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2009 Human Rights Report: Croatia

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2009 Country Reports on Human Rights Practices

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The Republic of Croatia is a constitutional parliamentary democracy with a population of 4.4 million. Legislative authority is vested in the unicameral Sabor (parliament). The president serves as head of state and commander of the armed forces, cooperating in the formulation and execution of foreign policy; he also nominates the prime minister, who leads the government. Domestic and international observers stated the 2007 parliamentary elections, the May 2009 local elections, and the first round of the presidential election in December 2009 were in accord with international standards. Civilian authorities generally maintained effective control of the security forces.

The judicial system suffered from a case backlog, although courts somewhat reduced the number of unresolved cases awaiting trial. Ineffective prosecution of some domestic war crimes trials remained a problem. The government made little progress in restituting property nationalized by the former Yugoslav communist government to non-Roman Catholic religious groups. Societal violence and discrimination against ethnic minorities, particularly Serbs and Roma, remained a problem. Violence and discrimination against women continued. Trafficking in persons, violence and discrimination against homosexuals, and discrimination against persons with HIV/AIDS were also reported.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of politically motivated disappearances.

In September the government reported 1,827 persons remained missing from the 1991-1995 military conflict, including an estimated 797 ethnic Serbs who went missing in 1995. During the year the government investigated 64 possible mass and individual gravesites, resulting in the exhumation of the remains of 76 persons. The government identified the remains of 86 persons found earlier.

The government continued to cooperate with the International Commission of Missing Persons (ICMP) with which it exchanged 6,943 blood samples. These exchanges have led to the identification of the remains of 204 persons since 2004. To date the government has exhumed 4,543 bodies and identified 3,636 missing persons.

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The government handled all exhumations and identifications, while the International Criminal Tribunal for the former Yugoslavia (ICTY) monitored only the sites related to cases it investigated. The ICMP assisted in the identification of remains. The Organization for Security and Cooperation in Europe (OSCE), the International Committee of the Red Cross (ICRC) and experts from Serbia and Bosnia and Herzegovina also monitored certain exhumations.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit such practices, and there were no reports government officials employed them.

In 2008 the European Court of Human Rights (ECHR) found one violation by the country of the prohibition against inhuman or degrading treatment as defined by the European Convention on Human Rights.

Prison and Detention Center Conditions

Prison and detention centers continued to be overcrowded. The prison system has a capacity of approximately 3,500 persons, but there were nearly 5,000 inmates in its prisons, penitentiaries, and juvenile detention institutions at the end of the year.

The ombudsman for human rights made regular visits to assess prison conditions throughout the country. According to the ombudsman, while the treatment of prisoners was generally humane, the government was unable to fully meet prisoner needs for healthcare, hygiene, space and fresh air, and access to work opportunities due to the problem of overcrowding.

In March the Constitutional Court handed down a verdict instructing the government to adjust prison capacity in Zagreb's main prison to meet present needs within five years.

During the year the government began construction on a new prison facility in Glina; the facility is designed to provide room for an additional 420 prisoners.

To address the issue of overcrowding, the Ministry of Justice in July drafted an action plan for improving the prison system, which contained plans to construct new premises in the coming years and, most important, introduced a probation system. The Probation Law, passed by parliament on December 17, provides the possibility for house arrest, release on probation with close supervision, community work, and measures aimed at reducing recidivism.

The government permitted visits by independent human rights observers, including the ICRC.

d. Arbitrary Arrest or Detention

The constitution and the law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The national police have primary responsibility for national security; in times of disorder, the prime minister and the president may call upon the military to provide security. The intelligence service is under the authority of the prime minister and the president. An independent oversight board monitors intelligence service performance.

Police reforms begun after two high-profile killings at the end of 2008 continued through the year. On June 19, the general police director appointed at the end of 2008 was removed from his position and appointed as a state secretary in the

Ministry of Interior. While the move was technically a promotion, it was widely criticized in the press as politically motivated because the new position gives no control over daily police work. His replacement continued many of the reforms started by his predecessor, including the creation of a separate police unit to deal with organized crime and corruption cases, the National Police Office for Suppression of Organized Crime and Corruption (PN-USKOK). In September all four planned offices in Zagreb, Rijeka, Split, and Osijek were formally opened and operations continued to expand at year's end.

The police reported good cooperation with Bosnian and Serbian law enforcement officials regarding investigations into the high-profile killings of Ivo Pukanic, a publisher and co-owner of the NCL Media Group and a colleague in Zagreb in 2008. The alleged perpetrator of the crime, Joca Amsterdam, was arrested in Serbia and was awaiting trial at year's end. Due to Serbian restrictions on the extradition of its nationals, Joca Amsterdam's trial was scheduled to take place in Serbia while his accomplices were arrested and were being prosecuted in Croatia.

Arrest Procedure and Treatment While in Detention

Police obtained arrest warrants by presenting probable cause to an investigative magistrate; however, police can make arrests without a warrant if they believe a suspect might flee, destroy evidence, or commit other crimes. The police have 24 hours to justify an arrest to a magistrate.

Police must provide those arrested with access to an attorney of their choice within 24 hours of arrest. The magistrate appoints an attorney to represent an indigent detainee if the case could carry a long sentence. The government generally enforced these provisions. The investigative judge must decide within 48 hours of an arrest whether to extend detention for further investigation. Investigative detention generally lasted up to 30 days; however, trial courts could extend the period up to 12 months in certain cases. The law allows six months' pretrial detention, but a court can extend it to 12 months in certain cases, primarily war crimes and organized crime cases, at the state prosecutor's request. The courts may release detainees on their own recognizance, but most criminal suspects were held in custody until trial. The option of posting bail after an indictment is available, but detainees did not commonly exercise the right. Detention centers allowed visits by family members.

A new Criminal Procedure Act came into force on January 1. Due to an extensive revision of procedures in criminal investigations and prosecutions, the act is being implemented in phases. The Office for Suppression of Organized Crime and Corruption (USKOK), operating out of the State Prosecutor's Office, began operating according to the new procedures on July 1, with regular prosecutors scheduled to implement the changes by September 2011. Under the new law, primary investigative responsibilities are to be transferred from investigative judges to state attorneys. The role of the investigative judge under the new law is to be limited to monitoring human rights issues and protecting the legal process during proceedings. They also are to supervise relations between prosecutors and defendants, judge appeals regarding detention, and rule on the use of such special investigative techniques as surveillance, wiretapping, and raids. The new law also provides for the establishment of a "supervisor for detention," who will be responsible for ensuring the constitutional rights of defendants have not been violated.

In April the Supreme Court overturned the June 2008 conviction of Mitar Arambasic, a U.S. citizen and former Serb police officer found guilty of war crimes against civilians and prisoners. The Supreme Court ordered Arambasic released from detention and remanded his case for retrial. Arambasic had already spent six years and eight months in detention, including incarceration during his extradition proceedings. The Supreme Court found based on the available evidence, further detention would not be proportional to the expected sentence.

Amnesty

The law permits amnesty except in cases of war crimes. In practice, when investigations failed to substantiate original charges of war crimes, courts often convicted the defendants on reduced charges, thereby making them eligible for amnesty. This practice enabled the court to resolve such cases without further investigation and allowed the defendants to go free, but it disregarded the future repercussions a criminal record could have on possibly innocent defendants, particularly with regard to their future prospects for employment.

During the year prosecutors reviewed all war crimes cases in which there were indictments or ongoing investigations. For 254 of the 1,242 individuals involved in these cases, prosecutors either downgraded the charges from war crimes to armed rebellion, for which amnesty would apply, or cancelled proceedings for other reasons, such as insufficient evidence.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary and the government generally respected judicial independence. The judiciary continued to suffer from a heavy backlog of cases. In June the Ministry of Justice reported 870,538 unresolved cases, both civil and criminal, remaining before courts.

The judicial system consists of municipal and county courts, commercial and misdemeanor courts, an administrative court, and the Supreme Court. The Constitutional Court determines the constitutionality of laws, governmental acts, and elections. A parallel commercial court system adjudicates commercial and contractual disputes. A State Judicial Council appoints, disciplines, and, if necessary, removes judges. The parliament appoints the chief state prosecutor, who appoints chief state attorneys at the county and municipal level; the State Prosecutorial Council, a disciplinary body appointed by the parliament, appoints and disciplines deputy prosecutors.

In 2008 the ECHR issued judgments in which it found two violations by the country of the right to a fair trial as provided in the European Convention on Human Rights. The ECHR also found 11 violations of the convention's provisions concerning the length of judicial proceedings.

Trial Procedures

The constitution and law provide for the right to a public trial, and an independent judiciary generally enforced this right. The legal system uses panels of judges, which in some cases include lay judges, rather than juries, to hear cases. Defendants have the right to counsel, to be present at trial, to confront or question witnesses against them, and to present witnesses and evidence on their behalf. Defendants have access to evidence relevant to their cases and enjoy the presumption of innocence and right to appeal.

During the year prosecutors continued to implement the October 2008 order of the chief state prosecutor to review all pending war crimes cases and in absentia convictions, and apply standard measures to ensure uniform practices without regard to the defendant's national origin.

A special provision in the new Criminal Procedure Act, which became effective in January, provided for reopening of war crimes cases tried in absentia, upon the presentation of new evidence by either the defendant or prosecutor, whether or not the defendant is present in the country. While no defendants petitioned to have their cases reopened, prosecutors asked courts to reopen approximately 20 percent of cases tried in absentia and reported receiving good cooperation in most instances from the courts. During the year, according to the Office of the Chief State Prosecutor, prosecutors requested trials be reopened for 93 of the 464 individuals convicted in absentia and courts of original jurisdiction granted requests on behalf of 48 defendants and rejected cases involving 24. On appeal the Supreme Court approved reopening of cases involving 21 defendants. The OSCE reported almost half of defendants on trial for war crimes during the year were not present at their trials.

The OSCE reported during the year on the Supreme Court issuing decisions on appeal in 10 war crimes cases involving 23 individuals (16 ethnic Serbs, seven ethnic Croats). It confirmed 19 of the 23 individual decisions and reversed four, a reversal rate of 17 percent.

In 2008 the Ministry of Justice, together with the UN Development Program (UNDP), implemented a program to provide support to witnesses and victims who testify in war crimes and complex criminal cases. Between May 1, 2008 and October 20, 2009, offices to assist witness and victims helped more than 2,200 persons. The Law on Courts, adopted in October 2008, allows county courts, on a pilot basis, to form specialized departments for victim and witness support in criminal proceedings. The judges working at the pilot courts reported witnesses and victims provided more coherent testimony than in the past. During the year an additional six courts joined the initial four pilot courts. The new criminal procedure law, which went into effect during the year, provides for witness/victim protection from unlawful and unauthorized pressure from other participants in the criminal procedure, and provides them with psychological and other expert support.

On May 8, a court convicted parliamentarian Branimir Glavas for war crimes committed in Osijek in 1991 and sentenced him to a total of 10 years in prison. Glavas' 10-year sentence resulted from combined convictions from several cases. In one case the court found Glavas issued orders to five codefendants who killed five Serb civilians and attempted to kill an additional person. In a second case, the court found Glavas guilty because he had command responsibility and failed to prevent subordinates from torturing and murdering two civilians.

Glavas fled to Bosnia and Herzegovina on May 8, the day of the verdict, where he had recently acquired citizenship. On May 13, a parliamentary committee lifted Glavas' immunity from detention, and the full parliament confirmed this decision on May 20. On May 13, Glavas was arrested on international arrest warrant in Kupres and a Bosnian court subsequently ordered him detained for a maximum of 40 days due to the risk he would flee to avoid extradition. After a day and a half in detention, a Bosnian appellate court reversed the order and lifted Glavas' detention. The appellate court found, since Glavas had a registered residence in Bosnia and Herzegovina, there were no grounds for assuming he was a flight risk. Glavas has been at liberty in Bosnia and Herzegovina since then. Glavas' five codefendants were taken into custody after the verdict. For all six defendants, the court took into account the participation of all six defendants in the Balkan wars in the early 1990s as a mitigating factor. Glavas officially remains a member of parliament, receiving salary and other benefits until his verdict is made final, although he cannot attend any parliamentary sessions without risk of arrest and detention.

In May the Supreme Court confirmed the 2008 lower court verdict against Antun Gudelj, who was sentenced to 20 years for killing a police officer and two local officials.

An appeal in the Olujic case, reported in 2008, was decided by the Supreme Court in July. The Supreme Court confirmed the sentences of two defendants, and slightly reduced the sentences for the three other defendants.

On February 5, the Vukovar County Court announced a verdict in the case of genocide in the village of Miklusevci in late 1991 and 1992. Sentences ranging from four to 12 years' imprisonment were given to the 12 defendants convicted. Two defendants were acquitted. While 22 Serbs and Ruthenians were originally charged, prosecutors dropped charges against eight defendants during the proceedings.

Since the constitutions of most of the Southeast European countries involved in the 1991-1995 conflict prohibit their citizens to be extradited, Croatia's chief state prosecutor has signed agreements with counterparts in Montenegro and Serbia to enable the transfer of evidence in such cases, allowing suspects to be tried where they live rather than where the alleged crime was committed. Croatia transferred evidence in six cases covering 15 defendants to Serbia during the year. There were no transfers of evidence to Montenegro.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters, although continuing case backlogs raised concerns about judicial effectiveness and efficiency. In April the human rights ombudsman reported long administrative and court proceedings were the most frequent reason for citizens to address his office in 2008. In 2008 the Office of the Ombudsman received 1,560 complaints about protracted administrative proceedings, which often lasted several years and in many cases took as long as 10 years to resolve. The ombudsman blamed an understaffed court administration and poorly prepared laws for the courts' inefficiency. He also criticized the application of political criteria instead of competence when appointing personnel in state administration. For the second year in a row the parliament took note of the ombudsman's annual report without adopting it.

Property Restitution

During the year the government continued to work toward completion of its program to return occupied private properties to their rightful owners. However, the property law implicitly favors ethnic Croats over ethnic Serbs, who lost possession of their properties during the 1990s, by giving precedence to the rights of temporary occupants, who were mainly ethnic Croats, over those of the original owners, predominantly ethnic Serbs. In nine cases, owners could not repossess their homes and were waiting for completion of administrative procedures. Thirty-four owners of agricultural land with unclear title, mostly in the Zadar hinterland, who previously could not take possession of their plots, were able to take possession of their land in April.

Restitution of property seized during World War II and the Communist era remained a problem. The law on restitution of and compensation for property taken during the time of the Yugoslav Communist government permits the restitution of property only to individuals who were citizens at the time the parliament passed the law. As a result the law does not apply to persons who had property expropriated but left the country and became citizens of other countries. Many claimants have since acquired Croatian citizenship but still cannot file claims.

Restitution of communal property remained a problem for all major religious groups except the Islamic community.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice.

In 2008 the ECHR found one violation by the country of the right to respect for private and family life as provided by the European Convention on Human Rights.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law generally provide for freedom of speech and the press; however, some government influence over the media continued, and there were reports of increasing pressure from commercial interests.

The law provides for no less than six months' and no more than five years' imprisonment for hate speech. Hate speech committed over the Internet is punishable by six months' to three years' imprisonment.

Individuals can freely criticize the government publicly or privately without reprisal.

A wide range of private newspapers and magazines were published without government interference. In spite of the media law, media ownership was not fully transparent, making it possible for political or other interests to conceal their influence on media outlets.

The law regulates the national television and radio networks separately from other electronic media. Independent television and radio stations operated in the country, and two of the four national television channels were private.

Local governments partly or fully owned approximately 70 percent of the local media, making local broadcast media particularly vulnerable to political pressure. Approximately 46 percent of local radio stations depended on the financial support of local authorities. On World Press Freedom Day in May, the Croatian Journalists Association issued a statement warning that media owners continued to intervene directly in editorial policy. In particular, the statement noted "political pressure on media has not ceased to exist in the public, local or private media. Advertisers expect to be spared because of the media space they purchase, so the media would not report negatively about them."

In March, during the local elections campaign, some journalists were denied access to press conferences organized by political parties. On March 17, Drago Hedl, *Jutarnji List* correspondent from Osijek, was denied entrance to a press conference by Branimir Glavas, a member of parliament, and an Osijek TV crew was denied entrance to the press conference by Vladimir Sisljagic, the president of a political party.

As of year's end there were no arrests in the 2008 beating of investigative journalist Dusan Miljus. An investigation was ongoing and Miljus remained under police protection. In June the Ministry of Internal Affairs announced an award of 50,000 kunas (\$10,000) for information leading to the arrest of Miljus' attackers.

On June 16, the National Council for Monitoring Implementation of the Anticorruption Strategy held a session on the freedom of the media and the fight against corruption. The council concluded investigative journalism was rarely practiced, and the media was not effectively serving its purpose as a watch dog in the fight against corruption. At the session investigative journalist Dusan Miljus reported he had recently received another threatening letter. Journalist Hrvoje Appelt discussed his dismissal from one of the largest publishers in the country while he was under police protection after writing about organized crime.

Libel is a criminal offense; in recent years there were no reports of politically motivated libel cases. However, a large number of libel cases from previous years remained unresolved due to judicial backlogs. Courts may fine, but not imprison, persons convicted of slander and libel.

Internet Freedom

There were no government restrictions on access to the Internet or reports the government monitored e-mail or Internet chat rooms. In general individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet access was widely available and used by citizens throughout the country. According to International Telecommunication Union statistics for 2008, approximately 51 percent of the country's inhabitants used the Internet.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly, and the government generally respected this right in practice. The law, however, prohibits political protests in Zagreb's St. Mark's Square, adjacent to the parliament and government offices.

Freedom of Association

The constitution and law provide for freedom of association, and the government generally respected this right in practice; however, the law grants discretionary power to the Ministry of Justice over the establishment and internal governance of foundations. While authorities applied the law equally to all organizations, the law itself is restrictive and controlling. For example, the law provides that organizations may not register if their statutory goals are deemed trivial or if their property is not deemed sufficient to carry out their statutory activities. The law also permits the government to influence the appointment of an organization's management body.

c. Freedom of Religion

The constitution and law provide for freedom of conscience and religion and free public profession of religious conviction, and the government generally respected these rights in practice. There is no official state religion; however, the Roman Catholic Church has a historic and close relationship with the state not shared by other religious groups.

On September 24, the head of the Roman Catholic Church in Croatia, Cardinal Josip Bozanic, visited Jasenovac, the site of the largest concentration camp in Croatia during World War II where thousands of Serbs, Jews, and Roma were killed. Some critics accused the Catholic Church of collaborating with the pro-Nazi regime ruling Croatia at the time. Bozanic was the highest ranking church official to ever visit Jasenovac. While there, Bozanic acknowledged crimes were committed at Jasenovac by members of the Catholic Church but reaffirmed the church itself had no role in Jasenovac. He also asked for the truth to be told, not only about the victims of Jasenovac, but also the victims of fascism, Nazism, and communism. His trip was seen as a step toward reconciliation by leaders of the Jewish and Serb communities; however, he was also criticized for not offering a direct apology from the Catholic Church and for equating victims of communism with those of the Holocaust.

On October 2, a ceremony was held to lay the cornerstone for a mosque in the town of Rijeka after a number of administrative delays. The cost of the mosque was estimated at 8 million euros (\$11.4 million); it will serve a community of approximately 10,000 Muslims residing in the surrounding county.

Societal Abuses and Discrimination

Societal violence and physical abuse of religious minorities were problems.

The country's Jewish community numbered approximately 2,300. Acts with anti-Semitic overtones were reported during the year.

On July 25, at a concert in Biograd, controversial ultranationalist singer Thompson incited the audience to chant profascist slogans. He also accused President Stjepan Mesic, who has a reputation as a strong antifascist, of high treason. Police investigated the incident but brought no charges.

For a more detailed discussion, see the [2009 International Religious Freedom Report](http://www.state.gov/g/drl/rls/irf) at www.state.gov/g/drl/rls/irf.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN

High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the government did not employ it.

Refugees returning to the country as citizens of another former Yugoslav republic rather than as Croatian citizens encountered obstacles obtaining permanent residency status. The law permits former habitual residents who returned and applied by June 2005 to be reinstated to their prewar status as habitual residents without further requirements, and they could subsequently apply for citizenship. However, the government did not consistently apply this provision. This caused uncertainty and delayed the integration of returnees. The 2008 Law on Foreigners includes a clause exempting refugees from the republics of the former Yugoslavia from the rigid citizenship requirements under the previous law.

Nongovernmental organizations (NGOs) reported positive feedback concerning the law from returnees who were able to acquire citizenship.

The government took steps to recognize or "convalidate" legal and administrative documents issued by entities not under the country's control during the 1991-1995 conflict. In December the government reported receiving 19,185 applications for "validation" and issuing decisions in approximately 55 percent of the cases. Approximately 55 percent of the cases decided were resolved positively, while 45 percent were resolved negatively. International observers noted there were wide discrepancies between regional offices with average approval rates varying by as much as fifty percent, bringing into question the equity of the approval system. The government stated the discrepancy was due to the lack of documentation in some regions of the country.

As of September the UNHCR had registered the return of 388,583 refugees and internally displaced persons (IDPs), 132,322 of them minority Serbs. The total includes 627 persons who returned in the first nine months of the year. The UNHCR reported 54 percent of total returns were sustainable, while the remainder were either one-time or "commuter" returns. International organizations listed the poor state of the regional economy, lack of employment, and delays in access to permanent housing for the former tenants of socially owned apartments, as the main obstacles to return. Additionally, many refugees have chosen to settle in their countries of refuge.

To address problems experienced by returning IDPs and refugees, the government in 2008 began implementing a 60 million euro (\$85.8 million) social and economic recovery project, jointly funded by the government and the World Bank. The project was aimed at revitalizing the economies of disadvantaged areas affected by the war and promoting interethnic social cohesion. International observers said the program had some success as it made possible improvements to infrastructure and social inclusion, but because of budgetary constraints, its continuation was in question. Public hostility toward returning ethnic Serb refugees diminished in most parts of the country, but sporadic incidents, mostly in Dalmatia and its hinterland, were still a cause of concern.

Repossession of houses belonging to Serbs was almost complete, and reconstruction of those damaged by looting continued. As of September authorities had finished repairing damage to 275 of 456 properties eligible for repair under the government protocol for looted properties. There were cases in which persons were discovered attempting to use the courts to recover alleged investments they had made while illegally occupying the property, and 13 such cases were pending in the courts. Although the government adopted a process in 2006 to resolve the cases with investors out of court, it remained reluctant to offer settlements before the cases reached a court.

The government slowly continued the program to resolve the claims of persons, mainly ethnic Serbs, who held tenancy rights in socially owned apartments prior to the war but who lost these rights during or just after the war. Individuals submitted 13,695 claims for government-provided housing under the program, 4,576 of which were in urban areas.

According to the UNHCR, from 1995 through the end of September, the government had allocated 6,772 housing units, mainly in war-affected areas. The Ministry of Regional Development, Forestry, and Water Management had delivered approximately 97 percent of its 2007 target of 1,400 housing units and 80 percent of the 2008 target of 1,454 housing units, but during the year it delivered fewer than 10 percent of its target of 2,100 housing units. Despite broad cuts in the 2010 budget caused by the economic recession, the government reportedly secured slight increases in budget allocations for housing.

On March 30, the UN Human Rights Committee issued a decision on a complaint brought by a former tenancy rights holder in 2006. The complainant, Dusan Vojnovic, lost his tenancy rights in 1992 when he fled the country after receiving threats due to his Serb ethnicity. The complaint stated the country violated his rights to equal treatment, home and family life, fair trial, and trial in a reasonable time, as written in the Optional Protocol to the International Covenant on Civil and Political Rights to which the country is signatory. The committee decided, although the termination of the tenancy rights had been done in accordance with the country's law, it had been done arbitrarily, in violation of some procedural decisions of the courts, was arbitrary, and violated the principles of fair trial and equality before the courts, including a reasonable time for completion of proceedings. The committee decided the country should provide an "effective remedy to Vojnovic, including compensation. The government was supposed to reply to the committee by October 30 describing the actions it took, but it had not responded by the end of the year. Observers noted the government's actions could potentially set a precedent for approximately 30,000 persons who lost their tenancy rights during the war.

Internally Displaced Persons (IDPs)

Authorities took an inconsistent and nonuniform approach in its treatment of minority IDPs. As of September, 2,359 IDPs were registered with the government; of this number, 1,638 were ethnic Serbs, whose numbers remained unchanged from 2008. The Serbs were either waiting to be recognized as integrated in their current places of displacement or to receive reconstruction assistance from the state.

The government allowed free access to all displaced persons by domestic and international humanitarian organizations and permitted them to provide assistance.

Protection of Refugees

The country is a party to 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Its laws provide for granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Persons seeking protection generally considered the country a country of transit, and a significant number of asylum seekers left the country before courts had reached decisions on their claims. International observers criticized the government for delays in initial decisions for asylum seekers.

In law and practice the country provided effective protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

The government reported 147 persons applied for asylum during the year; of these, the government granted one person subsidiary protection (protection granted to an applicant whose situation is not covered by the 1951 convention), rejected the applications of 51 persons, and dismissed the applications of 64 persons; decisions were awaited in 32 cases. Nine persons appealed the government's decisions. During the year the government granted protection to 13 persons. Of these, refugee status was granted to 11 and subsidiary protection to two. In the first group there were five persons from Russia, three from Uzbekistan, and one each from Afghanistan, Armenia, and Uzbekistan. Persons from Afghanistan and Kosovo were granted subsidiary protection. There was a reception center for asylum seekers in Kutina, near Zagreb.

In May 2008 the government introduced a new appeals commission that conducts substantive reviews of the cases of rejected asylum seekers. Observers believed the new commission was an improvement over the previous appeals body because it enjoyed greater autonomy and included representatives from civil society and academia. However, international observers reported the commission did not have its own offices or proper facilities for conducting interviews and storing confidential files. Additionally, only one member of the commission, the president, was a full-time employee. The UNHCR closely followed cases of individuals whom the government deported or whom authorities returned to their country of origin.

There were no reports of persons requesting temporary protection during the year.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections on the basis of universal suffrage.

Elections and Political Participation

Political parties could operate without restriction or outside interference.

Coalition negotiations following the 2007 parliamentary elections produced a government led by the Croatian Democratic Union (HDZ), with the Croatian Peasant Party, the Independent Democratic Party of Serbs, and the Croatian Social Liberal Party represented in the new cabinet. While no significant irregularities were reported in the 2007 elections, the local NGO Citizens Organized to Monitor Elections (GONG) estimated the registrations of approximately 20 percent of voters abroad (mainly in Bosnia and Herzegovina) were outdated on election day.

In July Prime Minister Ivo Sanader abruptly resigned from office and was replaced by the then HDZ vice president and deputy prime minister, Jadranka Kosor. Despite slight adjustments in the cabinet, the composition of the ruling center-right coalition remained unchanged. No candidate received more than 50 percent of the vote in the December 27 presidential election, forcing a second round to be held in January 2010 between Ivo Josipovic, candidate of the center-left Social Democratic Party, and Milan Bandic, the independent mayor of Zagreb.

There were 36 women in the 153-seat parliament. There were four women in the 20-seat cabinet, including the prime minister and one deputy prime minister. There were five women among the 13 Constitutional Court justices, including the president of the court, and 17 women among the 37 Supreme Court justices.

The law requires representation for ethnic minorities in local government bodies if the census showed a minority group constituted at least 5 percent of the local population. Local elections held in May used updated voter lists as the basis for calculating the number of elected minority representatives, as required by law. Due to the return of refugees since the previous census in 2001, this method resulted in greater minority representation than the earlier practice of basing proportional minority representation on census figures alone. To provide adequate minority representation in local governments as required by the Constitutional Law on National Minorities, the country held special minority elections on December 6 to choose six deputy county prefects and 40 deputy mayors.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not always implement the laws effectively and corruption remained a serious problem. During the year the government gave special attention to the legal and institutional framework used to combat corruption, including investigations, prosecution, and interagency and international cooperation. The government worked closely with civil society and the private sector to try to inculcate respect for the rule of law in society.

Corruption remained a serious problem, with a nexus of institutions, primarily in health care, university faculties, the judiciary, and public-sector and commercial enterprises often at the center of corruption cases.

Corruption cases in the country involved nearly all segments of society, economy, and government. The number of cases prosecuted by USKOK continued to increase substantially in comparison with previous years. During the year USKOK concluded several cases against high profile civil servants, university professors, students, judges, public servants, and other professionals. The highest ranking person to be formally investigated for corruption was former minister of defense and current member of parliament Berislav Roncevic. On July 31, criminal charges were filed against Roncevic and his former deputy and a current state secretary in the Ministry of Interior, Ivo Bacic, for alleged misuse of funds in a 2004 deal to buy 39 trucks for the Ministry of Defense. Earlier in the year, a parliamentary committee, controlled by the ruling HDZ party of which Roncevic was a member, concluded there had been no irregularities in the truck purchase. On December 14, a Zagreb court upheld all counts of a indictment filed by USKOK against former defense minister Berislav Roncevic and his former assistant Ivo Bacic. The trial was scheduled to begin in early 2010.

A multiyear anticorruption operation, codenamed "Maestro," concluded during the year. The investigation into the Privatization Fund resulted in the arrests in 2007 of six suspects, including three fund vice presidents. USKOK ultimately indicted 10 persons for bribery and abuse of authority and position. On March 12, the court found fund vice president Ivan Gotovac and another individual not guilty in a first, smaller trial. The verdict was being appealed at year's end. In a second, larger trial, fund vice president Matanovic was sentenced on May 15 to 11 years in prison, while fund vice president Pesa was sentenced to two years. Four other persons received sentences ranging from one to three years in prison. Two defendants were acquitted.

During the year authorities continued their investigation of another large corruption case, dubbed "Index." USKOK filed an indictment for the case in December 2008. On May 27, the court announced verdicts against 16 defendants including professors, students, mediators, and middlemen charged with illicit enrollment at the Faculty of Transport Sciences. The former vice dean of the faculty and the chief middleman were sentenced to two and a half and one and a half years in prison, respectively, for illegally enrolling students. The other 12 defendants in the trial, known as "Index 1," including a senior lecturer, were given suspended sentences. On July 29, in a trial known as "Index 2," nine professors from Zagreb's Faculty of Transport and Traffic Engineering and four middlemen were sentenced to prison terms ranging from six months to two years for taking bribes from students to pass examinations. The remaining 17 middlemen, students, and parents standing trial were given suspended sentences, while two were acquitted, including a teacher. All the convicted teachers were prohibited from teaching for five years.

In September Supreme Court reduced the sentence of Ognjen Simic, who fled to Bosnia and Herzegovina after his conviction on corruption charges in 2008, from nine to five years. The court ruled the sentencing guidelines in force at the time the offense was committed should have been applied, rather than those in force at the time of the conviction. Simic continued to live freely in Bosnia and Herzegovina.

The law requires public officials to declare their assets. Most government officials complied, although there were questions as to the thoroughness and effectiveness of the system and imprecision as to the types of assets covered.

Within the government, the prosecutors and police Offices for Suppression of Corruption and Organized Crime (USKOK and PN-USKOK, respectively) are the main law enforcement bodies responsible for fighting corruption. The PN-USKOK was established in April, and its offices were formally opened on September 10. The government also created special anticorruption and organized crime departments in the four largest courts in the country, where judges are screened and receive additional training and higher pay for working on USKOK cases. The Ministry of Justice's Anticorruption Office

monitors the implementation of anticorruption measures throughout the government and oversaw a large anticorruption public relations campaign in the spring and summer of the year.

The law provides the right of public access to government information; however, NGOs continued to complain the government did not implement the law efficiently or effectively. On September 4, GONG published results of a survey showing a third of towns and municipalities did not have information officers as required by law. Additionally, some towns and municipalities were charging citizens for documents that should be free to the public.

Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were often cooperative and responsive to their views.

The Office for Human Rights, the entity for cooperation with NGOs and other government ministries and offices, was active in coordinating and promoting NGO and governmental efforts on human rights and civil society. It received both UN and government funds during the year. The office was the primary government body responsible for developing, coordinating, and implementing the government's human rights policies. While the office did not have authority to investigate alleged human rights abuses directly, it cooperated effectively with NGOs and the international community to conduct awareness campaigns to promote gender equality and women's rights, encourage general tolerance, and prevent trafficking in persons. It also served as a liaison between governmental offices and citizens reporting violations and complaints. The office awarded project grants to NGOs to address various human rights problems. It was adequately funded and enjoyed the cooperation of other government agencies.

In December Human Rights House—an umbrella organization for human rights NGOs--began operations in offices donated by the city of Zagreb in a reconstructed building with a five-year moratorium on rent payments.

During the year the Office of the Chief State Prosecutor prosecuted war crimes committed by both ethnic Serbs and ethnic Croats; ethnic Croats were defendants in several high-profile cases, including the conviction of parliamentarian Branimir Glavas (see section 1.e.).

The government cooperated with the ICTY. On December 3, ICTY Chief Prosecutor Serge Brammertz stated during his semiannual presentation to the UN Security Council that the "central issue of concern remains the still unresolved request to locate and obtain key military documents related to Operation Storm of 1995." The chief prosecutor welcomed the October personal initiative of the prime minister of Croatia to establish an interagency task force aimed at locating these documents and stated that a recent report of the task force was helpful in revealing gaps in the previous administrative investigations and in identifying further investigative steps to be taken. The prosecutor concluded by saying that "these and all other available investigative steps must be urgently undertaken in order to complete a comprehensive and credible investigation into locating the missing documents."

An appeal in the Ademi-Norac trial reported in 2008 was still pending.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on gender, age, race, disability, language, or social status; and the government generally enforced these prohibitions.

Women

Rape, including spousal rape, is a crime punishable by one to 10 years' imprisonment; however, according to NGOs many women did not report rape or spousal rape. The law provides longer sentences for sexual violence against persons with disabilities. In cases of rape under aggravated circumstances that result in death or pregnancy, or if the victim is a minor, sentences may be between three and 15 years. Due to social pressure and stigmatization, rape and sexual violence were underreported. NGOs criticized the government for allowing only police and not hospitals to have rape kits. This resulted in victims having to be examined twice. During the year the government formed a working group with NGOs to work on a protocol for conduct in cases of sexual violence, aimed at streamlining the procedures. The availability of victim assistance services, such as rape crisis centers, varied widely from community to community.

In the first 11 months of the year, 75 rapes and 20 attempted rapes were reported to police. NGO officials estimated that for every reported rape, there were three unreported cases; on average 100 to 140 cases of sexual violence and rape are reported annually. The NGO Women's Room stated women frequently did not report rape and spousal rape because they lacked information about available legal protections, felt ashamed, feared reprisal, or, in case of spousal rape, were concerned over the economic consequences. Victims were often reluctant to report rape, particularly spousal rape, because it was difficult to prove in court and because medical staff, police, and judicial officials were not trained to treat victims. Women's NGOs asserted sentences for spousal rape tended to be lenient.

Violence against women, including spousal abuse, continued to be a problem. The law provides for persons other than the victim, including the police, to initiate a domestic violence case, which is treated as a misdemeanor. Penalties range from fines of 1,000 to 10,000 kunas (\$200 to \$2,000) or up to 60 days in prison. Under the criminal law, perpetrators can face up to three years in prison for the same acts. Police officials tended to classify domestic violence against women as misdemeanors, resulting in minimal sentences. Minimum sentences were particularly common in cases of rape. Police officers in most urban areas were trained to handle family violence and to provide quick intervention, secure victims' safety, and remove perpetrators from families; in rural areas, police officers were generally less well trained in handling family violence cases.

Support for victims of violence was limited. In general private donations financed most services, but the government took some steps to address the rising number of domestic violence cases.

NGOs and local governments operated 17 shelters, but, according to the ombudsperson for gender equality, only five were permanent. On November 25, the government signed contracts with county, city, and civil organizations to cofinance shelters and counseling centers for victims of domestic violence. In September the ombudsman reported 550,000 kunas (\$111,000) was paid during the year to NGOs running shelters for victims of domestic violence. Hotlines, counseling, and legal assistance were available to victims of domestic violence.

On January 27, the ECHR ruled against the state in a law suit brought by the family of a domestic violence victim with the assistance of a local women's NGO. The court ruled the state did not take sufficient measures to prevent the death of Mignon Tomasic, who was murdered along with her daughter by her husband in 2006. The court found the state failed to conduct a thorough investigation and did not order sufficiently long psychiatric treatment after the victim reported her husband's first serious threats. The court ordered the state to pay 40,000 euros (\$57,200) in compensation to the family of the deceased woman and 1,300 euros (\$1,860) for court expenses.

Prostitution is illegal but widespread and generally punishable by fines. Engagement in prostitution is treated as a misdemeanor, while pandering is a criminal act. Activities of clients are not criminalized. The activities of the brothel owner/operator, pimps, and enforcers are crimes and the laws were generally enforced. Women's organizations claimed prostitutes faced abuse, stigmatization, and public humiliation. There were reports that women were trafficked for commercial sexual exploitation.

The law prohibits sexual harassment in the workplace; however, it remained a problem. According to trade unions, the problem was most pronounced in the textile and leather, trade, and catering industries. The ombudsman for gender equality and unions reported that his office worked on sexual harassment cases, although many women were reluctant to take action for fear of reprisal.

The government generally respected the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. Citizens generally had the information and means to do so free from discrimination, coercion, or violence. There was no recent data on the percentage of the population with access to contraception, although condoms are widely available and oral contraception is available with a prescription.

According to the UNDP, the number of women reported to have HIV infections is significantly lower than men, but women were and men were diagnosed and treated equally. However, women who lived in rural areas and worked out of the home may not be as aware of the need for testing or where to get tested as their male counterparts.

Women generally held lower paying positions in the work force. In June the Croatian Statistics Bureau released its annual report, *Women and Men in Croatia*. The report noted women in the private and public sectors earned 10.8 percent less than men. Women's pensions were 17 percent lower than those of men. Women were also more likely to be unemployed, accounting for 62.2 percent of all job seekers registered with the employment bureau. These disparities were present despite women generally achieving a higher level of education.

In November 2008 the World Economic Forum (WEF), an international NGO based in Geneva, noted large differences in Croatian women's and men's salaries, employment and access to managerial functions as well as political representation and women's access to education and health care was regarded as commendable. The WEF measured gender equality in the fields of the economy, politics, education, and the health system. The government Office for Gender Equality criticized the report for using inaccurate data.

The government cooperated with NGOs to promote gender equality. While NGOs participated in drafting legislation promoting gender equality, they believed their impact on the ultimate result was often limited.

The Office for Gender Equality was responsible for implementing the law on gender equality that came into effect in 2008 and for formulating the government's gender policy; the ombudsman for gender equality monitored implementation of the law, including the submission of mandatory action plans for state institutions and public companies.

The 2008 law established quotas to secure increased political representation of women. It requires women to make up at least 40 percent of the voting list for each political party by the third round of local and national elections as well as in elections for the European Parliament. Political parties, state bodies, local authorities, employers, and the media can be fined for violating the new law. Local NGOs criticized the law on the grounds the fines were too small to be a deterrent and the government rarely enforced previous laws with quotas.

However, NGOs noted the Office for Gender Equality campaigned actively during the year to educate the public about the new law, especially about the provision regarding the composition of voting lists for the May 31 local elections. It funded projects by 23 NGOs aimed at informing the public about the new law. It also ran a number of television and radio ads and organized local meetings to discuss women's participation in politics, an effort that lasted for six months and consumed approximately 20 percent of the office's annual budget. The number of women on political party slates on a county level rose to 26 percent compared with 21 percent in the 2005 elections.

In July the Office for Gender Equality criticized Croatian Radio Television for what it claimed was insufficient programming featuring gender issues, a position shared by the ombudsman for gender equality.

Children

Citizenship is derived by birth in the country's territory (*jus soli*) or from one of the parents (*jus sanguinis*). Authorities register all births at the time of birth within the country or upon registration for births abroad. There are no reports failure to register births resulted in denial of public services, including education and health care, to children.

While education is free and mandatory through grade eight, Romani children faced serious obstacles to continuing their education, including discrimination in schools and a lack of family support. The number of Romani children enrolled in preschool education for the 2008-2009 school year rose to 595 from 509 in 2007. According to the Ministry of Science, Education, and Sports, the number of new Romani pupils increased to 3,940 from 3,786 in 2008. There was a fourfold increase over 2005.

During the year the ministry reported, for the first time, the reimbursement of kindergarten fees to Romani parents. The payments made for the previous academic year totaled 130,700 kunas (\$26,300) for 71 children in 13 kindergartens. The government distributed over 300 scholarships to Romani students in high school, 35 more than in the previous school year. The number of Roma students receiving scholarships for university level studies increased to 20 from 12 in the school year.

In 2008 international organizations and local NGOs reported school authorities continued to provide segregated, lower quality classes for Romani students in the northern part of the country.

In July the ECHR rejected a complaint of discrimination by the parents of 15 Romani children concerning the creation of separate classes for Romani students in several elementary schools in the northwestern county of Medimurje. The court found the schools did not set the children apart simply for being Roma but rather the schools separated them only until their language improved to the point where they could join a regular classroom. The ECHR agreed to reconsider the case in April; a decision was pending at year's end.

Child abuse, including sexual abuse, was a problem.

The Office of the Ombudsman for Children reported 1,050 new complaints of individual violations of children's rights through December. The office has seen yearly increases in the number of complaints, due in part to the greater visibility and presence of the ombudsman.

In June 2008 the government launched a campaign in cooperation with the Council of Europe to prevent corporal punishment. The campaign continued through the year and targeted families, schools, children's homes and penitentiaries. However, the ombudsman for children reported in August the campaign was not visible enough and the number of cases of corporal punishment was not diminishing.

In 2007 local NGOs filed suit against the country before the European Committee for Social Rights (ECSR) alleging its sexual education curriculum for school-age children violated young people's basic rights to comprehensive and adequate sexual and reproductive health education. In August the ECSR published its decision, which found "the evidence was insufficient to justify a conclusion that the sexual and reproductive health education overall is inadequate." However, the committee criticized the government for homophobic material in classroom texts. The textbook in question was subsequently removed. Despite this ruling, the ombudsman for children criticized the government for not having a systematic and uniform sexual health education program throughout the country. While some areas of the country had very developed sexual education programs, others had limited information.

The country has no official statistics on child marriages; however, social welfare services believed this to be a problem in the Romani community. Common law marriages between persons 16 and older were customary, many times prompted by pregnancies. These marriages were in some cases made official when partners reached adulthood.

Statutory rape is a part of the penal code with the minimum age for consensual sex set at 14 years. Penalties for statutory rape range between one and eight years, but in aggravating circumstances such as sex resulting in pregnancy or repeated sexual acts, penalties range from five years to up to 40 years. Filming or photographing children for pornographic material is penalized with between one and five years of prison, while exposure of children to pornography can be punished with financial fines or up to one year in prison.

During the year state prosecutors received reports of the following incidents involving children and minors: 36 reports of sexual intercourse with minors and 29 convictions for the same crime, 114 reports and 86 convictions for lewd behavior involving a child or a minor, 11 reports and nine convictions of abusing children for pornography, and 68 reported cases of child pornography on the Internet with 13 convictions for crimes committed earlier.

Trafficking in Persons

The law prohibits all forms of trafficking in persons; however, the country was a source, destination, and country of transit for trafficked women and children.

The country was mainly a country of transit for women and girls trafficked from countries in Eastern Europe and the Balkans to other parts of Europe for prostitution and labor exploitation. The country was also a source and destination for trafficked women and men. In December the government reported authorities identified eight trafficking victims during the year. Four victims were Croatians, two were Serbians, and two originated from Bosnia and Herzegovina. Six of the victims were women trafficked for purposes of sexual exploitation and included one underage girl, while two were men trafficked for labor exploitation. The government reported the victims cooperated with police investigations and NGOs.

Trends in 2008 indicated women and girls 30 years old and younger were most at risk of being trafficked. Anecdotal information indicated regional and domestic organized crime groups were responsible for trafficking. Traffickers controlled victims through violence, intimidation, withholding documents, and threats.

The law defines trafficking in persons as a crime separate from slavery and provides penalties between one and 10 years' imprisonment for traffickers. The minimum penalty for trafficking crimes committed against a minor is five years' imprisonment. If a criminal organization committed the crime and it resulted in death, the penalty is five years' to life imprisonment. The law provides criminal sanctions of three months to three years in prison for using the services of trafficked persons.

As of December the government had arrested and instituted criminal proceedings against nine persons. The government reported six trafficking convictions against five persons, in which the court sentenced the defendants to prison terms ranging from two to eight years, while in one case the defendant was ordered to compensate the victim with 152,196 kunas (\$30,400). The government also issued five indictments against eight persons during the year whose cases were pending at year's end.

The government has a national committee for the suppression of trafficking in persons. The head of the government's human rights office was also the national coordinator for trafficking issues. Various agencies are responsible for the suppression of trafficking. Police participated in international investigations through the regional center of the Southeastern European Cooperative Initiative (SECI) Bucharest, and through Interpol and Europol. Between March and November, the Ministry of Interior conducted four operations responding to sexual services advertisements on the Internet and in the media in order to identify possible trafficking victims. Police continued to cooperate with both short- and long-term advisors

from Germany and Austria. In addition, police had an active role in the Mirage working group from the SECI regional center and reported strong cooperation with Europol and Interpol in combating trafficking in persons.

There were no specific reports government officials were involved in trafficking.

During the year the government did not deport or punish victims of trafficking, and it cooperated with NGOs and the International Organization for Migration (IOM) mission to offer all necessary assistance to victims. While the law criminalizes international prostitution and unauthorized border crossings, it exempts trafficking victims from prosecution. Similarly, the law exempts trafficking victims from deportation under laws that permit authorities to charge foreigners engaged in prostitution with a misdemeanor and initiate deportation proceedings if they do not fulfill legal requirements for their stay in the country.

The government has a legal framework to provide for victim assistance, and support services were available for trafficking victims. The government continued to finance shelters for adults and minors who were victims of trafficking. The Croatian Red Cross, in cooperation with the government, operated four reception shelters. The government offered assistance to all victims and provided services jointly with local NGOs and the IOM.

The law regulates the status of foreign victims of trafficking. It defines methods of identification and the scope of assistance and the respective bodies that are responsible for offering victim assistance. The Law on Foreigners was amended in March to extend the "reflection period" for adult victims from 30 to 60 days, while for victims who are minors it remained at 90 days. The law specifies different forms of assistance that should be offered to foreign victims, including safe accommodations, financial support, education and training, and assistance with regard to work. The law also provides for temporary residence permits for victims, initially from six months to one year, which the government can extend based on a subsequent needs assessment.

The government continued to broadcast public awareness campaigns produced during the previous years and continued to support an NGO hotline, alternative shelters, and two traditional shelters. Government information campaigns targeted children and adults as potential victims, while one targeted potential clients of those who were trafficked.

The Department of State's annual *Trafficking in Persons Report* can be found at www.state.gov/g/tip.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and in the provision of other state services; however, discrimination occurred.

The government maintained 10 counseling centers offering assistance to persons with disabilities and their families. In 2008 the government also opened a separate department for persons with disabilities at the employment agency, aimed at increasing employment rates. A total of 1,028 persons with disabilities were employed during the year, while the number of unemployed was 6,215. An estimated 67.3 percent of unemployed persons with disabilities have been unemployed for more than a year.

In June 2008 parliament appointed the first ombudsman for persons with disabilities. In a report covering the second half of 2008, the ombudsman noted the majority of complaints received by his office involved welfare and pension payments. The office actively cooperated with NGOs dealing with disabled persons.

During the year parliamentarian Vesna Skulic criticized the government for lagging behind in fulfilling its obligations under the National Strategy for Persons with Disabilities for 2007-2015. The government was late in introducing measures or revising relevant laws that affect the lives of persons with disabilities. Skulic continued to criticize the lack of transparency in the management of the government's fund for professional rehabilitation and employment.

The number of persons with mental disabilities in institutions did not decrease, despite some efforts to develop community-based alternatives. The law provides that unemployed parents of children with disabilities be granted 2,200 kunas (\$443) in monthly compensation. The law also provides compensation to foster-care families.

The law mandates access to buildings for persons with disabilities; however, the government did not always enforce this provision, and the law did not mandate that existing facilities be retrofitted. As a result, access to public facilities for persons with disabilities remained limited.

National/Racial/Ethnic Minorities

While constitutional protections against discrimination applied to all minorities, open discrimination and harassment continued against ethnic Serbs and Roma.

Incidents, including looting, physical threats, verbal abuse, and spraying graffiti on Serb property, continued in the Dalmatian hinterland and the central part of the country. International organizations reported that the frequency and gravity of violent incidents against ethnic Serbs diminished in most of the country with the exception of the Zadar and Sibenik hinterland, where they remained unchanged.

On July 11, police arrested two young men who broke into the house of a Serb returnee in a village near Knin, smashed the furniture and verbally and physically assaulted the owner. Human rights NGOs reported the two were a part of group that first stoned the house and then used wooden sticks and ladders to break the windows. The owner immediately called the police, who stopped the attack. The police filed criminal charges against the two attackers, 19-year-old immigrants from Bosnia and Herzegovina, for acts of violence motivated by hatred. The Croatian Helsinki Committee subsequently issued a statement criticizing the incident and the police in Knin for repeated reluctance to report low-level violence (such as driving across cultivated fields or destroying satellite dishes) against ethnic Serbs in the area over the previous three years.

On March 26, a group of eight young men threw stones at and verbally abused the local Serb population in the village of Bukovic in the Benkovac area. They threatened one of the villagers with a knife and demanded money. They smashed windows in homes and burned the haystack of another villager. The police identified all eight perpetrators and charged them with "violent behavior" and "disruption of the inviolability of the home." Human rights NGOs reported no indictments had been issued at the year's end.

On July 16, police arrested three men for smashing the windows and slashing the tires of a car with Serbian plates in front of the Hotel Plat in Dubrovnik. The three were indicted for damaging and destroying property, and authorities qualified the act as a hate crime. The case was pending at year's end.

In May 2008 authorities transferred the 2007 case of two young men arrested for verbally and physically abusing two Serb returnees and attempting to burn their house with them inside, from the county court to the municipal court in Pozega. The prosecutors in Pozega revised the charges from attempted murder to inflicting grave injuries. On April 23, the court sentenced the two perpetrators to two years in prison with parole. The prosecution appealed the verdict in June; a final decision was pending at year's end.

Authorities made no further progress in identifying suspects in the 2007 bombing of a Serbian-owned vehicle.

Discrimination continued against ethnic Serbs in several areas, including the administration of justice, employment, and housing. Ethnic Serbs in war-affected regions continued to be subject to societal harassment and discrimination. Local authorities sometimes refused to hire qualified Serbs even when no Croats applied for a position.

Seven years after the parliament passed the Constitutional Law on National Minorities (CLNM), authorities had not implemented its provision on proportional minority employment in the public sector in areas where a minority constitutes at least 15 percent of the population. Ethnic Serbs, the largest minority, were most affected by the slow implementation of the law. Difficulties with the implementation of the CLNM continued during the year. At a roundtable on minority employment organized by the Ministry of Justice in Karlovac on May 14, officials admitted that minority representation in the judiciary was not adequate. One department head cited Karlovac County as an example of an area where minorities made up 11 percent of the population but constituted only 2 percent of employees in the judiciary. The law provides that minority participation is to be taken into account when appointing judges in regions where minorities constitute a significant percentage of the population.

The National Minority Council received approximately 42 million kunas (\$8.5 million) for minority associations' cultural programs during the year.

Societal violence, harassment, and discrimination against Roma continued to be a problem. While only 9,463 persons declared themselves to be Roma in the 2001 census, officials and NGOs estimated the Romani population was between 30,000 and 40,000.

At the end of June, four skinheads verbally abused and then tried to set on fire 12 Roma sleeping on trucks parked near a temporary dump site at the outskirts of Zagreb. One of the skinheads hit a Rom with a Molotov cocktail but failed to cause any injuries. The attackers fled before being arrested.

In June the ECHR ruled in favor of Darko Beganovic, a Rom beaten by seven persons in 2000, and found the state violated the European Convention on Human Rights by failing to institute criminal proceedings in the case. The court ordered the government to pay Beganovic 1,000 euros (\$1,430) for damages and 6,940 euros (\$9,920) for court expenses.

Roma faced many obstacles, including lack of knowledge of the Croatian language, lack of education, lack of citizenship and identity documents, high unemployment, and widespread discrimination. Many Romani women in particular had only limited Croatian language skills. In 2007 Romani NGOs estimated 25 percent of Roma did not have citizenship documents and thus could not obtain social benefits, employment, voting rights, and property restitution. According to the Council of Europe, only 6.5 percent of Roma had permanent jobs, while the government estimated 20,000 to 30,000 Roma were receiving some form of social assistance. In September the government estimated over 90 percent of registered Roma lived on social aid.

On a national level, the government worked to increase the employment rate of Roma by providing two years' worth of salary payments to employers who hired Romani workers. Government spending on programs for Roma increased from 17 million kunas (\$3.4 million) in 2008 to 27 million kunas in 2009 (\$5.4 million). During the year the government worked with the European Commission to improve conditions in major Roma settlements in the Medjimurje region, where Roma constituted 6 percent of population. The government allocated 7.5 million kunas (\$1.5 million) for administrative costs related to the legalization of four Roma settlements there. In addition, the government contributed 2.5 million kunas (\$503,000) to a joint project with the European Commission to reconstruct infrastructure in these settlements.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

There was some societal violence and discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons. There are at least two active LGBT organizations.

On June 13, an antigay protest was staged during the annual Gay Pride Parade. Members of the protest carried banners with abusive language such as "kill the faggots." Organizers of the parade considered the protest a hate crime and

criticized authorities for having allowed it to take place. Police arrested five persons who tried to break through police lines and attack parade participants. After the parade two unidentified persons followed one parade supporter to his doorstep and severely beat him.

In August the ECSR issued a statement on the sexual education curriculum in Croatian schools that criticized the government for homophobic material in classroom texts. The committee stated certain parts of the educational material were "manifestly biased, discriminatory, and demeaning" and served to stigmatize homosexuals "based upon negative, distorted, reprehensible, and degrading stereotypes." The committee found the material had a "discriminatory and demeaning impact" upon persons not of heterosexual orientation throughout society and presented a "distorted picture of human sexuality." The committee stated the government had failed "in the provision of objective and nonexclusionary health education." Authorities removed the textbook in question.

Societal discrimination against LGBT persons was frequently manifested by insults, stereotypical jokes, and societal prejudices.

Other Societal Violence or Discrimination

Societal discrimination against persons with HIV/AIDS remained a problem. The Croatian Association for HIV (HUHIV) reported dentists and general practitioners at times refused to treat HIV-positive patients and some hospitals postponed surgery because doctors were reluctant to operate on them. If an HIV patient did not go through the infectious disease hospital, he or she often waited for treatment, and doctors sometimes delayed surgery indefinitely. There were allegations transplant centers refused to put HIV patients on their lists of potential organ recipients.

According to HUHIV representatives, the lack of public assistance, such as hotlines, for HIV-positive patients was a problem. According to the UN theme group on HIV/AIDS, an analysis of the country's laws indicated they contain discriminatory provisions regarding HIV. The group cited legal provisions requiring testing under medical supervision for certain professions and, in certain cases, restricted employment for prisoners and HIV-positive persons. According to the analysis, most cases of discrimination occurred outside the scope of the law or were due to insufficient enforcement of privacy laws, lack of consistent, adequate medical care, and discrimination in school or the workplace.

Section 7 Worker Rights

a. The Right of Association

Workers are entitled by law to form or join unions of their choice without previous authorization or excessive requirements, and workers exercised this right in practice. Unions generally were independent of the government and political parties.

In July 2008 the government initiated a consultative process through the Croatian Social and Economic Council with key stakeholders: labor unions, employer associations, and economists, to provide recommendations on bringing the existing labor code into line with EU standards. The negotiations concluded in December 2009 with three amendments to the labor code which were pending in the parliament at year's end. The amendments include limiting temporary work contracts to no more than three years, establishment of a flexible eight-hour workday with overtime regulations and night-shift restrictions, and establishment of a 56-hour maximum work week.

The law provides for the right to strike, with some limitations, and workers exercised these rights during the year. The law does not permit members of the armed forces, police, government administration, or public services to strike. Workers may strike only at the end of a contract or in specific circumstances mentioned in the contract after they have gone through mediation. When negotiating a new contract, workers are also required to go through mediation before they can

strike. Labor and management must jointly agree on a mediator if a dispute goes to mediation. If a strike is found to be illegal, any participant may be dismissed and the union held liable for damages.

b. The Right to Organize and Bargain Collectively

The constitution and law protect collective bargaining and the right to organize, and workers exercised these rights in practice, although some international observers reported there that small firms did not always uphold this right.

Approximately 12 percent of the country's workers are on fixed-term contracts with employers. Manual labor and retail employees are primarily affected and many employers hire new workers for a trial period of typically three months.

The law prohibits antiunion discrimination and expressly allows unions to challenge firings in court; however, incidents of union-related harassment and firing of employees occurred, and in general the inefficiency of the court system seriously delayed and discouraged citizens' attempts to seek redress through the legal system.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits all forced or compulsory labor, including by children, but there were incidents in which adults and children were trafficked for prostitution and labor (see section 6, Trafficking in Persons). The cases of trafficking for labor involved an auto mechanic and a pickpocket.

d. Prohibition of Child Labor and Minimum Age for Employment

There are laws and policies to protect children from exploitation in the workplace and provide for acceptable working conditions. While the government for the most part implemented these laws and policies effectively, child labor remained a problem.

In 2008, the last year for which data were available, the State Labor Inspectorate recorded 173 violations of labor-related laws involving 86 children under the age of 17. Of these violations, two involved a child under the age of 15. Violations occurred mainly in the hospitality, tourism, retail, food, industrial, services, and construction sectors.

The minimum age for employment of children is 15 years. The Ministry of Economy, Labor, and Entrepreneurship, in conjunction with the ombudsman for children and the state inspectorate, is responsible for enforcing this regulation. Minors under the age of 15 may work if they receive prior approval from the state labor inspectorate and if it is determined that the child will not suffer physically or mentally from the work. Approval is usually requested for filming movie scenes or for play rehearsals. The law prohibits workers under the age of 18 from working overtime, at night, or under dangerous conditions.

The law proscribes the worst forms of child labor, including trafficking in children for purposes of sexual exploitation and labor. The national ombudsman for children coordinated the country's efforts to prevent the exploitation of children and to assist in removing children from exploitative situations. The labor inspectorate has 111 inspectors whose duties include inspection for illegal employment of minors. The inspectorate forwarded all cases of violations involving minors to the Office of the Ombudsman for Children. Criminal cases were prosecuted by the State Prosecutor's Office and often resulted in convictions.

e. Acceptable Conditions of Work

The minimum wage as determined by the government was 2,814 kunas (\$566) per month; the net wage was between 2,000 and 2,200 kunas (\$402-\$443), depending on exemptions, and did not provide a decent standard of living for a worker and family. Government statistics from June indicated the average wage was 5,370 kunas (\$1,080), and the

minimum cost of living for a family of four in rented housing was 6,316 kunas (\$1,270). The government enforces the minimum wage, while the ministry of finance determines the level.

Nonpayment and late payment of wages continued to be a problem, as was nonpayment for overtime and holiday work. According to the labor inspectorate, the law no longer requires that records be kept of the number of persons who did not receive payment of their salaries. However, workers have the right to bring court proceedings against employers who did not issue pay slips to their employees. Based on data that it received through various reports, the inspectorate concluded that at least 1,708 employees did not receive full payment for their work in 2008, the last year for which data were available.

The inspectorate reported that it shut down 452 employers for periods of at least 30 days during 2008 for labor law violations. Violations included illegally employing local and foreign workers without work permits, employing workers not registered with the pension fund, and employing workers not registered with a health insurance agency. The labor inspectorate reported that although its officers greatly increased their inspections and reporting of violations, the courts did hand down punishment commensurate with the seriousness of the violations, and therefore the inspectorate's actions were not effective. The inspectorate pointed to the large number of violations that were not tried in court due to the expiration of the statute of limitations. In 2008 there were 4,186 such cases involving terms of employment and 948 involving work safety.

The law provides for a standard workweek of 40 hours. Workers are entitled to a 30-minute break daily, one day off out of seven, and a minimum of four weeks of paid vacation annually. The law provides that workers are entitled to time-and-a-half pay for overtime and limits overtime to eight hours per week. The labor inspectorate must be notified if overtime work by an employee continues for more than four consecutive weeks, for more than 12 weeks during a calendar year, or if the combined overtime of employees of an employer exceeds 10 percent of the total working hours in a particular month. Pregnant women, mothers of children under three years of age, and single parents of children under six years of age may work overtime only if they freely give written consent to perform such work. In 2008 the inspectorate processed 14,593 violations. After processing, the inspectorate sent 5,737 violations to misdemeanor courts for proceedings. Infractions included violations related to labor contracts, payment for work, annual leave, and unpaid and unreported overtime. In 2008 authorities sent 36 criminal proceedings against employers to municipal state attorneys' offices.

The government set health and safety standards, which the Health Ministry enforced; its inspectorate has jurisdiction over enforcement of health and safety laws at the workplace. In practice many industries often did not meet worker protection standards. In 2008 the inspectorate initiated 2,687 requests for misdemeanor proceedings covering 5,588 violations of safety standards. During 2008 misdemeanor courts issued 1,526 violations, of which authorities declared three were criminal acts and referred them to higher courts. Courts rejected 948 of the reported violations because of expiration of the statute of limitations.

Under the law workers may remove themselves from hazardous conditions and have recourse through the courts if they believe that they have been dismissed wrongfully for doing so; however, according to the labor inspectorate, workers did not exercise this right in practice and normally reported employers only after they had left their job.