavia, the media play both strong positive and negative roles. On one hand, the media can aggressively fan religious and national hatred and intolerance, while on the other hand, they can raise the questions of religion and religious minorities thus making the public aware of their problems, needs and interests. For that reason, the relation among minorities, journalists and the media in general is extremely complex. Religious minorities can either develop fear of media and come out into the public or the media can, in a more or less subtle manner, create an image in the public that minorities are a threat to national security that endangers state foundations.

War conflicts that were going on in the former Yugoslavia in 1990s have been hard to comprehend for Europe after the World War II. The roots of those conflicts have been connected largely to the religious differences and intolerance whereby the religion has been equalized with the nation. The major conflict occurred between members of the Orthodox Church (Serbs) and members of the Catholic Church (Croats) as well as between members of Orthodox Church and Muslims (Bosniaks). The members of Catholic Church and Muslims were mostly allies at that time. Even though religious tensions continue to be present in neighboring countries, the situation in Croatia has been gradually improving since the end of the War (1991-1995). One of the main causes of the inter-ethnic conflict was most certainly a non-democratic communistic regime under which constituent peoples and minorities in the former Yugoslavia had lived for decades. Frustrations and dissatisfaction, wrong national politics and suppression of national feelings had erupted in the bloody fratricidal War of 1990s.

During the war, the media was extremely biased and dependent on central authorities, facts and emotions were manipulated with and strong war propaganda prevailed. Unlike trials in Ruanda, Croatian journalists have not been prosecuted for fomenting and fanning national and religious intolerance and hatred either before national courts or the ICTY. Nevertheless, it seems that such cases existed during the war in the 90s. Croatian authorities headed by the first Croatian president Franjo Tudman were exposed to serious accusations for promoting the hate speech and intolerance in the media against the members of the non-Catholic population, in particular Serbs (the Orthodox). After the president died in 1999, the Croatian Democratic Union (CDU) that Tudman had been at the head of, lost presidential and parliamentary elections. Under the pressure of the international community, Croatian policy started to change in the direction of respecting human rights, including the rights of religious minorities. The Croatian Democratic Union (CDU), as the most powerful political party in

Croatia, started to change gradually into a modern European democratic party. As the influence of the ruling party on Croatian media decreased, the media gradually became democratized and stopped the hate speech and intolerance towards the members of minorities. In other words, as the whole society democratized so did the media. The transition from the communist to democratic society was an excessively painful experience marked by the war, but today the results of the social development are clear. The practice of extreme atheism from the communist period was interrupted by the dissolution of Yugoslavia in the 1990s and religious freedoms have finally started to come into existence ever since. However, it is the dominant Catholic Church that gained most benefits from that process in Croatia.

Croatia is still a country in transition leaning towards democracy. It is a widely accepted belief that a degree to which a State respects international human rights, as well as the rights of minorities, determines how much the State in question is democratic. Almost all states in the world have minorities, and the majority of those minorities represent precisely those differ from the majority of the population by their religion and religious believes.

Although Catholics, Orthodox and Muslims have lived on the territory of the Republic of Croatia in peaceful coexistence for centuries, the war that broke out in the 90s inflicted damage on their relations. It is only in recent years that this seriously shaken trust has slowly started to restore. The processes of reconciliation, cross-religious tolerance, invitation to coexistence and renewal of trust among religious communities in multi-confessional environment have ultimately become a priority for the majority of religious communities and society as a whole. In such circumstances the media play a crucial role in creating positive image and coexistence among different religions.

Nowadays, there is a wide range of Croatian laws that regulate the rights of religious minorities' access to the public television and radio. The Croatian Radiotelevision (Hrvatska Radiotelevizija, HRT), the most powerful and influential broadcasting company in the Republic of Croatia¹,

¹ The Croatian State Radio and Television is a public television that is committed to produce information, children, educational, scientific, religious, documentary, theatre and culture-related programmes. It broadcasts the most important events in politics, religious ceremonies (of both majority and minority religious communities of its territory), produces programmes for Croatian population in emigration, broadcasts politically balanced daily news and leads public discussions on crucial issues in the state, transmits popular sport events, records serials and films, promotes cultural heritage, speaks about ecology etc. It is based on four principles: stability, independence, proportional financing and transparency. Official web pages of the Croatian State Radio and Television, [http://www.hrt.hr/?id=footer&tx_ttnews\[cat\]=96](http://www.hrt.hr/?id=footer&tx_ttnews[cat]=96).

has signed a special agreement with eight religious minorities that guarantees them equal representation in its programme.² It has agreed to telecast live important annual religious events (e.g., Ramadan Bayram, Kurban Bayram, Orthodox Easter and Christmas). Additionally, weekly and monthly TV programming for religious minorities is ensured. However, despite of good legal framework, religious minorities continue to be dissatisfied with the way the media deal with the religion and relevant issues in practice. The media has an utmost importance in raising public awareness in the area of rights of religious minorities, the improvement of their status and tolerance of majority population in that respect.³

I. RELIGIOUS MINORITIES IN THE REPUBLIC OF CROATIA—GENERAL OVERVIEW

According to the last census (2001), Croatia has 4,437,460 inhabitants.⁴ Out of the total population of the country, 3,897,332 (i.e., 87.83%) inhabitants identify themselves as members of Catholic Church. Furthermore, there are 22 various ethnic groups living in Croatia. According to the census of 2001, nearly 90% of the inhabitants declared themselves as Croats which makes the society very homogenous in ethnic terms.⁵

Besides dominant Catholic faith, there are two other religious communities characterizing Croatia: (Serbian) Orthodox and Islamic. When it comes to religious minorities, the most dominant groups are members of Orthodox Church accounting for 195,969 people or 4.42% of the total population and members of Islamic Religious Community accounting for 56,777 people or 1.26% of the total population. Most members of the

² Those religious minorities are Serbian Orthodox Church, Islamic Community, Jewish Municipality in Zagreb, Evangelical Church, Calvin Christian Reformed Church, Advent Christian Church, Baptist Union, and Evangelistic Church. "Potpisan sporazum o zastupljenosti vjerskih zajednica na HRT-u", <http://www.hrt.hr/arhiv/2005/07/25/HRT0019.html>.

³ The Draft Report on Implementation of the 2002 Constitutional Law on the Rights of National Minorities and Allocation Appropriation by the 2006 budget of the Republic of Croatia for national minorities needs (in further text: The Draft Report on implementation of the 2002 Constitutional Law on the Rights of National Minorities, 2007), the National Minorities Office of the Croatian Government, Zagreb, October 2007, at 58; Action Plan for the Implementation of the Constitutional Act on the Rights of National Minorities, Chapter 23—Judiciary and Fundamental Rights, Government of the Republic of Croatia, Zagreb, October 2009, at 39.

⁴ Census of Population, Households and Dwellings, March 31, 2001, Republic of Croatia—Central Bureau of Statistics, http://www.dzs.hr/default_e.htm.

⁵ *Ibidem*, http://www.dzs.hr/Eng/censuses/Census2001/Popis/E01_02_04/E01_02_04.html. The latest data on religious affiliation, collected during the 2011 Census, are expected to be announced in December 2012. Draft Programme of the Government of the Republic of Croatia for the Adoption and Implementation of *Acquis Communautaire* for 2011, Government of the Republic of Croatia, Zagreb, January 2012, at 16.

Orthodox Church are of Serbian nationality. Members of other religious communities individually make less than 1%. Certainly, neither all Croats, Serbs and Bosniaks are believers nor all Croats are members of the Catholic Church or all Serbs members of the Orthodox Church. However, it is quite common in practice to generally identify these three national groups with three religions (Catholic, Orthodox and Islamic). The same is true for the religious communities which identify themselves solely with their nations (e.g., the Catholic Church with Croats). Also, in colloquial speech, one often (incorrectly) uses the term "Muslims" instead of "Bosniaks".

Croatian authorities are proactive regarding the protection of (religious) minorities and fulfillment of criteria imposed by the European legal system, international law norms and political standards. The current situation is significantly different from the one in 1990s. The major reason for such improvement in the domain of religious rights is mostly due to the fact that significant number of Serbian (Orthodox) minority in Croatia—with whom the relations were most problematic in the past—abandoned their homes in Croatia and ran over to Serbia or to Serbian parts of Bosnia and Herzegovina. Their number in the total population decreased from 11.12% (1991) to 4.42% (2001). Thus, the threat to the existence and territorial integrity of Croatia has been eradicated. Since the threat coming from the Serbian occupation of the Croatian territory has diminished, the level of tolerance towards Serbs increased. It has been noticed in Croatia that there has been significantly less attacks in the recent years on religious authorities (e.g., Orthodox priests), religious institutions (churches and graveyards) and the like, particularly on Orthodox and somewhat less frequent Jewish.

Croatian society is, as well as the media, divided on the question of presence of religion and religious representatives in the media. One side argues for restraint of religious representatives in secular issues, whereas the other side complains about under-representation of religion in the media and appeals for stronger participation of the Catholic Church in life of Croatia. The Roman-Catholic Church has a strong influence on political happenings and it also receives significant financial state support because of the concordats concluded between the Government of the Republic of Croatia and Vatican City State. However, despite the fact that it was marginalized and humiliated at the time of the communist regime, the Roman Catholic Church in Croatia is not inclined to religious minorities of today. Although these minority groups are inferior in number and cannot jeopardize the domination of the Roman-Catholic Church, their inflexible point of view towards other faiths is one of the serious complaints made on the account of the Roman Catholic Church. Moreover, the majority of the Croats declare

themselves as Catholic in the census, but in practice this number is rightly doubted to be the number of active practicing believers.

On the issue of the media and religion in Croatia, a paradoxical situation has arisen in the recent years. Catholic Church as absolutely dominant faith has complained that the Croatian media are full of prejudices leveled against it, criticizing the slightest false move of the Church or its members in a sensation-mongering manner, that they can hardly wait for any scandal to theatrically expose prelates in public. Catholic Church is reproached to be of right-wing and nationalistic orientation, exclusive and intolerant towards other religious communities that it perceives as competition, that it interferes too often with the social life of the State, that it displays ostentatiously and covers up offences committed by priests instead of dealing with negative persons in their own ranks, that the Roman Catholic Church operates as a political party etc.. Such systematical negative presentation of the Roman Catholic Church in the media has seriously affected the credibility and status of the Church. On the other hand, the members of the majority of religious minorities are not satisfied because they conceive that their issues, interests and needs have been neglected and under-represented in the media. The media are reproached today for being insensible and ignoring religious topics in reference not only to the Roman Catholic Church majority but also to religious minorities. In fact, all believers are dissatisfied with the way that the issue of religion is presented in the Croatian media.

The following chapter examines what legal protection of the religious minorities in Croatia is like and what regulations have been adopted by the Croatian Parliament on the question of rights on religious minorities' presence in the media.

II. LEGAL PROTECTION OF (RELIGIOUS) MINORITIES IN THE REPUBLIC OF CROATIA

In order to comply with the standards and norms of the EU, Croatia has adopted a series of legal measures and provisions in order to ensure the respect for human rights as well as rights of (religious) minorities. Croatia was given the status of a candidate country for the access to the EU in June 2005 and one of the prerequisites for the full membership is the protection of minority rights. Furthermore, as a member of the Council of Europe, Croatia is also obligated by following international documents: the 1950 Convention on the Protection of Human Rights and Fundamental Freedoms

and the Additional Protocols thereto⁶, the 1995 Framework Convention for the Protection of National Minorities⁷ and the 1992 European Charter on Regional or Minority Languages.⁸ Regarding other international documents, Croatia has ratified a series of international treaties which concern general protection of human rights.⁹ It is very important to mention that based on Article 141 of the Constitution of the Republic of Croatia:

International treaties which have been concluded and ratified in accordance with the Constitution, published and which have entered into force shall be a component of the domestic legal order of the Republic of Croatia and shall have primacy over domestic law. Their provisions may be altered or repealed only under the conditions and in the manner specified therein or in accordance with the general rules of international law.¹⁰

Several provisions on minority rights are part of the Croatian Constitution and some of them are more of declarative nature. It has been concluded in the Historical Foundations that:

(...) the Republic of Croatia is hereby established as the nation state of the Croatian nation and the state of the members of its national minorities: Serbs, Czechs, Slovaks, Italians, Hungarians, Jews, Germans, Austrians, Ukrainians, Rusyns, Bosniaks, Slovenians, Montenegrins, Macedonians, Russians, Bulgarians, Poles, Roma, Romanians, Turks, Vlachs, Albanians and others who are its citizens and who are guaranteed equality with citizens of Croatian nationality (...).¹¹

According to the Constitution, "all persons in the Republic of Croatia shall enjoy rights and freedoms, regardless of race, colour, gender, language, religion, political or other conviction, national or social origin, property, birth, education, social status or other characteristics" (Article 14). Article 15 of the Constitution is entirely devoted to national minority rights and

⁶ Official Gazette of the Republic of Croatia—International Treaties, No. 18/97, 6/99, 8/99, 14/02, 9/05, 1/06.

⁷ Official Gazette of the Republic of Croatia—International Treaties, No. 14/97.

⁸ Official Gazette of the Republic of Croatia—International Treaties, No. 18/97.

⁹ For instance, the 1948 Universal Declaration of Human Rights, the 1965 International Convention on the Elimination on All Forms of Racial Discrimination, the 1966 International Covenant on Civil and Political Rights and its 1966 Optional Protocol, the 1966 International Covenant on Economic, Social and Cultural Rights, the 1978 Declaration on Race and Racial Prejudice, the 1979 Convention on Elimination of all Forms of Discrimination Against Women and its 1999 Optional Protocol, the 1989 Convention on the Rights of the Child and its 2000 Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography and the 1992 Declaration on the Rights of Members of National or Ethnic, Religious and Language Minorities. The full list is *available at* Ministry of Foreign and European Affairs of the Republic of Croatia, <http://www.mvep.hr/MVP.asp?pcpid=2253>.

¹⁰ Official Gazette of the Republic of Croatia, No. 56/90, 135/97, 8/98, 113/00, 124/00, 28/01, 41/01, 55/01, 76/10, 85/10

¹¹ *Ibidem*.

reads as follows:

Equal rights for the members of all national minorities in the Republic of Croatia are guaranteed. Equality and protection of the rights of national minorities shall be regulated by a constitutional act to be enacted under the procedure stipulated for organic law. Over and above general suffrage, the right of the members of national minorities to elect their representatives to the Croatian Parliament may be stipulated by law. The freedom of the members of all national minorities to express their nationality, to use their language and script, and to exercise cultural autonomy shall be guaranteed.

Furthermore, the Constitution determines that all citizens have the right to freedom of conscience and religion and that the freedom to demonstrate religious and other convictions shall be guaranteed (Article 40). Religious communities shall be free, in compliance with law, to publicly conduct religious services, open schools, academies or other institutions, and welfare and charitable organizations and to manage them, and they shall enjoy the protection and assistance of the State in their activities (Article 41).

The status of minorities in Croatia has been additionally regulated by the 2002 Constitutional Law on the Rights of National Minorities.¹² The 2002 Constitutional Law works out in detail the basic rights of minorities stated in the Croatian Constitution.¹³ In the Law, a national minority is defined as “a group of Croatian citizens whose members traditionally inhabit the territory of the Republic of Croatia, its members having ethnic, linguistic, cultural and/or religious characteristics different from other citizens and are led by the wish to preserve these characteristics”.¹⁴ Unlike the Constitution, it doesn’t list the ethnic groups that have been recognized the status of a national minority in Croatia. In accordance with the 2002 Constitutional Law, a special Council for National Minorities has been established in order to monitor, propose, determine and solve issues related to the protection of rights and freedoms of national minorities (Articles 35-36).¹⁵ The Council has the right to propose to the Government ways of

¹² Official Gazette of the Republic of Croatia, No. 154/02.

¹³ The Constitutional Act in Article 7 explicitly states 10 rights of each minority in Croatia granted by the Constitution: 1. usage of own language and script, in private and public use, and in official use; 2. education and schooling in the language and script they are using; 3. usage of own insignia and symbols; 4. cultural autonomy; 5. right of confessing own religion and founding of religious communities together with other members of this religion; 6. access to media of mass communication in the language and script they are using; 7. self-organizing and uniting for realization of common interests; 8. representation in representation bodies on national and local level, and in administration and judicial bodies; 9. participation of members of national minorities in public life and administration of local affairs and 10. protection from every act that endangers or can endanger their existence and exercise of rights and freedoms.

¹⁴ *Ibidem*, Article 5.

¹⁵ *Ibidem*.

addressing and regulating issues related to the exercise and safeguarding of minority rights in general, thus including religious minorities.¹⁶ Also, there are several other important laws that need to be mentioned: the Law on the Use of Language and Script of the National Minorities in the Republic of Croatia¹⁷, Law on Education in Languages and Letters of National Minorities¹⁸ and Law on Election of Representatives to the Croatian National Parliament.¹⁹

The Parliament of the Republic of Croatia, the highest legislation body, has established a Committee for Human Rights and Rights of National Minorities as one of the working bodies of the Parliament.²⁰ Additionally, among 13 Croatian Government offices, one is distinctive—the Office for Human Rights and the Rights of National Minorities. This office is in charge of matters related to the realization of determined policy of protection and promotion of human rights and the rights of national minorities, and it monitors its efficiency.²¹ Finally, the latest initiative of the Croatian Government in the area of human rights protection (in general terms) includes “National Programme for Protection and Promotion of Human Rights 2008-2011”.²² This program aimed at improving the human rights situation in Croatia as well as proposing measures which will offer the best protection of human rights, and particularly emphasized the importance of human rights education and the process of harmonization of the Croatian legal system to the standards and principles of the European Union.

There are also some specific provisions related to the legal protection of religious minorities and religious freedoms and they are contained in the Law on Defense²³, the Law on Scientific Activity and Higher Education²⁴, the Law on Upbringing and Education in Elementary and Secondary

¹⁶ *Ibidem.*

¹⁷ Official Gazette of the Republic of Croatia, No. 51/00, 56/00.

¹⁸ *Ibidem.*

¹⁹ Members of national minorities in the Republic of Croatia have a right of representation in the Croatian Parliament. Consistent to the Article 15 of the Act on Election of Representatives to the Croatian Parliament, the members of national minorities in the Republic of Croatia shall have the right to elect eight representatives to the Parliament, who shall be elected in a special constituency being the territory of the Republic of Croatia Official Gazette of the Republic of Croatia, No. 116/99, 53/03, 69/03, 19/07, 145/10, 120/11.

²⁰ See the official website of the Croatian Parliament, <http://www.sabor.hr/Default.aspx?sec=5250>.

²¹ Official Gazette of the Republic of Croatia, No. 42/12.

²² Altogether, 21 priority areas of human rights protection and promotion have been foreseen, among which the most relevant for this paper are “national minorities”, “combating racial and other discrimination”, “religious rights and freedoms” and “freedom of the media” Official Gazette of the Republic of Croatia, No. 119/07.

²³ Official Gazette of the Republic of Croatia, No. 33/02, 58/02, 100/04, 76/07, 153/09.

²⁴ Official Gazette of the Republic of Croatia, No. 123/03, 198/03, 105/04, 174/04, 02/07, 46/07, 45/09, 63/11.

Schools²⁵, the Law on Public Gathering²⁶, the Law on Electronic Media²⁷, the Law on Social Care²⁸, the Law on Health Protection²⁹, the Law on Humanitarian Assistance³⁰, the Law on the Execution of the Prison Sentence³¹, the Law on Holidays, Memorial Days and Days Off³², the Law on Profit Tax³³, the Law on Value Added Tax³⁴ and the Law on Pension Insurance³⁵.

On July 4th, 2002, the Croatian Parliament passed the Law on the Legal Position of Religious Communities³⁶, which was impatiently expected since gaining the independence in 1991. It contains 32 articles, and defines the status of a religious community and establishes the Register of religious communities.³⁷ The Register, as a service issues solution, gives certificates for religious communities to be able to legitimate itself as legal entities in the civil law sense. This Law also emphasizes the freedom of operating and establishing religious communities, the possibility for religious communities to conclude contracts with the Government regarding the issues related to the religion and religious communities, as well as the possibility to be co-financed through the Government grants and tax benefits. According to the 2010 International Religious Freedom Report, there are 42 registered religious communities in Croatia and another 18 requests for registration have been still pending.³⁸

In accordance with Article 19 of the Law on the Legal Status of Religious Communities, religious communities have the right to access the

²⁵ Official Gazette of the Republic of Croatia, No. 87/08, 86/09, 92/10, 105/10, 90/11, 5/12, 16/12, 86/12.

²⁶ Official Gazette of the Republic of Croatia, No. 128/99, 90/05, 139/05, 150/05, 82/11, 78/12.

²⁷ Official Gazette of the Republic of Croatia, No. 153/09, 84/11.

²⁸ Official Gazette of the Republic of Croatia, No. 33/12.

²⁹ Official Gazette of the Republic of Croatia, No. 150/08, 71/10, 139/10, 22/11, 84/11, 154/11, 12/12, 35/12, 70/12.

³⁰ Official Gazette of the Republic of Croatia, No. 128/10.

³¹ Official Gazette of the Republic of Croatia, No. 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11.

³² Official Gazette of the Republic of Croatia, No. 33/96, 96/01, 13/02, 136/02, 112/05, 59/06, 55/08, 74/11.

³³ Official Gazette of the Republic of Croatia, No. 177/04, 73/08, 80/10, 114/11, 22/12.

³⁴ Official Gazette of the Republic of Croatia, No. 47/95, 106/96, 164/98, 105/99, 54/00, 73/00, 127/00, 86/01, 48/04, 82/04, 90/05, 76/07, 87/09, 94/09, 22/12.

³⁵ Official Gazette of the Republic of Croatia, No. 102/98, 127/00, 59/01, 109/01, 147/02, 117/03, 30/04, 177/04, 92/05, 43/07, 79/07, 35/08, 40/10, 121/10, 130/10, 139/10, 61/11, 114/11, 76/12.

³⁶ Official Gazette of the Republic of Croatia, No. 83/02.

³⁷ Registration request can only be submitted by a religious community that was operating in Croatia as a registered association for at least five years before the application and has at least 500 members.

³⁸ U. S. Department of State, Bureau of Democracy, Human Rights, and Labor, July-December, 2010 International Religious Freedom Report, September 13, 2011, at 3, available at <http://www.state.gov/documents/organization/171688.pdf>.

means of broadcasting, including those owned by the Republic of Croatia. Apart from signing a special agreement with eight religious minorities (that guarantees them equal representation in the programme) and telecasting live important annual events (Ramadan Bayram, Kurban Bayram, Orthodox Easter and Christmas, Yom HaShoah), the Croatian Radiotelevision has also ensured weekly and monthly religious TV programming (e.g., monthly broadcast "Ekumena" in duration of 60 minutes).

Other than rights, certain limitations are also imposed on religious communities. Thus, they must not promote the intolerance and prejudice through the proliferation of their religion towards other religious communities, members of other churches congregations or other citizens.³⁹ It is also forbidden to impede other religious communities or citizens without religious belief to freely express their religion or convictions. Religious communities are generally forbidden to perform their religious rituals in content and manner that jeopardize the legal order, public moral or health, life and other rights and freedoms of their members but also other citizens as well.⁴⁰

Further steps of the Croatian Government in the context of the rights of religious minorities should be perceived through the fact of the Croatian access to the European Union. In that respect the Government has adopted the 2011 Programme for the implementation of the *acquis communautaire* in which it declared its willingness to continue cooperation with religious communities, especially in the field of child well-being.⁴¹

III. RIGHT OF ACCESS OF (RELIGIOUS) MINORITIES TO THE MEDIA

The Croatian Parliament has adopted a number of provisions that regulate the right of access of (religious) minorities to the media and we hold the following laws as the most significant: the 2002 Constitutional Law on the Rights of National Minorities⁴², the 2004 Media Law⁴³, the 2003 Electronic Media Law⁴⁴ and the 2003 Law on Croatian Radio and Television⁴⁵.

Article 18 of the 2002 Constitutional Law on the Rights of National

³⁹ Article 3 of the Law on the Legal Position of Religious Communities, loc. cit.

⁴⁰ Article 4, *ibidem*.

⁴¹ Draft Programme of the Government of the Republic of Croatia for the Adoption and Implementation of *Acquis Communautaire* for 2011, op. cit. (note 5), at 11.

⁴² Official Gazette of the Republic of Croatia, No. 155/02, 47/10, 80/10, 91/11, 91/11.

⁴³ Official Gazette of the Republic of Croatia, No. 59/04, 84/11.

⁴⁴ Official Gazette of the Republic of Croatia, No. 153/09, 84/11.

⁴⁵ Official Gazette of the Republic of Croatia, No. 25/03.

Minorities refers to rights of access to the public media at state, regional and local level of the minorities' members. All radio and television stations, regardless of their level, shall promote understanding for the members of minorities; broadcast news informing members in minority languages; broadcast programmes that motivate and promote development and expression of cultural, religious and other identities of national minorities. Moreover, they should preserve and protect their cultural heritage and tradition and broadcast programmes that present the work of the national minorities' representative to their members. Legal persons dealing with press, radio and television shall ensure that associations of minorities' members and national minorities institutions take part in creating the programme for minorities. Funds shall be provided by the state budget and by regional and local self-government units to co-finance radio and television programmes. Minority members have right to conduct affairs of public communication (newspaper publishing, radio and television programme production and broadcasting as well as conducting news agency work) in their mother tongue and letter in conformity with the law. Pursuant to Article 35 of the 2002 Constitutional Law on the Rights of National Minorities the Council for National Minorities has the right to argue and suggest the programmes of public radio stations and television intended for national minorities. It can also give opinion on minority issues treatment in programmes of public radio stations and television and other means of communication.

The 2004 Media Law's Article 3 guarantees the general "freedom of expression and the media". The freedom of the media includes, according to the mentioned Article of the Law, freedom to express opinion, freedom of media independence, freedom to collect and publish information with an aim of informing the public, media pluralism and diversity, openness of the media for different opinions, public information access, and freedom to set up legal persons for conducting mass communication, production and broadcasting of radio and television programmes as well as of other electronic media, autonomy of editors, journalists and other authors of the programme contents by the rules of profession. This Law explicitly forbids transmitting of programmes in the media fanning national, racial, religious, sexual or other sort of hostility or intolerance, based on sexual determination, instigating violence or fomenting war. Pursuant to Article 5 of the Media Law, the Republic of Croatia shall promote and protect media pluralism and diversity. It shall encourage the production and publishing of programmes concerning enforcement of rights to public communication and quality of information by members of minorities in Croatia, informing the

public on minorities and issues of minority rights enforcement in the country as well as promotion of tolerance and the dialogue of cultures.

According to the provisions of Article 63 of the 2009 Law on Electronic Media (previously Article 56 of the 2003 Law on Electronic Media), the Electronic Media Diversity and Pluralism Incentive Fund was set up. The Fund has promoted production and broadcasting of programme contents of electronic media of public interest at local and regional levels (Article 64). The Fund has been significant for the implementation of the rights of the citizens to public communication, national minorities in Croatia, incentives for special programmes for the area of special state concern, incentives for cultural creativity, and the development of education, science and arts. The Fund has also been used for the employment of highly educated professional staff in the electronic media both at local and regional levels. In 2006 the Council for National Minorities launched an initiative that through the Electronic Media Diversity and Pluralism Incentive Fund allotted significant funds for broadcasting programmes in the mother tongue and letter of the minorities.⁴⁶ According to the 2007 report, the Council for Electronic Media allocated the means of the Fund. Radio publishing activities were thus awarded some 9.5 million kuna (about 1.3 million euro), and television publishing work 9.1 million kuna (about 1.2 million euro).⁴⁷ National minorities programmes within the television activities were awarded some 452,000 kuna (approximately 63,000 euro) and a million kuna (some 142,000 euro) for radio activities.⁴⁸

Article 9 (2) of the Law on the Croatian Radio and Television explicitly stipulates that the Croatian State Radio and Television, as the single public radio and television institution in the State, shall produce and publish programmes aiming at informing members of minorities in their minority languages. According to the report of the Croatian television, within the News section there is a "National minorities editorial". The editorial has produced 51 weekly multinational magazine "Prism" (50 minutes, about 20 minorities).⁴⁹ Furthermore, the Cultural programme of the Croatian Television has produced documentaries on minorities⁵⁰, while the Croatian Radio has regularly broadcasted programme for minorities (e.g.,

⁴⁶ The Draft Report on Implementation of the Constitutional Law on the Rights of National Minorities, *op. cit.* (note 3), at 108.

⁴⁷ *Ibidem*, at 30-31.

⁴⁸ *Ibidem*.

⁴⁹ About 80% of contributions in "Prism" are broadcast in regional county Panoramas though in shorter versions. More than 60 contributions have been announced in daily news as well. *Ibidem* at 32.

⁵⁰ *Ibidem*.

Radio Rijeka, Pula and Osijek).⁵¹ As for the latter, in the International programme of the Croatian Radio "The Voice of Croatia" several programmes for national minorities in Croatia are broadcasted on medium and short waves and by satellite and on the Internet.⁵² The first programme of the Croatian radio broadcasts the minority programme under the title "Multiculture" every Friday from 23:03 to 23:55.⁵³ The broadcast at the Croatian Radiotelevision has been realized by full-time journalists and contributors, as well as some volunteering journalists. All associations of national minorities in Croatia take part in the broadcast on the First programme of the Croatian Radio to the extent of their co-operation interest.⁵⁴

It must be emphasized that members of the minorities can set up radio and television broadcasting companies according to positive law of the Republic of Croatia. However, the Ministry of Culture does not dispose of data on number of such companies since the Register of Electronic Media Publishers has not been kept by national or religious key.⁵⁵

Although significant funds are earmarked, members of the national minorities are still not completely satisfied. For example, some problems in the implementation of minorities' rights to media access have been noticed. The Croatian Radio and Television as the television with top viewer rating in Croatia has been warned about under-representation of minorities in the programmes of the Croatian State Radio and Television. One of the main problems of the minority members related to their access to media is of financial nature. Namely, the majority of the media aim at profit and issues related to religious minorities are not profitable, which makes them uninteresting to media companies unless related to incidents or scandals that may attract the public.

About 6.3 million kuna (some 891,000 euro) has been allotted for the needs of education of minorities' members by the 2006 Budget of the Ministry of Science, Education and Sports, while cultural heritage preservation and national minorities' programmes received 8.7 million kuna (about 1.2 million euro) from the Ministry of Culture.⁵⁶ The Human Rights Office has financed particular projects of the minorities' associations totaling 283,500 kuna (approximately 40,000 euro).⁵⁷ The Council for

⁵¹ *Ibidem.*

⁵² *Ibidem.*

⁵³ *Ibidem.*

⁵⁴ *Ibidem* at 33.

⁵⁵ *Ibidem* at 30.

⁵⁶ *Ibidem* at 107.

⁵⁷ *Ibidem.*

National Minorities has allotted the largest amount for the programmes of national minorities' associations and institutions.⁵⁸ The Commission for Inter-religious Relations co-financed particular religious communities totaling 11 million kuna (some 1.6 million euro).⁵⁹ Around 14.8 million kuna (approx. 2 million euro) has been allotted for financing councils and representatives of national minorities through local and regional government.⁶⁰ The Electronic Media Diversity and Pluralism Incentive Fund has allotted the total of 1.4 million kuna (approx. 205,000 euro) through the Council for Electronic Media for the programmes of national minorities.⁶¹ For the implementation of the 2002 Constitutional Law on the Rights of National Minorities 84.6 million kuna (about 11.9 million euro) was allotted in 2006, which was an increase of 110 % compared to 2005.⁶²

The Croatian Radiotelevision has been warned by the Council for National Minorities to submit a separate report on produced and aired broadcast on members of the religious minorities in the Republic of Croatia.⁶³ One part of the media has not paid sufficient attention to real issues of the minorities and the objective way of their presentation.⁶⁴ There is no doubt that various motivating measures should be introduced (such as journalist education, special programmes financing etc.) in order to create prerequisites for complete enforcement of rights of minorities to the access to the media as well as inform in mother tongue and letter of the national minorities.⁶⁵ Media should promote interfaith dialogues, however, the coexistence and interfaith tolerance have not been present either sufficiently or adequately.

Unfortunately, there are no objective rating figures on religious programmes in Croatia. Religious minorities are aware of the power of the media and their need to be a part of their space in the State that they live in but they are not engaged enough in decision making. Joint efforts of the authorities, the media and religious minorities will contribute to better quality of life on the territories that have suffered heavy ravages of war. Although the latest report on religious freedom in Croatia, issued in 2011, suggests that the Croatian Government generally respects the rights of

⁵⁸ *Ibidem.*

⁵⁹ *Ibidem.*

⁶⁰ *Ibidem.*

⁶¹ *Ibidem.*

⁶² *Ibidem.*

⁶³ *Ibidem* at 58.

⁶⁴ Seminar on Implementation of the Framework Convention for the Protection of National Minorities, Vodnjan, September 14-16, 2006.

⁶⁵ *Ibidem.*

religious communities in law and in practice⁶⁶, the recent judgment of the European Court of Human Rights in the *Case of Savez crkava "Rijec zivota" and Others v. Croatia* (2010) confirmed that Croatia discriminated against the three applicant churches by denying them the right to conclude agreements on issues of common interest with the Government of Croatia. The latter prevented the churches in question to provide religious education in public schools and nurseries and to have religious marriages they perform recognised by the State. The Court emphasized that the difference in treatment between the applicant churches and those religious communities which had concluded agreements on issues of common interest with the Croatian Government amounted to discrimination in breach of Article 14 (prohibition of discrimination) taken together with Article 9 (freedom of thought, conscience and religion) of the 1950 Convention for the Protection of Human Rights and Fundamental Freedoms.⁶⁷

CONCLUSION

International law provides equal political, cultural, social and economic rights to members of minorities, as well as to all other citizens. However, in order to retain their ethnic characteristics and tradition, minority members are acknowledged some other special rights and in that sense they are said to be privileged with respect to other citizens. It is the so-called positive discrimination.⁶⁸ There exists a danger for a great number of minorities (including religious) that they might be assimilated, not only in non-democratic States, but also in those States that consider themselves democratic. Croatia is on its way to democracy and although some important tasks referring to the protection and promotion of minority rights, as well as religious rights, were taken, they are still insufficient for a full protection of minority rights. For transitional countries like Croatia, the key issue is building democratic institutions, especially by educating people about fundamental human rights and freedoms, as well as learning how to respect other faiths, habits, cultures and traditions.

As far as the authors know, nobody in Croatia was arrested or detained for religious reasons. Also, there was no forceful conversion from one religion into the dominant one (Catholic). Still, sporadic attacks on graveyards and churches, most frequently Orthodox, have also been

⁶⁶ See 2010 International Religious Freedom Report, op. cit. (note 38), at 1.

⁶⁷ Application No. 7798/08, Strasbourg, December 9, 2010 (Final, March 9, 2011).

⁶⁸ See V.-D. Degan, Self-determination of the peoples and territorial integrity of states in conditions of the fall of Yugoslavia, *Zakonitost*, vol. 46, 1992, at 561.

recorded.⁶⁹ Orthodox priests often complain of inadequate police protection or negligence of processing perpetrators or poor reaction by the police or other competent authorities. Several Orthodox churches were broken into, Orthodox priests were verbally attacked, but such assailants are rarely identified and their behavior is seldom punished due to passive police reaction. Some incidents were also reported by the Jewish community (e.g., anti-Semitic graffiti), but in general, acts of anti-Semitism were rare.⁷⁰

Croatia has passed a rather complex network of rules and regulations aiming at protection of minorities in general, including religious minorities. All these regulations are in conformity with international and regional standards for contemporary protection of minorities. Throughout the present Croatian society, there is greater tolerance in comparison to the War period in the 90s, but multiculturalism has to be fostered a bit more, e.g., by more frequent presentation of religious minorities in the media.

Croatia has good laws in conformity with international standards, but in some aspects, their application in practice is questionable. Namely, Croatia faces serious economic problems, and many of these minority protection regulations require both financial and other assistance the State is unable to fulfill at the moment. There are major problems within the Croatian legal system due to slowness and inefficiency, inadequate education of judges as to international regulations, pressure on judges and issues referring to their impartiality, which is often being criticized in the media and by the public. This might reflect negatively in the issue of court protection of minorities. Flaws should be detected and worked out in detail.

It is the entire society that has to work on multiculturalism and tolerance among people. In that sense media bear an important role in helping along and making the process less painful. We should continue with the procedure aimed at building the State in which all citizens will be equal before the law, and in which the law will be a reflection of the will of the whole Croatian population. It is of special interest to sensitize the public with the help of the media about problems minority members face. Moreover, a prosperous education system is necessary which would foster awareness of diversities among people, respect to others and other cultures, traditions and religions. Experts and scientists, but also members of minorities should actively participate in these processes in order to propose and adopt appropriate measures for implementation of regulations on protection of constitutional and legal rights of (religious) minorities. If

⁶⁹ Dalmatian hinterland is still the area with the largest number of reported incidents against the Orthodox Church and clergy. 2010 International Religious Freedom Report, op. cit. (note 38), at 6-7.

⁷⁰ *Ibidem*.

necessary, new measures are to be adopted, in order to improve their position and encourage cooperation for the purpose of maintaining their ethnic and religious identity and encouraging cultural pluralism, as well as international cultural, religious and other cooperation.

What is the influence of the media on religious minorities' issues? The media is a powerful means that influences the processes in the society and can bring about various social changes. In their reports, journalists can create new and alter existing relations among religious minorities. They can have an impact on the opinion of the majority of population about religion in general and religious minorities. They are effective not only in creating negative attitudes and prejudices, stereotypes towards other religious groups, but also in creating positive images of the same issues. Journalists and media employees dealing with religious topics should put more effort into their own religious education, acquire knowledge of diverse religions and doctrines as well as support equality and respect for different religious communities. Journalists should be independent of representatives of religious congregation, well-informed of the subject that they are dealing with and objective in their presentation. On the other hand, a part of the responsibility lies within religious minorities' representatives that are not active enough in promoting their religious issues; although it is the media that are most criticized for neglecting religious and minorities issues. Journalists who report and deal with religious minorities' topics should have complete not only journalistic but also theological education in order to inform adequately. The practice of religious stereotypes and prejudices towards religious groups should be brought to an end. Attention should be paid to increase the presence of topics related to religious minorities on the Internet. In this sense, both the members and representatives of religious minorities should be educated the importance of participating in media life of the State.

The question of faith and religion is a personal choice and the human right, but respecting the faith and religion of all people is the question of the society and its civil maturity to acknowledge the difference, to promote it and use it as a means to accelerate building and sustaining the democracy as the highest human and social value.