

## Freedom of religion and satisfaction of human needs

### ABSTRACT

Human being has different needs. According to Abraham Maslow's classification, there are different levels of human needs (hierarchy of needs) such as: physiological needs, safety needs, love and belonging needs, esteem needs and self-actualization needs. All those needs must be satisfy in order to have good and decent life. It needs to be said that there are many components which will help in this process. One of them is religious freedom. The subject of this paper is the issue of religious freedom as one of the sine qua non conditions in the process of satisfying human needs. The aim of this study is to prove that without religious freedom, the human being is not able to have good life due to the fact that his or her basic needs will not be satisfy. First of all, we will describe the basic human needs in the area of religion and show that they may be satisfied by the human right to freedom of religion. Then, we will try to define different aspects of the religious freedom and indicate the provision of chosen international and national law in respect to this right. Also, we will analyze different situations where a person, being deprived the right to religious freedom, is devoid the possibility to satisfy his or her needs. In the conclusion, we will prove that human life without the religious freedom never is good and decent.

**KEYWORDS:** *human needs, Maslow's hierarchy of needs, right to religious freedom, right to manifest religion or belief, religious prosecutions*

## Introduction

Human being has different needs. The classical classification done by Abraham Maslow shows that those needs are located on different level and they need to satisfy in proper order – starting from the very basic physiological needs, through the safety needs, love and belonging need and on the esteem and self-actualization need ending. A person is taken different activities in his or her life in order to satisfy them – such as job, building the house, earning the money, protecting himself or herself from different dangers and risks, meeting with friends and family, being promoted at job place, taking the education, getting some prestigious positions etc.

Among many components of human everyday activities which are used in the process of satisfying the human needs, one seems to be very important. This is religious freedom which is recognized as one of the basic human rights and at the same time, it is necessary element of satisfying human needs at very different level.

The subject of this study is the issue of religious freedom. The religious freedom as one of the fundamental human rights is a very popular topic in many scientific as well as everyday discussion and researches. But, in this paper, I would like to show this concept not only from the perspective of debate on human rights but most of all, as the *sine qua non* condition of satisfying needs of the people.

A person in order to have proper and good life and to have a chance for full development should feel safe and secured. Only satisfying his or her different needs will lead to such situation. The purpose of this research is to prove that religious freedom is one of the fundamental human rights and it is *sine qua non* condition in the process of satisfying human needs.

The study will be focus on the religious freedom – the human right which is necessary and very fundamental reality in the process of satisfying human needs. The description and the analysis will be the primary methods which will be used in this study. First of all, we will describe the basic human needs in the area of religion and show that they may be satisfied by the human right to freedom of religion. Then, we will try to define different aspects of the religious freedom and indicate the provision of chosen international and

national law in respect to this right. Also, we will analyze different situations where a person, being deprived the right to religious freedom, is devoid the possibility to satisfy his or her needs. In the conclusion, we will prove that human life without the religious freedom never is good and decent.

## Human needs and human rights

Human rights is an issue which is disused by many people coming from different environments – scientists, media, politicians, business groups and others. In the scientific literature, we can find different definition of the concept of human rights. For example, Rudolf Bernhardt writes that human rights are the various freedoms, protection measures and benefits that human beings have the right to demand from society (Bernhardt, 1985, p. 268).

Also, it is not a new topic. The history of them is long. As it is written by Magdalena Sitek, it is not true that the beginning of the concept of human rights is located in the age of enlightenment. A detailed historical analysis indicates that they were also present much earlier, i.e. in the ancient world or in the Middle Ages. The intention of this work is not a historical description of the development of human rights, but it is necessary to state that they have been present in human consciousness, in one form or another since ancient times. It is enough to mention the Decalogue and the fifth commandment “*Thou shalt not kill*”, which is the forerunner of the right to live, the concept of “*philanthropia*” introduced in Greek philosophy, the issue of “*freedom and slavery*” in ancient Rome or the theses, preached by Saint. Thomas Aquinas’s, placing the human law in natural the law given by the Creator, and thus also in the Decalogue (see: Sitek, 2016, pp. 49–70).

The approach to the issue of human rights and its understanding has been changed. Since some time, we have followed the systematisation given by Karel Vasak, which divided all human rights into three generation. Then recently, there is a demand for fourth generation of human rights. Unfortunately, the classical classification of human rights is not understand correctly and fully accepted by all people, especially for those who are coming from different then European cultural circle. Therefore, the new

postulate appeared to create new approach to human right. Among many voices in this discussion, one seems to be especially interesting. In this point of view, the human needs are the starting point to the discussion about human rights. In short, the human rights and the protection of human rights should be an answer to different human needs (more about this issue: Sitek, 2016, pp. 27–48).

Based on this introduction showing the relation between the human needs and the human rights, we need to say that there is big correlation between different human needs and the human right for religious freedom. The concept of religious freedom as an answer to the process of satisfying different needs of human being will be defined in the next part of this study. At this moment, we would like to name and shortly describe the different human needs.

There are different classification and systematization of human needs. One of the most popular is this one given by Abraham Harold Maslow, the American psychologist and the author of the theory of hierarchy of needs. According to him, there are different human needs put in the form of pyramid – starting from the physiological needs, through the need for security, love and belonging, the need for respect and recognition, and ending with the need for self-realization (Strelau, 2007, pp. 641–643; Karaś, 2003, p.17).

The right to religious freedom is an answer to several human needs. First of all, there is the need of safety. Some people needs religion to feel fully safe and secured Also, for some people the filling of safety means that they feel free to confess the religion and believes or to be free not to belong to any religious. Secondly, in the Maslow's pyramid, we have the need of love and belonging. There are people for whom full love is possible only in relation to God or gods. In addition, the need of belongings can be satisfied by the affiliation to particular religious group. Thirdly, there is a need of esteem which according to some authors can be implemented by the fact of being free to express their thoughts which can be satisfied by the freedom of religion, the freedom of conscience and the freedom of expression, including the expression of religious views. At the same time, it needs to be said that in this group of freedoms or rights, there is a freedom to not believe in any

supreme being (see: Sitek, 2016, pp. 237–255). Finally, we have the need which called – the self-actualization. And again, for some of the people, this is also possible in relation with God. Some people believe that human being may achieve his or her highest level of development only by the unification of his or her spiritual life with the Supreme Being. In this group of need, there is also the need for education which may be satisfied in different way and one of them is to get religious education.

## Religious freedom as a means to meet different human needs

As it was showed above, there is big correlation between human needs and human rights, also in the area of different need which may be satisfied by the religious freedom. In this part of studies, we would like to show that the religious freedom is all about by giving the description of different aspects of this freedom and what are the guarantees in the international and national legal provisions.

Religious freedom is one of the expressions of freedom to express the beliefs and thoughts. Everyone has the right to profess a chosen religion or not to profess any, excluding both privilege and persecution or discrimination based on this background. The history of mankind shows that many conflicts have occurred and still continue to occur on religious grounds. The so-called religious wars have always been very bloody and based on clashing religious beliefs, there have been numerous persecutions, acts of intolerance and discrimination, acts of extermination and other socially undesirable phenomena. Therefore, the human right to religious freedom seems to be one of the most important freedoms belonging to man and belongs to fundamental human rights (see: Wąsik, 2015, pp. 81-96; Fox, 2015, pp. 2–4).

The concept of religious freedom is quite broad and includes various aspects, among which we can mention:

- freedom of conscience,
- freedom of religion (freedom to confess or not to confess the particular believes),

- freedom to belong to a religious group (it also includes the freedom to not belong to any religious group),
- the freedom to change the religion (it also includes the right to stop believing in anything or anyone),
- freedom to receive education in accordance with the teachings of a given religion (Fox, 2015, p. 4–7).

It should be said that the freedom of conscience is a base and fundament of all others understandings and aspects of religious freedom. It is a right to choose own vision and understanding of the world, to choose own system of values, own system of believes or moral and ethical rules. It is a right to choose own beliefs and views. Only a person who is free in those areas is able to experience the religious freedom (see: Sandel, 1989, p. 597).

Another aspect of religious freedom is the right to confess or not to confess the particular religion or the system of beliefs. Each human being should be free to make own decision in this matter. It means that a person should have the right to choose any religion and confess this religion freely. It also means that a person has the right to not confess any believes. Based on this choice, a person must not get any privileges nor must not be discriminated or persecuted by state, authorities, groups or anybody else (see: Fox, 2015, pp. 4–7).

The religious freedom means also that the person has the right to belong to particular religious group. As, it was shown before, this right is the answer to the human need of belonging. The need of belonging may be satisfied in many different ways. One of them is belonging to the religious group. A group is understand as “two or more persons between whom there is direct interaction that have established common norms, have a common goal, form a developed group structure and have a sense of separateness of their group in relation to other groups” (OER Services). Each group includes some elements which are necessary to create and constitute the group. There are:

- membership (common system of symbols, emotional security, experience of affiliation and identification),

- mutual impact (the group influences the individual member of the group, and also each member of the group influences the group),
- the integration and fulfilment of needs (the feeling that belonging to this particular group is an advantage), the need of emotional relationships between members of the group (see: Szczepański, 1972).

Among different types of group, there are also the group which are related to particular religions and we call them – the religious groups or the religious communities. A religious community may be defined as an association of people connected by equal religious convictions, shared worship, joint pursuit of a specific religious purpose, and a similar lifestyle. This type of group, next the general elements proper to any kind of community, has own, which are related to the religion. There are:

- relationship with Supreme Being,
- relationship with another human being (brothers and sisters), expressed in mutual love and service,
- apostolate and mission, testimony (Encyclopaedia.com, 1999)

The concept of religious freedom includes also the freedom and the right to change the religion or freedom to stop confessing any religion. This right is important due to the fact that very often the religious beliefs are inherited in the family. Usually, the person becomes a member of particular religion when he or she is a child. Children or young people are taught about beliefs and religion at home by parent or grandparent or in school. When they become adult and have full consciousness of the world, they should have a right to make their own choices. It means that they should be also free to make own choices about belonging or not belonging to particular religion. This right is also important because in some situation changing religion or stopping to profess the beliefs is very difficult due to social pressure of the local environment or due to the regulation of some religion where changing the religion is prohibited (NORFORB, 2018).

The last aspect of religious freedom, which we want to describe here, is a right to get the education according to the teaching of particular religion.

First of all this right and freedom is related and connected to the parents' right to raise children in accordance with their beliefs. In this case, the personal right of a child is limited by the fact that most decisions, including decision about beliefs and religion, are made by parents. Therefore, it should be mentioned that this right and freedom is limited by the level of child's age and maturity. The regulations about this matter are mentioned in the Convention on the Rights of the Child as well as in the Constitution of the Republic of Poland (more on this topic see: Ożóg, 2015, pp. 265–285). Secondly, the right to get the education according to the rules of religion is related to the fact that each and every person should be free to attend different educational institution, including those of religious nature, to have access to different religious publication and to be free from all sorts of situations which offend his or her religious feelings.

Above mentioned descriptions of different aspect of the concept of religious freedom show that this concept is very broad and complex. The religious freedom is one of the most fundamental human rights and freedoms which is guaranteed by different provisions of the international law. In this part, I will point out to chosen regulations. This is not closed and full list but just the example showing that this human right and freedom is guaranteed by the international law.

When we talk about any of the human rights, we need to start with the United Nation Declaration on Human Rights. In fact, this is not the oldest documents talking about human right and before 1948, there were some others documents on this topic which were issued earlier (see: Sitek, 2016, pp. 71–87) but the UN Declaration from 1948 seems to be the most complex and universal.

In the UN Universal Declaration on Human Rights, there is article 18, which states that "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 teaching, practice, worship and observance" (United Nation, 1948, art. 18). This Declaration is recognized as one of the most important documents on human rights

which were issued in the contemporary world. The problem here is with the legal power of this document due to the fact that this is only the declaration not a treaty. This document defined the content of human rights and freedom, including freedom of religion but is not binding for states and it did not become, *sensum stricte*, the part of national law (Hannum, 1998, p.145).

Similar guarantee can be found in the International Covenant on Civil and Political Rights. There, we can read that “Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching” (United Nation, 1966, art. 18.1). This Covenant was signed in 1966 and it has become effective since 1976. This is international treaty and its legal power is much stronger than the power of Universal Declaration on Human Rights. The treaty was ratified by 113 countries. Only 24 states did not accept those regulations among them, there are 6 countries, such as China and Cuba, which signed but not ratified and 18 other countries, such as Saudi Arabia or UAE, which neither signed nor ratified this treaty (United Nations Treaty Collection). The number of countries which accepted the Covenant shows the importance and the universality of this document.

Also, the guarantees to human rights, including the right to religious freedom are contained in the provision of international law in Europe. There is for example article 9 of the European Convention on Human Rights, formally called – the Convention for the Protection of Human Rights and Fundamental Freedoms. This treaty was drafted by the Council of Europe, signed in Rome, in 1950 and entered into force in 1953 and it is binding for 47 Council of Europe member states. In this document, we can read that: “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” (Council of Europe, 1950, art. 9).

Also, the European Union, in the formal and legal way, gives the guarantee to the observance of human rights and among them to the right to religious freedom. We are talking here about the Charter of Fundamental Rights of the European Union from 2000 which is valid and important for all European Union's citizens and residents. The article 10.1 of this Charter states that "Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief and freedom, either alone or in community with others and in public or in private, to manifest religion or belief, in worship, teaching, practice and observance" (European Union, 2000, art. 10.1).

It should be underlined that most of the states, in national regulations, ensure its citizens broadly understood religious freedom. It is impossible to name them all, but we can say that the religious freedom is guaranteed by all the countries which are the parties to the international treaties. Also, many countries put provision ensuring this right into own legal system, for example to the Constitution.

There are many examples of the guarantee to the freedom of religious in the constitutions of different countries. As an example, we can point here the Constitution of the Republic of Poland, were in the article 53, there are detailed provisions about the ensuring of this right and also the explanation how to understand the religious freedom. In addition, there is also the guarantee about moral and religious education for children according to parents' convictions. The above mentioned article 53 states:

1. Freedom of conscience and religion shall be ensured to everyone.
2. Freedom of religion shall include the freedom to profess or to accept a religion by personal choice as well as to manifest such religion, either individually or collectively, publicly or privately, by worshipping, praying, participating in ceremonies, performing of rites or teaching. Freedom of religion shall also include possession of sanctuaries and other places of worship for the satisfaction of the needs of believers as well as the right of individuals, wherever they may be, to benefit from religious services.
3. Parents shall have the right to ensure their children a moral and religious upbringing and teaching in accordance with their convictions. The provisions of Article 48, para. 1 shall apply as appropriate.

4. The religion of a church or other legally recognized religious organization may be taught in schools, but other peoples' freedom of religion and conscience shall not be infringed thereby.
5. The freedom to publicly express religion may be limited only by means of statute and only where this is necessary for the defense of State security, public order, health, morals or the freedoms and rights of others.
6. No one shall be compelled to participate or not participate in religious practices.
7. No one may be compelled by organs of public authority to disclose his philosophy of life, religious convictions or belief. (Constitution of the Republic of Poland, 1997, art. 53)

The provisions on the religious freedom are also in the constitution of other countries. For example, in the First Amendment to the USA Constitution we can read that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." (First Amendment to the Constitution of the United States of America, 1791). Another example of constitutional rules on religious freedom we can find in the article 28 of the Constitution of the Russian Federation, which state "Everyone shall be guaranteed the freedom of conscience, the freedom of religion, including the right to profess individually or together with other any religion or to profess no religion at all, to freely choose, possess and disseminate religious and other views and act according to them" (Constitution of the Russian Federation, 1993, art. 28). The adequate records about this right we can find even in the Constitution of the Republic of China, which is one of the countries with no acceptance for the International Covenant on Civil and Political Rights. In the article 36, there is: "Citizens of the People's Republic of China enjoy freedom of religious belief. No state organ, public organization or individual may compel citizens to believe in, or not to believe in, any religion; nor may they discriminate against citizens who believe in, or do not believe in, any religion. The state protects normal religious activities. No one may make use

of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the state. Religious bodies and religious affairs are not subject to any foreign domination” (Constitution of the People’s Republic of China, 1982, art. 36).

Presented provision of international or national law on the freedom of religion are only the example proving that from the legal point of view, different human needs related to the religion may be satisfied by the implementation of the one of most fundamental human right and freedom which is freedom of religion.

## Different issues related to the religious freedom

As we showed it above, the right to freedom of religion is not only fundamental and very crucial in the process of satisfying human needs but also, this right and this freedom is guarantee by the international law as well as national regulations of huge number of countries. If we analyze the issue of freedom of religion only from the theoretical and legal point of view, we need to say that this area of human life is properly covered and secure. Unfortunately, there are also analyzes of the real situation and they show, that in the modern and contemporary world, there are discriminations and the prosecutions of people due to the fact of confessing certain religion. In other words we can state that the human need in the area of freedom of religion is not satisfy in proper way in many countries of the world.

A cursory analysis of media coverage from around the world shows that religious freedom does not exist in many places. People are discriminated against, persecuted, deprived of power, marginalized or even murdered simply because they are followers of one or other religion. It is impossible to point to all cases because of their multiplicity. However, to show the scale and importance of the problem, it is enough to mention a few examples.

One of the world’s most persecuted religions seems to be Christianity. The media are full of examples in this area. There are information provides about the growing scale of persecution of Christians in India (TVP Info, 22.02.2018). In Egypt, in November 2018, there was an assassination and

murder of members of the Christian Coptic Church (TVN24, 03.11.2018). The situation of Jehovah's Witnesses in Russia is getting worse, where, on April 20, 2017, a Russian court recognized this religion as an extremist organization and outlawed it (Radziwinowicz, 05.03.2019). Representatives of other religions are also discriminated against or harassed in a formal or informal way in everyday life. The media in Poland are increasingly reporting the beatings and attacks of intolerance against Muslims in our country (Zagner, 26.01.2019). Also, we have the cases in Europe, where due to the national regulation based on the security matters, some of the followers of religion are prohibited to dress in traditional or religious way (Górzyński, 01.08.2019)

Every two years, one of the organizations called Aid to the Church in Need – ACN International is publishing the report named: Religious freedom in the World. In 2018, the 14<sup>th</sup> edition of this document was published. From the finding made by this research, we find out that in the world there is a huge problem with the freedom of religious.

The report of 2016 "Religious freedom in the World" assesses the religious situation of every country in the world. Consideration was given to recognised religious groups regardless of their numerical size or perceived influence in any given country. According to this Report:

- “1. the religious liberty has declined in 11 – nearly half – of the 23 worst-offending countries’
2. in parts of the Middle East, including Syria and Iraq, hyper-extremism is eliminating all forms of religious diversity and is threatening to do so in parts of Africa and the Asian Sub-Continent. North Korea is the country where persecution is most severe,
3. almost every identifiable faith group experiences some degree of persecution somewhere in the world:
  - Christians remain the most persecuted faith in the world,
  - Muslims also face serious persecution; often from other Muslims who do not share their exact same beliefs,
  - there has been an upsurge of anti-Semitic attacks, notably in parts of Europe” (ACN, 2016, pp. 6–7).

The last edition of the above mentioned Report comes from 2018 and according to this document, the situation with the freedom of religion is even worse comparing to the conclusion from 2016. In the summary of this report called AT-A-GLANCE FINDINGS – period under review: June 2016 to June 2018 (inclusive), we can see how serious is a problem and how huge is a scale of violation of religious freedom. The mentioned part of the document state:

- “1. a) In the period under review, the situation for minority faith groups deteriorated in 18 of the 38 countries – almost half – found to have significant religious freedom violations. Especially serious decline was noted in China and India. In many of the others – including North Korea, Saudi Arabia, Yemen and Eritrea – the situation was already so bad, it could scarcely get any worse.
  - b) Worsening intolerance towards religious minorities meant that for the first time two new countries – Russia and Kyrgyzstan – were placed in the ‘Discrimination’ category.
  - c) Compared to two years ago, more countries with significant religious freedom violations showed signs of deteriorating conditions for faith minorities – 18 countries, up four on the figure for 2016.
  - d) An increase in religious freedom violations from state actors – authoritarian regimes – resulted in more countries showing a decline in religious liberty compared with 2016.
  - e) Conversely, a sharp decline in Al Shabaab militant violence meant that Tanzania and Kenya – ranked as ‘Persecution’ countries in 2016 – were re-categorized ‘Unclassified’ in 2018. While fewer Islamist religious freedom violations were noted in some countries, the position manifestly worsened in many others.
2. Aggressive nationalism, hostile to religious minorities, has worsened to the degree that the phenomenon can be called ultra-nationalism. Violent and systematic intimidation of religious minority groups has led to them being branded as disloyal aliens and threatening to the state.
  3. There is increasing evidence of a curtain of indifference behind which vulnerable faith communities suffer, their plight ignored by a religiously illiterate West.

4. In the eyes of Western governments and the media, religious freedom is slipping down the human rights priority rankings, being eclipsed by issues of gender, sexuality and race.
5. There has been a rapid and unexpected resettlement of some minority faith groups in parts of the Middle East formerly occupied by Daesh (ISIS) and other hyperextremist groups.
6. Most Western governments have failed to provide urgently needed assistance to minority faith groups, especially displaced communities wishing to return home.
7. The success of military campaigns against Daesh and other hyperextremists has concealed the spread of militant Islamist movements in regions of Africa, the Middle East and Asia.
8. Conflict between Sunni and Shia Islam has fueled extremist groups including Daesh.
9. Fresh evidence shows the extent of sexual abuse of women by extremist groups and individuals in Africa, the Middle East and parts of the Indian subcontinent.
10. There has been an upsurge in extremist attacks in Europe and elsewhere in the West, motivated in part by religious hatred. The attacks suggest that the threat of militant extremism is now becoming universal, imminent and ever-present. As such, this threat can be called neighbourhood terrorism.
11. Islamophobia in the West has increased, in part as a result of the ongoing migrant crisis.
12. There is evidence of worsening anti-Semitism leading to a rise in the number of Jewish migrants to Israel” (ACN, 2018, pp. 6–7).

All those examples, conclusions and findings show that in the contemporary world, there is huge problem with the one of the fundamental human rights – with the right to freedom of religion. In the world, there are many people who suffer in different way due to the fact of being believers.

## Conclusion

Human rights should be treated as a response to human needs. By respecting human rights, all kinds of human needs are met and thus the human beings can feel safe and secured. The right to religious freedom is one of most fundamental human rights. The respect to this right satisfies many different human needs and thanks to this, the full development of a person is possible.

In theory, the freedom of religion is guarantee. There are many different international law regulations which talked about the human right to freedom in the area of religion and believe. Also, there are numerous national regulations guaranteeing the religious freedom. But in practice, the situation in the world is getting worse. Every year, there are more and more examples of discrimination because of religion and also there are numerous cases of prosecutions due to the belonging to particular religion. In the secular world we have also many situations, where a person cannot express their faith and believe. Such person encounters manifestations of aversion, humiliation or jokes.

Without religious freedom, it is impossible to talk about meeting the human needs on different level. Therefore, the international and national organization should take more efforts and try to improve the level of satisfying this kind of human needs. The analyzes of legal situation and the real situation show the large discrepancies between these realities. The laws which are guaranteed in theory are not observed in practice. At present, we can observe a kind of inaction and helplessness of many countries and international organizations, including the United Nation, which are not capable of specific actions but only issue further resolutions or other documents condemning the situation. These actions are, however, ineffective, and people in the world suffer and even die just because they profess a particular religion. We can define this situation as one of the greatest tragedies in the modern world.

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