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Croatia

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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, Stjepan Mesic, serves as head of state and commander of the armed forces, cooperating in formulation and execution of foreign policy and directing operations of the intelligence service; he also nominates the prime minister, who leads the government. Presidential and local elections held in February and May 2005 were generally conducted in accordance with electoral legislation. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, there were problems in some areas. The judicial system suffered from a severe backlog, although during the year it made headway in reducing the number of cases awaiting a hearing. Intimidation of some witnesses in domestic war crimes trials remained a problem, with one notably high-profile case involving parliamentarian Branimir Glavas. Courts largely discontinued the practice of in-absentia trials, although some trials continued against large groups for war crimes. The government made little progress in restituting property nationalized by the Yugoslav communist regime to non-Roman Catholic religious groups. The Orthodox Church was particularly critical of the government's reluctance to consistently implement laws and speed up return of confiscated property. The government did not fully implement programs providing housing to ethnic Serb refugees who lost access to socialized housing. While NGOs noted a significant decline in violence against ethnic Serbs, societal violence and discrimination against ethnic minorities, particularly Serbs and Roma, remained a problem. The 2002 Constitutional Law on National Minorities remained largely unimplemented, particularly relating to public sector employment. In addition violence and discrimination against women continued. School officials continued to segregate Romani students into substandard schools. Trafficking in persons remained a problem.

During the year the government, in particular offices of the state prosecutor, demonstrated continued willingness to prosecute war crimes committed by ethnic Croats and continued strong cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY). Although Serbs continued to represent the majority of individuals prosecuted, international trial monitors reported that Serb defendants generally had a better chance of receiving a fair trial than in the past.

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 that the government or its agents committed arbitrary or unlawful killings.

During the year one civilian was killed by a landmine in the Vukovar region. During the year there were mine incidents in which one person was killed, two heavily injured, and four lightly injured. The incidents happened in Vukovar-Srijem, Sisak-Moslavina, Brod-Posavina, and Karlovac counties.

b. Disappearance

There were no reports of politically motivated disappearances.

Government figures showed that 1,122 persons, mostly ethnic Croats, remained missing from the 1991-95 military conflict. In addition the government collected information on 930 missing ethnic Serbs. During the year the bodies of 176 missing persons were exhumed, while the remains of another 74 persons found earlier were identified. In March, for the first time, parliament accepted the Office of Missing Person's total calculations on missing persons of all ethnicities. Previously, international organizations criticized the government for failing to recognize this number, which now coincides with calculations of the International Committee of the Red Cross (ICRC) and International Committee for Missing Persons (ICMP).

To date, 4,155 persons have been exhumed, and 3,366 missing persons have been identified. During the year Serbia and Montenegro provided to the government a list of approximately 400 military members who allegedly were missing in the country. In June there was reportedly a discovery of a mass grave with the remains of six persons in Trokut Novska. In October the government discovered two caves in the Plitvice area with remains of at least 100 persons. The government had not determined whether they originated from World War II or a later period. The government handled all exhumations and identifications, with the ICTY monitoring only the sites related to cases it investigated. The ICMP assisted in the recovery and identification of remains. The ICRC, which closed its Zagreb office in December, and

the government signed a memorandum of understanding in August which allowed sharing of databases and the handing over of all remaining ICRC missing persons cases to the Croatian Red Cross.

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

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

Prison and Detention Center Conditions

In March the government's human rights ombudsman and the European Court of Human Rights (ECHR) found substandard conditions in the country's prisons. The ombudsman identified overcrowding as a primary problem. Prisons in Varazdin, Osijek, and Split held twice their stated capacity. Prisons were overpopulated due to the number of pretrial detainees awaiting verdicts rather than convicted persons serving sentences. The ombudsman also found that basic hygienic conditions were lacking in some facilities and that medical care was poor.

The 2006 Prison System Administration report, published in November, showed a deterioration of the conditions in detention centers. Overcrowding, poor staffing, corruption, and an increasing number of young inmates existed in many of the country's prisons. In 2005 the average occupancy of Croatian prisons was approximately 122 percent of intended capacity.

Similar concerns were raised by the ECHR in the Miroslav Cenbauer case, in which the country was found to be in breach of the European Convention on Human Rights, which prohibits inhumane or degrading treatment and punishment. The Court ruled unanimously that there had been a violation of the ECHR and awarded the applicant \$3,700 (3,000 euros) for non-pecuniary damage. The ECHR noted that Cenbauer was not allotted the minimum space required for inmates as prescribed by domestic law and international standards, and that he was confined to his cell for at least two years. In addition, the court found that Cenbauer was subjected to unhygienic living conditions. In 1993 the applicant was found guilty of several criminal offences, including murder, and sentenced to 12 years' imprisonment. He was released in 2003.

The government permitted visits by independent human rights observers. The ICRC had free access and reported full cooperation on the part of the authorities during its tour of prisons during the year.

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 intelligence service is under the authority of the prime minister and president. 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. An independent oversight board monitors intelligence service performance.

There were approximately 21,000 police officers under the authority of the interior ministry. Minorities made up approximately 4.2 percent of the national police force and approximately 4.8 percent of the interior ministry administration.

Police corruption and dereliction of duty were problems. During the year, the police received negative media attention for several incidents. In June two individuals beat Dutch photographer and journalist Ad van Denderen who they falsely suspected of taking inappropriate pictures of children. In August the photographer reported the Split police to the European Parliament for mistreatment and failure to grant protection, alleging that he was treated as a suspect rather than a victim. Police began disciplinary proceedings against the officers in August. In July, in Korcula, two police officers arrested a suspected narcotics dealer and then had coffee with the individual, during which time he escaped and was subsequently recaptured. The officers were temporarily suspended.

Under the European Union, the Organization for Security and Cooperation in Europe (OSCE), and other international guidance, the interior ministry continued to update and codify rules of ethical police conduct and to improve the capabilities of the police internal control section.

Weak police performance, including poor investigative techniques, insensitivity to ethnic issues, indecisive middle management, and susceptibility to pressure from hard-line local politicians remained problems despite government efforts to address them. During the year the Ministry of Interior, in cooperation with the OSCE, continued a comprehensive program of police reforms, in part to extend community policing pilot programs throughout the country. The Ministry of Interior also expanded programs to provide training for all active police officers.

Arrest and Detention

Police normally obtained arrest warrants by presenting evidence of 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 detainees' access to an attorney of their choice within 24 hours of their arrest. If a detainee does not have an attorney and is charged with a crime for which the sentence is over 10 years' imprisonment, the magistrate is required to appoint counsel. The

government generally enforced this in practice. The magistrate must decide whether to extend a detention for further investigation within 48 hours of an arrest. Investigative detention generally lasted up to 30 days; however, trial courts could extend the period up to 12 months in certain cases. Detainees may be released on their own recognizance pending further proceedings, although most criminal suspects were held in custody pending trial. The option of posting bail after an indictment is available but was not commonly exercised. Detainees are also allowed visits by family members.

During the year authorities apprehended 20 individuals (13 Serbs, six Croats, and one Bosniak) for war crimes based on court orders or arrest warrants. Nine remained in detention pending ongoing investigation, and three of the individuals were returnees.

According to a state prosecutor's survey conducted in 2005, the average length of pretrial detention varied between four and five months. The law allows six months standard maximum pretrial detention, but the court can extend it to 12 months in certain cases, primarily for war crimes and organized crime cases, at the request of the state prosecutor.

Mitar Arambasic, an ethnic Serb, was arrested in 2002 in the United States and extradited to the country in January based on a 1997 in-absentia war crimes conviction. He immediately requested and was granted a retrial, but the court has delayed his retrial pending extradition of fellow indictee Dragan Arnaut from Russia. In June Arambasic's attorney filed a complaint with the Constitutional Court arguing that any further detention would be excessive when combined with the more than three years the defendant spent in detention prior to his extradition. In November the Constitutional Court upheld the Supreme Court decision from September that the previous detention period was not part of the pretrial detention period.

Amnesty

The law provides for amnesty except for war crimes. In practice when investigations fail to substantiate original charges of war crimes, courts have lowered the charges and convicted defendants, allowing them to grant the defendants amnesty. This practice resolves the case for the court without further investigation and allows the defendant to go free, but disregards the future repercussions that a criminal record may have on potentially innocent defendants, particularly with regard to employment.

Five Serbs were granted amnesty during their trial, since charges against them were reduced to armed rebellion and amnesty subsequently applied.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary. The judiciary continued to suffer from a backlog of approximately 1.5 million cases as of 2005. During the first six months of the year, case backlogs in municipal courts decreased by approximately 400,000. In a September survey, according to the marketing agency GFK, the public perceived the judiciary as one of the main sources of corruption in the country.

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. The State Judicial Council is responsible for appointing, disciplining, and, if necessary, removing judges. 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 parliament, appoints and disciplines deputy prosecutors.

During the year Serb leaders continued to express concern about discrimination in the appointment of judges and reported that, on occasion, the State Judicial Council either refused candidates or left positions vacant rather than appoint ethnic Serbs. In February, according to a government report, 34 out of 1,492 judges, or 2.3 percent, were ethnic Serbs. At year's end 96.1 percent of the 7,782 judicial employees, including courts and the prosecution, were Croat, 2.3 percent were Serb, and 1.5 percent belonged to other national minorities.

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 make convictions. Defendants have the right to be present and consult with an attorney in a timely manner and could confront or question witnesses against them and present witnesses and evidence on their behalf. Defendants have access to government held evidence relevant to their cases and enjoyed the presumption of innocence and the right to appeal.

Excessive court delays remained a problem, and the Constitutional Court increasingly awarded damages to persons who had experienced unreasonable court delays. During the year the Constitutional Court issued 963 judgments finding unreasonable delays in lower and Supreme Court rulings and ordered the government to pay fines in 725 of these cases. The Supreme Court increased the fines which totaled \$1.3 million (7.3 million kuna). The Supreme Court noted that such delays threatened the integrity of the legal system and called into question the court's ability to provide effective remedies. In 2005 the ECHR called the delays excessive and a violation of citizens' right to trial in a reasonable time. During the year a new system for review of judicial delays was implemented to reduce the Constitutional Court's supervisory role and increase time spent on human rights issues. The amended law authorizes regular courts to adjudicate lawsuits related to delayed trials. The Constitutional Court was previously the only court of instance that could rule in such cases.

The OSCE reported that state institutions, such as police officers and county state prosecutors, increasingly investigated possible crimes by the armed forces, including by persons in supervisory positions. However, political interference in judicial matters continued to be a concern in two ongoing investigations into war crimes committed in Osijek in 1991-92, that implicated Branimir Glavas, a Member of Parliament (MP)

and Osijek city council president. In May, following an initial police investigation in Osijek, in late 2005 and early 2006, parliament removed Glavas' immunity from criminal prosecution and the Supreme Court approved a change of venue for the full investigation from Osijek to Zagreb. In July Glavas posted the full testimony of several witnesses before the investigative judge as well as documents to discredit them on his Web site. To avoid possible witness intimidation, the court ordered prosecutors and Glavas' legal counsel to sign a binding non disclosure agreement. Osijek-based journalist Drago Hedl cited incidents in which Glavas' supporters directly intimidated potential witnesses, including himself. In October, after parliament removed Glavas' immunity from detention, the Zagreb County Court reordered his detention to prevent further witness tampering. Glavas voluntarily entered detention but immediately went on a hunger strike to protest what he called political charges against him. He was released after 37 days on a hunger strike and sent to the hospital. At year's end Glavas remained in the hospital due to his critical health condition, and both procedures against him were temporarily suspended.

To improve management standards and increase knowledge and expertise among the judiciary, the Ministry of Justice, with international assistance, expanded the number and scope of programs at the judicial academy to improve professional training for judges.

During the year domestic courts continued to try cases arising from the 1991-95 war, including several partially in absentia trials with large groups of defendants. State prosecutors continued to review all open war crimes cases, eliminating unsubstantiated charges. As of December 1, 092 pending war crimes cases remained, most involving defendants currently living outside the country. As most constitutions in the region prohibit the extradition of a country's own citizens, the chief state prosecutor signed agreements with his counterparts in Montenegro and Serbia to enable the transfer of evidence in such cases, allowing suspects to be tried where they lived rather than where the crime was committed.

In August the OSCE reported that the Supreme Court reversed trial court verdicts and remanded the case for retrial in 75 percent of individual appeals, reflecting a continued upward trend in reversal rates. During the year the OSCE followed 48 cases at the Supreme Court involving appeals of trial court verdicts involving 119 individuals (90 ethnic Serbs, 26 ethnic Croats, two ethnic Bosniaks, and one ethnic Hungarian). Of these, the court decided on 13 appeals involving 36 people (32 Serbs, two Bosniaks, one Croat, and one Hungarian), confirming 11 trial court verdicts involving 24 individuals, and reversing two trial court verdicts involving 12 individuals. In the majority of cases, the Supreme Court took more than three years to reach a verdict. Similar to previous years, at least one case of substantial delays involved accused persons who were convicted in absentia and remained at large.

Persons convicted in absentia regularly made use of their guaranteed right for a retrial. Some ethnic Serbs voluntarily returned to the country to be arrested for pending war crimes charges or in absentia convictions, since this was the only way they could challenge a conviction under the law.

While the atmosphere surrounding domestic war crimes trials generally improved, inadequate training, shortcomings in the legal code, witness intimidation, and an often-hostile local public hampered the war crimes adjudication process. While the Ministry of Interior's witness protection unit provided effective witness protection to at-risk witnesses outside the courtroom, observers noted that courts were not sufficiently proactive in sanctioning defendants or members of the public who attempted to intimidate witnesses inside the courtroom.

Many observers questioned the impartiality of trials held in the jurisdiction where war crimes occurred, since judges, prosecutors, and witnesses could be more exposed to external influences there. Courts trying domestic war crimes continued to display bias toward defendants based on their ethnic origin, although the OSCE noted that Serb defendants had a better chance of receiving a fair trial than in the past. The most noticeable problem was the difference in charges filed against Serbs and Croats, with Serbs being accused of a wide range of misconduct while Croats were almost exclusively charged for killings. In at least three cases, courts continued to prosecute Serbs for genocide on the basis of acts that were not of the gravity usually associated with verdicts of international tribunals ascribing genocidal intent and conduct.

Most persons on trial for war crimes were ethnic Serbs, nearly three-quarters of whom were tried in absentia in group trials in Vukovar County where some defendants were present.

In March the Split County Court found eight former soldiers guilty of the torture and murder of ethnic Serb civilians in Lora prison in 1992. Their sentences ranged from six to eight years in prison.

In June the retrial of Mihajlo Hrastov resumed in Karlovac after a year-long suspension due to the defendant's mental health. Hrastov, an ethnic Croat and former member of the Karlovac special police, was charged with the murder of 13 unarmed Yugoslav National Army prisoners in 1991. The Supreme Court overturned two previous acquittals.

In August the Vukovar County Court ordered the detention of three former soldiers and one soldier still on active duty pending an investigation of the 1992 murder of the Olujic family, who were ethnic Serbs, in the village of Cerna. In August, upon request of the chief state prosecutor, the Ministry of Interior began an investigation of alleged war crimes captured on video near Dvor na Uni in 1995. After reviewing the video, the prosecutor determined it contained evidence of crimes against civilians and prisoners of war. The state prosecutor initiated cooperation with counterparts in Bosnia and Herzegovina and Serbia and Montenegro to identify perpetrators and pursue investigations.

In May the Supreme Court upheld in part the Zagreb County Court in absentia conviction of fugitive Munib Suljic. Based on this verdict, the Netherlands extradited Suljic in June; in August, Suljic died of natural causes in a prison hospital.

The appeal of the acquittal of four soldiers charged with killing two elderly Serb civilians near Sibenik in 1995 remained pending before the Supreme Court at year's end.

The Vukovar County Court trial of 16 former members of a Serb paramilitary unit, 15 in absentia, who were charged with genocide and war crimes in the town of Lovas in Eastern Slavonia remained ongoing at year's end. In 2005 the OSCE trial monitors cited the trial was an example of genocide charges being brought for acts that were not of the gravity associated with international genocide verdicts. The indictment alleged that defendants took actions intended to exterminate ethnic Croats. One defendant died. Only one of the accused was present during the trial.

The trial continued in Vukovar against 25 persons, 15 Serbs, five Ruthenians, four persons of unknown ethnicity, and one Roma, accused of war crimes against civilians from Miklosevci, a mainly Ruthenian-populated village. Two defendants died, one from cancer. Some defendants were present at hearings while others were on provisional release. The defendants were accused of genocide, murder, and intimidation of non-Serbs in 1991 and 1992.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There was an independent and impartial judiciary in civil matters.

Property Restitution

During the year the government neared completion of its program to return illegally occupied homes to their owners; however, the property law implicitly favors ethnic Croats over ethnic Serbs by giving precedence to the right of temporary occupants, who are mainly ethnic Croats, to that of original owners, predominantly ethnic Serbs. Owners generally could not repossess their property unless housing was secured for the temporary tenants. At year's end the government estimated that 18 private houses belonging to ethnic Serbs remained occupied, down from 55 houses in December 2005. In addition 173 properties remained unclaimed or disputed in the court system. Backlogs in the judicial system impeded the resolution of housing disputes.

In March the ECHR Grand Chamber declared inadmissible the landmark case related to termination of tenancy rights in the apartment of Krstina Blečić. Blečić left her apartment at the outset of war and did not return within the six months required by law to maintain her tenancy right. Without entering into the case's merit, the court decided that the ECHR did not apply because the termination of right happened before the convention entered into force in 1997.

Property restitution remained a problem for all major religious groups except the Islamic Community. The Serbian Orthodox community, the second largest claimant of property in the country, reported that its joint commission with the government convened in December after repeated requests and achieved no results on restitution by year's end. The government also had not returned Jewish properties, including some buildings in Zagreb, although it did return properties in Osijek and Vukovar.

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.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and the press; however, government officials occasionally interfered with the media and attempted to influence national television.

A wide range of private newspapers and magazines were published without government interference. The privately owned Tisak distributed approximately 75 percent of the print media. Political parties, private companies (some foreign owned), and the government owned or influenced various newspaper and magazine outlets. Foreign newspapers and journals were available in urban areas throughout the country; however, they remained largely inaccessible to many persons due to their high cost. Despite the three-year-old media law, media ownership was not fully transparent, making it possible for political or other interests to conceal their influence on media outlets.

The government-owned and operated the national television and radio network (HRT). Independent television and radio stations operated in the country, and two of the three national television stations were private.

Local broadcast media were vulnerable to political pressure since most stations were at least partially owned by local governments. Approximately 70 percent of the media was partly or fully owned by local governments and approximately 46 percent of local radio stations depended on the financial support of local authorities. The Croatian Journalists Association (CJA) proposed privatization of approximately 100 local and regional radio stations owned by municipalities, towns, and counties, warning in July that local authorities were using them as "propaganda machines." In October CJA President Dragutin Lucić stated that approximately 100 partly state-owned local radio stations remain a serious problem, as they acted as a propaganda service to the ruling party in local self-government. In October, in a separate statement, CJA also expressed concern over censorship in the government-owned national daily Vjesnik.

In late October the CJA and the journalists' trade union stated that journalists' labor rights had lately been "increasingly violated" and "media freedoms infringed." They warned of numerous violations in Vjesnik, Pula-based daily Glas Istre, and other local media. Among cases cited were the decision by Glas Istre management to fire a number of journalists, who complained that they were being targeted for their reporting on the activities of a local political party leader, and the case of a Karlovac local radio station journalist, Vlado Drazic, whose salary had been cut by 5 percent allegedly because he opposed the Croatian Democratic Union's (HDZ) deputy mayor in Karlovac.

In December HRT management suspended two HTV news editors, Danko Druzijanic and Goran Rotim, and publicly warned a third editor, Petar Stefanic, for broadcasting a speech by President Stjepan Mesic in the early 1990s, where he appeared to condone the country's fascist government during World War II. The editors were suspended on the grounds that they had lacked critical judgment and professionalism in broadcasting the speech. The CJA described the suspension as a "serious violation of the right of free expression and speech," and Reporters Without Borders also condemned the HRT decision. Rotim and Druzijanic were allowed to return to work on December 14, after HRT's Ethics Council decided that they and Stefanic did not violate the HRT's code of conduct.

War crimes issues were a sensitive issue for media, and journalists faced pressures because of their reporting. In May the CJA condemned death threats against Feral Tribune journalist Drago Hedl, who had reported alleged war crimes by current officials. According to media reports, the police provided 24-hour police protection for Hedl and arrested two individuals. The alleged threat came from local politician Davor Boras, president of HDS-SB Youth (Croatian Democratic Council of Slavonia and Baranja) and Dalibor Zizanovic.

In May police detained both Boras and Zizanovic. In September Boras pleaded not guilty, adding that he cursed Hedl but did not threaten him. He also added that Hedl's reports about the "homeland war" and war veterans were the motive of his action. Hedl said that in addition to curses, Boras told him he would "kill him like a dog."

On July 19 after parliament appointed four members of the new five-member steering council of state-owned news agency Hina, the International Federation of Journalists released a statement calling for new and transparent executive appointment procedures for public media. The CJA and Croatian Journalists Trade Union also protested and accused the government of selecting unsuitable candidates. They expressed fear that the new council was controlled by political appointees who would select government-friendly editors. The fifth council member represented Hina employees; however, Vladimir Lulic, who was to be appointed as the representative of the Hina staff, was not endorsed by the government, which claimed his nomination had breached procedural regulations. In October, one day after Hina news agency management council appointed Smiljanka Skugor-Hrncevic as the new general manager, the government proposed the dissolution of the board, thus invalidating the appointment. The government suggested that parliament dissolve Hina's management council because employees had been denied the opportunity to state their opinion.

Three of four council members resigned in protest. The former general manager's mandate was at the same time extended until January 1, 2007. Parliament dismissed the four members of Hina's management council on December 1. New Hina management council members were not appointed by the end of the year. In October CJA President Lucic stated that freedom of the media was "jeopardized by the vague wording of the law on public media, which has resulted in recent cases such as Hina and Vjesnik."

In early March the minister of interior, in reaction to media reports of a physical fight between officials of the majority Croatian Democratic Union (HDZ) in Virovitica, announced that he would initiate legal action against anonymous letters appearing in the press. The president of the CJA noted that the media law prohibits the media from publishing certain information, even if its source was anonymous. The minister later stated that his words were misinterpreted and that he had not requested a legal ban on publishing anonymous letters, but the end of such information leaking from the Ministry of Interior and state prosecutor's office.

The press reported a number of attacks and efforts to apply pressure against journalists during the year. In February the media reported that former Makarska municipal court judge Predrag Trutin physically beat Andjelko Erceg, editor-in-chief of the local weekly Makarska Kronika, because of articles that the newspapers published about him. In April the Karlovac County deputy prefect Marinko Milcic was accused by Radio Mreznica journalist, Arijana Kekic, Vecernji List journalist, Tomo Vivic, and Karlovacki List journalist, Marinko Ivka of verbally threatening three Karlovac-based journalists. The CJA criticized the incident. In July the CJA and Nova Television also criticized Novalja Mayor's Ivan Dabo who allegedly made verbal and physical attacks on a Nova Television journalist to prevent her reporting on shortage of water on the island of Pag.

According to the CJA, the Sinj Social Democratic Party (SDP) president Velbert Milosevic and Sinj ruling coalition official tried to intimidate Jutarnji List newspaper correspondent and a radio journalist to prevent them from reporting on alleged manipulation of Sinj SDP convention election ballots. Croatian Radio journalist, Vito Peric, twice called the police due to threats he received after his reports.

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. In June parliament amended the criminal code to remove imprisonment as a punishment for criminal slander and libel. Courts may fine persons convicted of slander and libel.

In February the Zagreb Municipal Court acquitted HTV journalist Ljubica Letinic in a case in which Miroslav Tudjman, the son of the country's former president, sued her for slander in connection with a March 2003 story by Letinic for HTV's "Latinica."

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. Internet access is widely available and used by citizens throughout the country.

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.

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 it was applied equally to all organizations, the law itself is restrictive and controlling. For example, the law provides that organizations will not be registered 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. There is no official state religion; however, the Roman Catholic Church has an historic and close relationship with the state that was not shared by other religious groups. The Catholic Church signed concordats with the state granting it a number of benefits. Similar agreements were subsequently reached with the Serbian Orthodox Church, Islamic community, and other smaller Christian denominations, but the Jewish community has not signed such an agreement, pending the return of nationalized property.

The law requires a group to have at least 500 members and to have been registered as an association for five years in order to register as a religious community. However, all religious groups in the country prior to the 2003 passage of the law were in the process of being registered without conditions. A total of 42 religious communities were registered and 15 additional communities were awaiting registration. The Montenegrin Orthodox Church and Jewish religious community, Bet Israel, were registered in June.

In December 2005 three churches, the Church of the Full Gospel, the Alliance of Churches "Word of Life," and the Protestant Reformed Christian Church challenged in the Constitutional Court the government's refusal to conclude agreements providing them benefits similar to those provided by agreements with the Catholic, Serbian Orthodox, Islamic, and other communities. The government maintained that the three churches did not meet government requirements to have a minimum number of members and to have been continuously active in the country since 1941. The appeal was pending in the Constitutional Court at year's end. Registered communities have the status of a legal person and enjoy tax and other benefits. Some international groups have criticized the restrictiveness of the government conditions for registration of new religious communities.

The law does not explicitly prohibit photographs with a headscarf on identification documents. However, the Constitutional Court was reviewing a case in which police in the coastal town of Crikvenica refused in 2004 to issue identification documents to a Muslim woman because she was wearing a headscarf in her photograph. Police standards were not consistent, and the police reportedly accepted such photographs in other locations in the country. The case was pending before the Constitutional Court.

The government required that schools provide religious training, although attendance was optional. Because 85 percent of the population is Roman Catholic, the Catholic catechism was the predominant religious teaching in public schools. Schools that met the quota of seven students per class of a minority faith allowed separate religion classes to be held for the students.

National broadcaster HRT in 2005 signed an agreement with eight minority religious communities guaranteeing equal representation in its program. HRT agreed to live broadcasts of important annual celebrations and minimum weekly and monthly coverage. Under an agreement with the Roman Catholic Church, HRT provided up to 10 hours per month of regular coverage of Roman Catholic events.

The government made little progress restituting property nationalized during the World War II era to most major religious communities. In May the prime minister and the Zagreb Archbishop Josip Bozanic agreed to sign a contract under which government property would be given as compensation for an unspecified Catholic Church property in Zagreb. The City of Zagreb returned theater property to the Franciscan monastery, while the City of Varazdin returned a monastery building to the order of Ursuline nuns. The Serbian Orthodox Church, the second largest claimant of property after the Catholic Church, reported that its joint subcommission had difficulty in convening, despite repeated requests to meet with the government. In July the Serbian Orthodox Church Metropolitan Jovan Pavlovic met with Prime Minister Sanader to discuss finding modalities to enable faster property restitution, but made no progress by year's end. The church stated that resolution of most of its outstanding issues, including property restitution, had stalled. There was no progress returning nationalized property to the Jewish community. In September the prime minister announced partial government funding for the reconstruction of the synagogue in Zagreb, which was destroyed during World War II. The Muslim community had no property claims.

After years of delays, an acceptable site to build a mosque in Rijeka was found in cooperation with local authorities, and in June local authorities adopted a zoning plan for construction.

Societal Abuses and Discrimination

Societal violence and physical abuse of religious minorities were problems.

Incidents involving harassment of clergy and desecration and vandalism of Serbian Orthodox Church property continued to occur sporadically. Orthodox Church sources from the Dalmatian hinterlands assessed that violence was at similar levels as in the past year, citing several examples of vandalism and one instance of harassment of clergy.

In March abusive graffiti including "Death to Serbs," the Ustasha "U" symbol, and "This is ours, not Serb" appeared on the walls of the St. Ilija church in Zadar. The unidentified suspects also broke into the belfry and damaged its electrical wiring.

In June, in Obrovac, three young men verbally abused and threatened the local priest's wife. The police reported the incident; however, the suspects had not been charged by year's end.

In August police received reports and investigated cases of vandalism and looting of several Orthodox churches. For example, church bells were stolen from the St. Dimitrije the Martyr church in Bjelovar and from another church in the village of Toranja near Pozega. In the same month, copper drainpipes were removed from the Orthodox Church in Novi Pavljani near Bjelovar and a window was smashed on the Bogorodici Pokrov church in Knin.

The St. George church, near Knin, was vandalized twice, once in October and again in December; both times there was an attempt to forcibly enter the church, which resulted in damage to the doors and smashed windows. Police had not identified the suspects by year's end.

In 2005 the Orthodox Church and Serb NGOs reported a series of attacks against the Orthodox Church during the Orthodox Christmas season. For example, a group of young men smashed the entrance to the St. Sava Church in Split and shouted threats such as "kill the Serbs," and continued to cause damage on nearby streets. In Zadar, also in December 2005, offensive graffiti referring to a Serbian Orthodox saint and Ustasha symbols were sprayed on the fence of the St. Ilija Church. Police investigated but did not identify perpetrators in any of these cases.

In 2005 an Orthodox chapel was set on fire at the Osijek cemetery; police investigated the case, but had not released their findings by the end of the year.

There were no developments or arrests in the following cases from 2005: the attack by HDZ supporters on the car of an imam who supported the SDP party in Vojnic; the arson attack against a plaque on an Islamic community building in Dubrovnik; the detonation of a bomb in front of a Serb house in Glavinja Donja on a Serbian Orthodox holiday; vandalism of an Orthodox Church in Knin; and vandalism of the Orthodox eparchy in Sibenik.

Serbian Orthodox clergy in Dalmatia and ethnic Serb leaders remarked on several occasions in 2005 that the positive overtures of the central government stood in stark contrast with that of local authorities, law enforcement, and judiciary, who persistently discriminated against Serbs. For example, cases involving two church-owned flats that were occupied illegally remained pending at county courts in Zadar and Split for over a decade. Also, Serbian Orthodox clergy who arrived from Serbia, Bosnia and Herzegovina, and Montenegro faced bureaucratic obstacles in obtaining a longer-term residency permit that entitled holders to benefits such as health care and pensions. The priests were required to renew their status at relatively short intervals that interrupted their stay, preventing them from accumulating the years of residency needed for a more permanent status.

The Jewish community has approximately 2,000 members.

In June police pressed charges against a 21-year-old student for sending two threatening e-mails to the Zagreb Jewish Community. In the messages the author denied the Holocaust made offensive statements about Jews and Africans. He also expressed hope for "the Iranians to complete a nuclear bomb as soon as possible and launch it on Haifa and Tel Aviv," after which celebrations would be held in Zagreb's streets.

Also in June two youths wearing shirts with Nazi insignia verbally and then physically assaulted Avi Eliezer Aloni, the rabbi of the Jewish Community in Zagreb, yelling "Jews out." Police were still investigating at year's end.

There were no developments in the police investigation of the April 2005 anti-Semitic threat letter sent to the Jewish community and some international organizations.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The constitution and law provide for these rights, and the government generally respected them in practice.

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

Refugees returning to the country encountered obstacles obtaining permanent residency status. The law permitted former habitual residents who returned by June 2005 to be reinstated to their prewar status as habitual residents without further requirements, such as meeting housing and financial criteria, and could subsequently apply for citizenship. During the year the interior ministry agreed to regularize, on

humanitarian grounds, the status of individuals who still wished to apply. Due to poor communication, many potential claimants were unaware that they could regularize their status. The OSCE estimated there were approximately 2,000 potential claimants in Bosnia and Herzegovina, Serbia, and Montenegro.

Observers continued to note that fear of arrest among ethnic Serbs for war crimes, often based on weak evidence, dissuaded some refugees from returning. The state prosecutor continued to review the list of war crime suspects to address this concern. During the year authorities arrested 20 individuals (13 Serbs, six Croats, and one Bosniak) for war crimes based on court orders or arrest warrants. Nine remained in detention pending ongoing investigation, and three of the individuals were returnees.

While the government continued to verify and document citizenship during the year, there were continued reports that some local officials obstructed the process by applying procedures inconsistently.

The government did not take steps to recognize or "convalidate" legal and administrative documents issued by entities not under Croatian control during the 1991-95 conflict. Without such recognition, citizens (almost exclusively ethnic Serbs) remained unable to resolve a wide range of problems accessing pensions and disability insurance, establishing work experience, and in other areas.

By year's end the Office of the UN High Commissioner for Refugees (UNHCR) registered a total of 140,544 minority returns to the country, with 4,616 returning in during the year. The UNHCR noted that the number of returnees was at similar levels as in past years. According to the UNHCR the return process slowed considerably due to limited progress in providing housing for the former holders of the tenancy rights in state owned flats. Approximately 9,000 former tenancy rights holders who applied for housing represent the bulk of potential returnees. International organizations that monitored return of refugees considered the decline in returnees to be within expectations, since most of the remaining refugees willing to return were former tenancy rights holders who were waiting to be provided housing. According to a UNCHR study during the year, approximately 60 percent of returns were sustainable, and the remainder were either one time or "commuter" returns.

The largest disincentives to returns were the poor state of the regional economy, ethnic incidents in return areas, resistance of local authorities, and slow implementation of return programs. Ethnic tensions directed against returning ethnic Serb refugees continued to be most pronounced in parts of Dalmatia and its hinterlands (see section 5).

The ability of refugees to return to the country was hampered by limited access to housing, slow resolution of some bureaucratic obstacles, and lack of employment opportunities. Repossession and reconstruction of Serb houses continued. During the year the government began reconstruction of 2,450 houses and provided cash grants to 2,370 individuals. To date the government has rebuilt approximately 142,000 properties. An additional 901 claims remained unprocessed, and approximately 14,000 owners who were denied reconstruction filed appeals; those appeals remained unresolved. Two-thirds of the remaining properties were located in Dalmatia. An estimated one-fifth of houses returned to their owners were looted beforehand. In 2005 the government adopted a protocol for looted properties but did not define instructions for its implementation. It recognized claims for damages only when they were officially recorded. At the end of 2005 the government selected 400 properties as eligible for damage repair; however, the government had repaired 89 of the 400 properties by year's end.

There were cases of persons attempting to use the courts to recover alleged investments they had made while illegally occupying property. As of December there were 24 such cases pending in the courts. During December the government adopted a process to resolve those cases out of court with investors.

The government slowly began to resolve the claims of persons who, prior to the war, held tenancy rights in socially owned apartments. Without such rights, claimants, who were mainly ethnic Serbs, were unable to return to their prewar apartments (see section 1.e.). Approximately 8,101 claims have been submitted, 4,425 of which were in urban areas; by December about 40 humanitarian cases identified by the international community were provided with housing. In August the government announced its plans to construct or purchase 4,000 apartments to be leased to tenancy rights holders in urban areas.

Internally Displaced Persons (IDPs)

Authorities took an inconsistent and nonuniform approach to minority IDPs, hampering their return. A significant number of IDPs remained in the country, although not all were under the government's direct care. At year's end the UNHCR reported that there were 3,975 IDPs in the country. Of these, 2,327 were Croats originating from the Danube region, while 1,648 were ethnic Serbs in the Danube region who did not hold official IDP status.

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 law generally provides for the granting of asylum in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice, the government provided protection against refoulement, the return of persons to a country where they feared persecution. At year's end, 94 new asylum applications were submitted to the government. During the year 80 persons were rejected, 11 persons had their cases dismissed, and 70 persons appealed. Two persons were pending first instance decision, and 11 persons re-applied.

In June the government temporarily established a reception center for asylum seekers in Kutina, near Zagreb. At year's end 23 persons resided in Kutina; 15 were asylum seekers, and eight persons were rejected asylum seekers who had the status of foreigners (pending

return or deportation). The government cooperated with the UNHCR and other humanitarian and international organizations in assisting refugees and returnees.

In November, for the first time, authorities granted asylum to a 27 year-old woman from an eastern African country. A UNHCR representative commended the country for making this important step toward a fully functioning asylum system.

A government appeals commission conducted substantive reviews of cases of asylum seekers who were initially rejected; however, the UNHCR expressed continued concern that the government commission influences appointments. The UNHCR closely followed cases of individuals who were deported or returned by authorities 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

Stjepan Mesic was elected president in January 2005. Citizens Organized to Monitor Elections (GONG), the leading local election-monitoring NGO, reported that the January 2005 presidential elections were conducted in accordance with electoral legislation, with some irregularities, including breaches of procedure by individual polling committees and inaccurate voter lists. There were more serious problems in the first round of presidential elections at polling stations established for citizens who lived in Bosnia and Herzegovina, including cases of partisan polling officials, voting under names of deceased persons, and inaccurate voter lists.

Early local elections were held in April in the counties of Dubrovnik-Neretva and Pozega-Slavonia, as well as in the city of Velika Gorica. GONG described the course and atmosphere of these elections as peaceful, democratic, and lawful. However, GONG repeated its concerns about the lack of transparency in campaign financing and called on the government to regulate this matter by law. The media reported that public resources were used for campaign purposes in Pozega-Slavonia County and the city of Velika Gorica.

In December parliament passed a law governing the funding of political parties and independent candidates. The law limits individual and corporate contributions to a political party during the year. It also bans political party financing by foreign entities and domestic public institutions. However, GONG objected that those limits still were too high and continued to argue that election campaign financing should be regulated by a separate law.

In 2005 the prime minister announced that a dual citizenship agreement with Bosnia and Herzegovina would resolve problems related to the right of citizens who are residents there to vote. Bosnian Croats, as well as other citizens living abroad, elected their representatives in parliament in a special worldwide district. Preliminary reports of the agreement indicated that the existing situation would continue.

There were 33 women in the 152-seat parliament, including two women in positions of deputy speaker. There were four women in the 15-seat cabinet, including the deputy prime minister, the minister of justice, and the foreign minister. There were four women among the 13 Constitutional Court justices and 18 women among the 40 Supreme Court justices.

The law requires that ethnic minorities be represented in local government bodies if the census shows that a minority group constitutes at least five percent of the local population. While authorities generally implemented this provision, the government did not take updated voter lists into account in calculating the number of elected minority representatives, as required by law. Use of the voters' lists would have resulted in greater minority representation due to the return of refugees since the 2001 census.

In July 2005 the government instructed local authorities to exclude voters' lists in determining the proportion of minorities in these communities. The National Minorities' Council subsequently asked the government to withdraw the instruction on grounds that it contradicted the law. The Serb community and NGOs expressed similar concerns, and GONG challenged the government's instruction in the Constitutional Court. At year's end the decision was still pending before the Constitutional Court.

Government Corruption and Transparency

Public perception in the country held that corruption was widespread. According to a poll reported in the local press, 92 percent of those polled believed they lived in a corrupt state. Citizens were convinced that corruption existed in public institutions, particularly in the health care system and the judicial system. The European Commission, in its "Croatia 2006 Progress Report," issued on November 8 in Brussels, stated that corruption and a flawed judicial system were the greatest problems the country faced. Local NGOs consistently criticized the government for not taking decisive action against corruption in the country.

In March the government presented a public strategy for battling corruption that proposed to overhaul the judicial system, health system, local government, political party financing, public administration, and the economy. However, a local NGO and Transparency International (TI) criticized the strategy as lacking specificity and deadlines for action.

Law enforcement investigated a number of allegations of corruption by senior government or former government officials, including former

foreign minister Mate Granic and Nevenka Tadjman, daughter of the late president Franjo Tadjman. Although Tadjman was acquitted, in 2005 the Supreme Court overturned the lower court ruling that one of the previous four charges for unauthorized consulting, with which Tadjman was charged, was not a criminal abuse of official duty and ordered a retrial. The retrial was scheduled for late October 2005, but was postponed due to Tadjman's serious illness and chemotherapy treatment. The Supreme Court rejected the proposed indictment of Mate Granic due to lack of evidence.

The government's Office for the Prevention of Corruption and Organized Crime (USKOK) continued to improve its capacity and authority to manage criminal investigations. Most recently USKOK was involved in the arrest of a prominent heart surgeon who was suspected of taking bribes in return for timely surgical procedures. The case was under investigation and being watched closely by the public. In a separate case, the former prefect of Pozega-Slavonia county was arrested and placed in detention on charges of defrauding the county of \$48,096,890 (278 million kunas), leading to its bankruptcy. There have been other lower profile bribery cases. However, there were few cases of high-ranking officials being formally charged with corruption, despite frequent allegations.

During the year, USKOK continued its February 2005 investigation to possible large-scale illegal sales of refugee Serb houses to the government's Agency for Refugee Property (APN).

As of November 26 individuals brought charges against the government for APN's sale of houses through intermediary agencies, based on falsified documents. One local NGO that represented ethnic Serb refugees and assisted them in filing charges complained that the agency had violated the law by refusing to allow refugees access to files, including to contracts that might reveal fraud. The NGO provided legal assistance to more than 250 individuals whose houses were allegedly sold without their knowledge or at prices different from those in specified contracts. The NGO also asserted that the state prosecution was slow to respond to related charges that it had filed in 2005 against the head of the APN. In April prosecutors agreed not to appeal county court verdicts, which will speed up the process and permit compensation. In September courts reached three verdicts in favor of plaintiffs, two of which were appealable. The USKOK investigated allegations that some APN employees, along with intermediary agencies based in Serbia, were accomplices to this fraud. In November the Zagreb Municipal prosecutor's office charged former APN manager, Damir Rajcic, for unlawful operation of the APN and causing damage to the budget exceeding \$1.8 million (10 million kuna).

The effectiveness of the parliamentary Commission for the Prevention of Conflict of Interest, which required officials to publicly declare their assets, increased, and all government officials disclosed their assets, which were made available on the Internet. TI expressed concern that due to the incomplete land register, there was ample room for evasion of this new requirement.

The law provides the right to access government information, but was unevenly applied in practice and only had limited effectiveness. Inquiries were rarely answered in a timely fashion and often not at all. During the year the Coalition of NGOs "The Public has the Right to Know" conducted an opinion poll that indicated lower official compliance with the law than indicated by the government report. In May TI reported that government institutions were reluctant to share information.

Section 4 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 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. The Human Rights Center, which was integrated into the public sector in 2005, received both UN and government funds during the year.

In December 2005 two men from Vukovar, one of whom was a former special police force member, physically and verbally assaulted the president of the NGO Citizens Human Rights Committee and his wife. The NGO president did not press charges but the police initiated misdemeanor proceedings against one of the attackers. There was no information about the status of the case at year's end.

The Office for Human Rights 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, 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. The office also awarded project grants to NGOs to address various human rights problems. It was adequately funded and enjoyed the cooperation of other government agencies.

During the year the government fully complied with all requests by the ITCY for information and evidence.

During the year the chief state prosecutor continued to accept additional evidence from the ICTY as part of the transfer of the case against Mirko Norac and Rahim Ademi from ITCY to the country. In 2006 the Office of the Chief State Prosecutor drafted several draft indictments, which were discussed with the Office of the ICTY Prosecutor. In November full agreement about the content of the indictment was made between Croatian prosecutors and the Office of the ICTY Prosecutor. On December 28, the Chief State Prosecutor filed the indictment with the County Court in Zagreb. The state prosecutor continued to work closely with the ICTY prosecutor on the transfer of investigative materials from unindicted cases.

In August the government detained journalist Domagoj Margetic at the ICTY's request after he refused to obey an injunction ordering him to stop publishing on his Web site the names of 102 protected witnesses from the ICTY trial of Bosnian Croat Tihomir Blaskic. After a month in detention, Margetic agreed to abide by the injunction and was released. In September the ICTY indicted Margetic for contempt of court.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on gender, age, and race, disability, language, or social status; however, discrimination against women, ethnic Serbs, and Roma continued.

Women

Violence against women, including spousal abuse, continued to be a problem. In 2005 police recorded an increase of almost 30 percent in cases registered over with the previous year. In the first eight months of the year police reported that 1,339 acts of family violence qualified as criminal acts, and another 8,238 acts qualified as misdemeanors. According to the Ministry of Interior, one third of the murders committed over the past four years resulted from family violence.

Provisions in the legislation regarding family violence provide that a domestic violence case may be initiated by persons other than the victim, including police. The law treats family violence as a misdemeanor: Penalties range between \$166 to \$1,660 (1,000 to 10,000 kunas) or up to 60 days in prison. Under the criminal law, perpetrators can face up to three years in prison for the same acts. NGOs complained that the courts were slow to schedule hearings, issued few convictions, and administered only minimum prison sentences and fines in family abuse cases. In 2005 NGOs specializing in domestic violence criticized police procedures that gave police discretion to assess threat levels when administering restraint orders and other measures. Police officers were trained to handle family violence at every police station in the country to provide quick intervention, secure victims' safety, and remove perpetrators from families.

Police officials tended to classify violent acts against women as misdemeanors, resulting in minimal sentences. Minimal sentencing was particularly frequent in cases of rape. During the year police began keeping gender-specific statistics, which allowed them to better track violence against women. The Central Bureau of Statistics issued a separate publication with gender-related statistics including participation in political power, distribution of salaries and education. The publication reported that women comprised approximately 57 percent of the unemployed population. However, salaries for women and men with the same qualifications differed. For example, in education, health care, and public administration, women received approximately 80 percent of men's earnings.

The Office of the Ombudswoman for Gender Equality and women's NGOs reported in 2005 that courts were consistently too lenient towards perpetrators. Women's NGOs and the media also criticized the courts for unequal sentencing of males and females. In one highly-publicized case in September, the Zadar County Court sentenced Ana Magas to eight years in prison for killing her husband while he tried to strangle her, ruling that Magas had exceeded force necessary for self-defense. The court's decision contained statements that she "provoked the strangling...took away the father from their child," and that "calling her a whore was logical." NGOs and the media contrasted the Magas verdict with a verdict issued the same month in which a man who killed his aggressive wife by beating her received a one-year prison sentence. The verdict initiated public discussion on double standards and unpredictable criteria in the courts.

In September 2005 the government adopted the protocol of action in domestic violence cases. While the definitions of violence are generally broad, the harshest sentence is 60 days in prison, and violent acts remain a misdemeanor in many cases. During the year the government expanded the authority of courts to issue restraining orders when social services submit a request in the interest of the family member. In September the Ministry of Family, War Veterans, and Intergenerational Solidarity adopted changes to the protocol on Conduct in Domestic Violence Cases. The changes state that social care centers can propose restraining orders against an absent parent when it is in the best interest of the child. The changes followed two high-profile cases of family violence against women and children during the summer.

In June a husband killed his wife and then committed suicide in front of a children's home in Zagreb. The killings took place after months of repeated death threats against both the wife and the child, which the wife reported to local social services and the court. However, the courts and social service never issued a restraining order, and the perpetrator was repeatedly released immediately after being questioned by the police. A similar incident occurred in the north, where a husband killed his wife and daughter and then committed suicide. The perpetrator earlier served a prison sentence for family violence and was ordered to undergo psychiatric treatment, which was later reversed by the county court. The leading women's NGO, Autonomna Zenska Kuca, protested to the Ministry of Justice against the lenient attitude courts displayed toward offenders. Women activists demanded family violence be treated as a criminal act, requested obligatory prison sentences for offenders, insisted on the application of restraining orders for offenders, urged the establishment of family courts, and advocated for that victims of domestic violence be treated as protected witnesses. Support measures for victims of violence were limited, as were shelters and counseling facilities. In general, private donations financed most services, with limited government spending. The government began a program to increase employment opportunities for victims of violence, single parents, and unemployed mothers of three or more children.

The government cooperated with NGOs to promote gender equality; however NGOs remained concerned that the budget for such programs was small and unstable. NGOs complained that, while the government organized conferences and public events to raise public awareness, it did not make significant substantive changes.

There were 10 shelters operated mainly by NGOs and financed by donations for victims of domestic violence. The Ministry of Health and Social Welfare signed a contract with six organizations to increase the number of beds in women's shelters by approximately 120 beds. The government provided \$237,000 (1.3 million kuna) to finance consultation centers that operated either independently or in the shelters for female victims of domestic violence run by NGOs. Hotlines, counseling, and legal assistance were available to victims of domestic violence.

Rape, including spousal rape, is a crime; however, according to NGOs, many women did not report rape or spousal rape. In June changes to the criminal code increased the minimum sentence for rape from one to three years, with the maximum sentence remaining unchanged at 10 years. Under the same law, sentences were increased for various acts of physical and sexual violence against disabled persons. In rape cases under aggravated circumstances, such as rape that resulted in death or pregnancy or if the victim was a minor, the sentence remained unchanged, ranging between three and 15 years. NGOs estimated that on average 100-140 cases of sexual violence and rape occurred annually. Due to social pressure stigmatization, rape and sexual violence were underreported. Some NGOs that specialized in sexual

violence were concerned that there appeared to be no uniform application of rape kits or a uniform gynecological protocol for the treatment of rape victims.

In the first eight months of the year, the Ministry of Interior registered 70 reports of rape and 14 for attempted rape. The state prosecutor reported 45 rape convictions during the year, an increase from 38 the year before. The NGO Women's Room stated that in previous years 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. Women's NGOs noted that victims were also reluctant to report rape, particularly spousal rape, because it was difficult to prove in court and because medical staff, police, and judiciary were not trained to treat such victims. They also alleged that sentences for spousal rape tended to be too lenient.

Prostitution is illegal but widespread. According to a 2005 estimate by the Croatian Trade Unions' Association, approximately 3,500 women were involved in prostitution. According to the state prosecutor's statistics, authorities initiated 301 misdemeanor procedures for prostitution in 2005.

Trafficking in women for the purposes of sexual exploitation remained a problem (see section 5, Trafficking).

The law prohibits sexual harassment in the workplace; however, it was a problem. According to a 2004 survey by Poslovni Forum, over 17 percent of female employees reported experiencing sexual harassment in the workplace at some point in their career. During the year the International Unions' Confederation conducted a regional survey that showed similar results with 18 percent of women reporting different forms of harassment at work. According to trade unions, the problem was most pronounced in the textile and leather, trade, and catering industries. The Office of the Ombudswoman for Gender Equality and unions reported that they worked on sexual harassment cases, although many women were reluctant to take action for fear of reprisal.

The constitution and law prohibit gender discrimination. In practice women generally held lower paying positions in the work force. In January Croatian Women's Network, a group of women's NGOs, reported that 59.3 percent of unemployed persons were women, an increase from the beginning of 2005. The group reported in January that women's wages were on average 19.4 percent below men's, double the difference reported by the State Bureau of Statistics in 2003. Women held the preponderance of low-level clerical, labor, and shop-keeping positions.

Gender-based discrimination occurred in the educational system, which does not include sex education or education on gender equality. Textbooks often displayed a masculine bias, discriminatory patterns, and gender stereotypes. According to the Center for Women's Studies, in a physics textbook for primary school, there were images of a woman ironing while a man sat in an armchair reading papers as well as other images where a man appeared angry because he had to vacuum floors. In many textbooks, women appeared as mothers and housewives, and professionally only as teachers, nurses, or working on farms. In yet another example, there was a complete absence of women as historical figures in the history book for eighth graders. In June the government formed a committee for sex education with the goal of offering a sex education curriculum in the schools. NGOs complained that the committee was not balanced and tended to favor more conservative approaches towards sexual education. In addition concerns about lack of transparency and religious bias in sex education have raised concern among some NGOs.

The Office for Gender Equality is responsible for implementing the Gender Equality Law and formulating the government's gender policy; the Office of the Ombudswoman for Gender Equality monitors implementation of the law, including the submission of mandatory action plans for state institutions and public companies. During the year the office received a small increase in government funding, doubling its budget from the previous year \$630,000 (3.5 million kuna). It provided financial assistance to the NGO Be Active, Be Emancipated (B.a.b.e.) for a project on the treatment of women in the media, which included a study of media legislation. It also supported a publication for Roma women activists in their language and the first bilingual magazine for ethnic Albanian women.

In September the government adopted the national gender equality policy for 2006-10 which was drafted with active participation of prominent women's NGO's. The document focuses on improvements to women's status in human rights protection, securing equal treatment on the labor market, introduction of gender-sensitive education, suppression of all forms of violence against women, and increased female participation in political power. The document introduces "gender-mainstreaming issues" and gender budgeting in line with EU standards.

The Office of the Ombudswoman for Gender Equality took an active role in public debate on sexual education and in raising the profile of women's human rights. While women made up over 50 percent of the population, according to 2005 NGO statistics, women's participation in representational bodies averaged 10.8 percent, with city councils having the highest average representation at 14.7 percent. Representation in local and regional governments increased slightly overall in the past few years to 13 percent. According to government statistics, participation of women in senior government positions rose from 20 percent in 2000 to 31 percent in during the year.

Children

The government was generally committed to the rights and welfare of children.

Education is free and mandatory through grade eight (generally age 14); boys and girls had equal access to education. The majority of students continued their education until the age of 18, with Roma being the only notable exception. Romani children faced serious obstacles to continuing their education, including discrimination in schools and a lack of family support. An estimated 10 percent of Romani children graduated secondary school, while up to 39 percent were illiterate. According to a survey financed by the UN Development Program (UNDP) in 2005, 17 percent of Romani children over the age of 12 completed primary education, compared to 74 percent of the non-Roma population living close to Romani settlements.

International organizations and local NGOs reported that school authorities continued to provide segregated, lower quality classes for

Romani students in the northern part of the country. A 2003 lawsuit challenging the segregation of primary school classes in the northern Medjmurje region remained pending before the Constitutional Court. By year's end the ECHR had not reached a decision on a December 2004 lawsuit filed by the European Center for Roma Rights and Croatian Helsinki Committee (HHO) on behalf of 15 Romani children who were allegedly subjected to discrimination in elementary schools. In September the HHO repeated its concern over the prolonged silence of the Constitutional Court, which had been its primary motive for filing the lawsuit with the ECHR.

The HHO noted in 2005 that at least four primary schools included in the indictment continued segregating classes during the year. One Romani NGO, Croatia's Umbrella Association of Bajasi, noted that this practice continued in 2006. The same NGO based in Medjmurje reported in September that the segregation of classes did not decline and that 20 Roma assistants in this school system could not substantially help students overcome the language barrier and acquire psychological and social skills because the students had not received sufficient preschool education. The Ministry of Science, Education, and Sports worked to improve the status of Roma assistants by paying their salaries during summer vacations and financing their training to obtain a high school education.

The Council of Europe Human Rights Commission noted that under the government's 2005 action plan for the social integration of Roma, efforts have continued to promote preschool education with the aim of fully integrating Roma children into the school system. Government desegregation efforts were sometimes still met with opposition from parents or non-Roma children. The Ministry of Science, Education, and Sports reported that approximately 350 children, mostly from Medjmurje and some from Istria, received preschool education which was lengthened to an average of six months compared with three months in 2005. With an additional \$700,000 (3.9 million kuna) funding from the Roma Education Fund, the government planned to extend preschool education to the entire school year. In March the ministry established a special department for educational needs of ethnic minorities.

Medical care for children was free, and boys and girls had equal access.

Child abuse, including sexual abuse, was a problem. According to state prosecution statistics, 1,058 persons were reported for criminal acts against children in 2005. The prosecution dismissed 323 reports and initiated proceedings against 721 persons. During 2005 509 persons were convicted for neglect and abuse of children and minors, while 19 persons were convicted for explicit sexual crime, 57 for lewd behavior, and 16 for sexual exploitation of children.

In June parliament amended the Criminal Code to provide harsher sentences for employees of government institutions in charge of children and juveniles who failed to meet their legal obligations, thus endangering their health and development. The minimum sentence for such crimes was raised from a fine to three months in prison. The minimum sentence for child desertion was increased from six months to one year, and similar changes were introduced for neglect and maltreatment of a child or a juvenile.

Trafficking in children was a problem (see section 5, Trafficking).

Child labor was a problem (see section 6.d.)

There were no nationwide statistics on child marriages among Roma, but social welfare services in Medjmurje county, where a substantial Romani minority resides, reported that common-law marriages were customary among partners at the age of 16 and above. According to their estimates, as many as 60 percent of female teenagers entered such marriages, which were often prompted by pregnancies. These marriages were in some cases made official when partners reached adulthood.

Trafficking in Persons

The law prohibits trafficking in persons; however, women and minors were trafficked to, from, and within the country.

The country was a transit country for women and girls trafficked to other parts of Europe for prostitution and increasingly a source and destination country for trafficked women. Women from Romania, Bulgaria, Bosnia and Herzegovina, and other countries were trafficked through Bosnia and Herzegovina, Serbia, and Montenegro to the country, where some remained to work as prostitutes while others were trafficked onward. Women were transported through the country by truck or boat. Women from Albania, Bosnia and Herzegovina, Bulgaria, Hungary, Macedonia, Moldova, Montenegro, Romania, Slovenia, and Serbia were detained for illegal entry into the country; some of these were believed to be trafficking victims. The government reported 10 new victims during the year: two Serbian, three Bulgarian, one Romanian, two Ukrainian, and two Croatians. All victims were women, one was a minor victim. Since 2002, 51 victims have been identified. The government reported that all victims cooperated with police investigations. As of September the International Organization for Migration (IOM) identified one additional potential trafficking in persons victim, who was a minor.

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. In addition, if the crime was committed by a criminal organization and resulted in a death, the penalty is five years' to life imprisonment. In June parliament passed amendments to the Penal Code, criminalizing users of trafficked services. Perpetrators are subject to three months to three years' imprisonment. During the year the government also began implementing its operational plan for the suppression of trafficking in persons. By year's end, the Ministry of Interior reported that 10 criminal charges were filed for trafficking in persons related crimes against 17 individuals. Police arrested all individuals. The state prosecutor filed two indictments against four defendants. The National Coordinator for trafficking in persons, reported one appealable conviction and two related convictions for international prostitution, slavery, and illegal capture crimes. As the crimes in the second and third cases occurred prior to the implementation of the trafficking in persons provision in October 2004, these cases were prosecuted and convicted under the legal provisions that existed prior to adoption of the specific trafficking in persons provision. Police also identified five suspects who were involved in related crimes (international prostitution and pimping), but did not consider these cases to be trafficking.

A witness protection law provides for granting government protection when a witness' life, health, freedom, or property is threatened; however, it was not used in any trafficking-related case during the year.

The government has a national committee for the suppression of trafficking in persons and a national coordinator for trafficking in person's issues who is the head of the government's human rights office. Ministries and agencies responsible for the suppression of trafficking included the ministries of foreign affairs, justice, interior, health and social care, and education and the Office of the State Prosecutor. Police participated in international investigations through the Southeast European Cooperation Initiative regional center in Bucharest.

Police awareness of the problem of trafficking in persons continued to improve; however, according to NGOs, failure to identify trafficked women among illegal aliens smuggled into the country remained a problem that resulted in the significant underestimation of the trafficking problem in the country. The police academy continued to teach antitrafficking as a regular part of its curriculum, offering 18 hours of instruction per semester. The Ministry of Interior reported that it provided trafficking in persons related education to 33 police officers, 16 illegal migration officers, and 17 organized crime officers. The ministry reported that the 26 police officers who became trafficking in persons trainers educated other officials and members of civil society. In addition police participated at various TIP related regional conferences. The Department for Illegal Migration hired new staff and continued education for its officers to strengthen border controls. The ministry continued its regional cooperation and signed in January a cooperation agreement with EUROPOL to further enhance existing cooperation and investigations.

Young women, IDPs, and foreign nationalities were most at risk of being trafficked. Anecdotal information indicated that international organized crime groups, local groups, and travel or marriage agencies were responsible for trafficking. Victims were subject to violence, intimidation, withholding of documents, and threats by traffickers.

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

During the year the government did not deport or punish victims of trafficking and cooperated with NGOs and with the 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 allows authorities to charge foreign prostitutes with a misdemeanor and initiate deportation proceedings if they do not fulfill legal requirements for their stay in the country but exempts trafficking victims from deportation.

The government has a legal framework to provide for victim assistance, and there were support services available for trafficking victims. The government continued to finance a shelter for trafficking victims. The Croatian Red Cross (CRC), in cooperation with the government, operated four reception shelters for victims. Although the government offered assistance to all victims, some refused services. For those who sought assistance, the government provided services jointly with local NGOs and IOM. In one case involving a minor, the government cooperated with IOM and Interpol to ensure the minor's repatriation to a safe environment. One foreign victim requested and received a residence permit; other victims were resettled or repatriated outside the country, as requested.

The government conducted trafficking in persons public awareness campaigns and continued to support an NGO hotline and alternative shelter. One government information campaign targeted children as potential trafficking victims.

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.

By November the government had established 10 counseling centers that offered assistance to persons with disabilities and their families and reported that 1,012 persons with disabilities were employed through the Employment Institute.

MP Vesna Skulic continued to criticize the government for slow implementation of the three-year national strategy for persons with disabilities, which expired in December. For example, the practice of placing personal assistants with persons with grave disabilities, which should have been widespread under the strategy, was still reduced to its current status as a pilot project. Skulic also criticized the lack of transparency in the management of the government's fund for professional rehabilitation and employment and the lack of progress in employing persons with disabilities outside Zagreb.

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

In August a blind man and his guide dog were prevented from boarding a train in Karlovac. Railway officials asserted that, according to regulations, only trains with compartments were available to blind persons accompanied by dogs. Deputy Prime Minister Jadranka Kosor condemned the incident, stating that all means of transport should be available to persons with this kind of disability.

In 2005 charges for neglect of children were brought against five nuns and another employee for sexual abuse in a home for mentally incapacitated children operated by the Catholic charity Caritas. Most charges were dropped because of a statute of limitations. In September the state attorney's council considered additional evidence and dishonorably dismissed the deputy state prosecutor in charge of children and youth for disregarding evidence and terminating an investigation into the case in 2004.

National/Racial/Ethnic Minorities

Constitutional protections against discrimination are applied to all minorities; however, open discrimination continued against ethnic Serbs and Roma.

In comparison with the previous year, violence against ethnic Serbs generally declined. During the year the Croatian Helsinki Committee (HHO) reported that the number of interethnic incidents dropped by 45 percent. The HHO also noted that the improvement was partly due to leadership following a high profile incident in Zadar in August as well as administrative changes in the Ministry of Interior and personnel changes in the police directorate. Human Rights Watch (HRW) reported 17 incidents in Zadar hinterlands in the first six months of the year. However, the largest Serb NGO, Serb Democratic Forum (SDF), noted no major instances of violence against ethnic Serbs in the second half of the year. The SDF noted better police performance and the general improvement of the political climate as factors that led to more stability.

In August four persons from the nearby Croat village of Skabrnja threw stones at houses and attempted to torch courtyards of three Serb returnee families in the village of Biljane Donje near Zadar. The president and Deputy Prime Minister Jadranka Kosor traveled to Biljane Donje the day after the incident and condemned the attacks. Police presence was increased for days after the attack, and the four suspects were promptly identified and detained. However, the Serb families dropped all charges.

In 2005 the Ministry of Interior appointed an ethnic Serb advisor in Zadar to collect information and to monitor police response to ethnically related incidents in Dalmatia. A similar advisor has been posted in eastern Slavonia since 2004.

According to police statistics, in areas of more intense refugee return, agricultural land issues remained the primary cause of interethnic incidents. In June the Serb Democratic Forum reported that 127 plots of land in the area of Zadar were used by persons other than the owners. They expressed concern that the increased number of incidents deterred permanent return of refugees.

In April and May the Serb Democratic Forum reported several incidents in the wider Benkovac area. In Smokovic unknown persons poured paint over the door and a window of a Serb returnee's house and set them on fire. Police investigated but identified no suspects. In April a Serb returnee and his daughter were threatened in front of the Benkovac police station. The perpetrator threatened to kill the returnee, asking him who murdered his father. In May a Serb returnee from Zemunik Donji notified the Serb Democratic Forum that four Roma youth threatened to loot their property claiming that "this was their state" and that the Serbs had no right to be there. Later in September, in Ostrovica, an elderly Serb returnee suffered an arm fracture after a group of Roma attacked him with wooden beams over a land dispute.

In May the Serb Democratic Forum and HRW reported that, at a soccer match between Knin and Zagreb teams, fans chanted songs and shouted slogans about killing Serbs, such as "we do not drink wine, we drink Serbs' blood" and "kill the Serb, kill the donkey." After the match, similar slogans were painted on the nearby walls. There was no official reaction to the event and police told their superiors they did not hear any songs or slogans. However, the police investigated the incident but the perpetrators were not identified.

Ethnic Serb MP Ratko Gajica informed the media about 29 incidents against ethnic Serbs across the country during August. Those incidents ranged from the appearance of graffiti with ethnic slurs in the Zadar region (Sukosan, Zemunik Donji, and Miranje villages) to damaging cars with Belgrade, Serbia plates in Knin and Zadar. Offensive graffiti such as "Ustasha Youth" and "Serbs should hang" were also noted on several locations in Zagreb.

In November the media reported two incidents involving the removal and burning of flags directed against the ethnic Croat majority. Police identified a teenage boy who set fire to a Croatian flag hoisted on the building of a local paper in Karlovac on Independence Day. The boy was reportedly charged with damaging the reputation of the country. In the same month unidentified persons stole a flagpole in front of the Skabrnja Municipal building in the Zadar hinterland. The incident took place two days before commemoration of the Skabrnja massacre in which dozens of Croats perished during the 1991-95 war. Police investigated but no one had been charged by year's end.

In December four three-foot tall "S" letters in Cyrillic script, symbolizing Serb rebellion, appeared on the monument to the Croatian war victims in Lovas near Osijek. The police investigated the incident but had not identified the suspects by year's end.

As of September, police had not identified any suspects in connection with the following incidents against ethnic Serbs: the 2005 murder of an elderly Serb in Karin; the 2005 beatings of two elderly Serbs in Ostrovica; and 2005 killings of two Serbs in Lipik.

The Serb Democratic Forum and others asserted that police were not always impartial when investigating property disputes between ethnic Croats and ethnic Serbs. The OSCE reported on several ethnically related incidents where the perpetrators were charged with misdemeanor offenses, such as disturbing public order, rather than criminal offenses. In a majority of the cases, police and prosecutors were reluctant to identify cases as ethnic discrimination. However, in cooperation with the OSCE, police provided ongoing training to officers on identifying and prosecuting hate crimes.

Discrimination continued against ethnic Serbs in several areas, including in administration of justice, employment, and housing (see sections 1.e. and 2.d.). Ethnic Serbs in war-affected regions continued to be subject to societal harassment and discrimination.

Four years after the Constitutional Law on National Minorities was passed authorities have not implemented its provision on proportional minority employment in the public sector in places where a minority constitutes at least 15 percent of the population. The largest Serb NGO, Serb Democratic Forum, published a survey in June covering 23 municipalities in five regions where Serbs constituted a prewar majority and remained a significant part of the population. In the towns of Glina, Petrinja, Topusko, and Vojnic in the central area of the country, the report found that Serbs made up 22 percent of the population but held only 3 percent of public administration jobs. In Benkovac, Drnis, Knin, and Skradin in Dalmatia, Serbs made up 13 percent of the population but held only 4 percent of public sector jobs. Of the five regions covered in the survey, the situation was significantly better only in eastern Slavonia, where Serbs were adequately represented in the police and only

slightly underrepresented in the judiciary. However, even in eastern Slavonia, overall employment in state administration remained low; while Serbs made up 51 percent of the population in eastern Slavonia, they held only 26 percent of state administration jobs.

In October the National Council for National Minorities filed a complaint against the city of Daruvar over an alleged violation of the Law on National Minorities and the Law on the Use of the Minority Language and Script. While the Czech minority comprised approximately 20 percent of the local population, the scripts on the street signs and on public buildings largely remained in Croat.

In December 2005 the Law on Courts was amended to stipulate that minority participation be taken into account when appointing judges in regions where minorities constitute a significant percentage of the population. The amendment was a rare example in which an individual law was amended to reflect rights protected under the Constitutional Law on National Minorities.

Human rights and Serb NGOs pointed out several cases of ethnic Serb judges who, although fully qualified, were unable to secure positions in areas with a significant Serb minority population. Persons without experience or from other towns were appointed instead. One ethnic Serb judge in 2005 appealed the State Judicial Council's decision when it turned down his bid for the position at the Municipal Court in Gvozd. The administrative court wrote in its response that the applicant indicated his Serb ethnicity, but did not indicate that he was a minority member, and thus failed to invoke his minority rights. His appeal was still pending. The same judge applied for and was refused a position at the Vojnic municipal and misdemeanor courts. His case was pending before the Human Rights Court in Strasbourg.

In June the parliament amended the criminal code, introducing a definition of hate crime as any criminal act committed against another person due to their race, gender, religion, ethnicity, sexual orientation, or affiliation to certain social groups. The article on grave murders in the criminal code, which carries a minimum 10-year sentence was amended by adding hatred as one of the motives that defines the criminal act. However, legal experts, including Zagreb County Court Deputy President Marin Mrcela warned that hate crime was mentioned in part of the criminal code which could lead to difficulties in its application for prosecutors. NGOs and international organizations earlier complained that crimes motivated by ethnic, religious, gender, and sexual orientation were often seriously under-sanctioned.

In June parliament increased penalties for hate speech to no less than six months' and no more than five years' imprisonment. For the crime of hate speech committed over the Internet, penalties range from six months to three years imprisonment.

During the year the Vecernji List newspaper repeatedly made derogatory and inflammatory statements about minorities, including ethnic Serbs and Muslims. In July the paper printed a story with the headline "Chetnik Sniper Fires Shots in Zagreb," containing the allegation, which the police later denied, that a Serb from Vukovar who was accused of war crimes took part in a sport shooting competition. Observers noted the newspaper's coverage of some minority issues bordered on hate speech.

Some discrimination occurred against minorities in schools (see section 5, Children). In September local authorities in Vukovar and the Ministry of Education integrated four secondary schools that previously held separate classes for over 2,000 ethnic Croat and Serb children. With the exception of one school that continued to divide students into separate shifts according to language and ethnicity, all of Vukovar's primary schools had integrated joint shifts.

In November several students of the Technical School in Vukovar accused their language teacher of insulting them on ethnic grounds. According to the students, the teacher insulted them by saying "this is not Serbia" and "go across the Danube." The teacher denied all allegations.

Societal violence, harassment, and discrimination against Roma continued to be a problem. While only 9,000 persons declared themselves to be Roma in the 2001 census, according to an OSCE report this year, the country's Roma population was widely estimated to be much larger. Officials and NGOs estimated that the Romani population was between 30,000 and 40,000. In June the European Court of Human Rights agreed to review a complaint against the country for allegedly failing to adequately investigate skinhead violence against Roma.

Roma faced many obstacles, including language (many Roma, particularly women, had only limited Croatian language skills), lack of education, lack of citizenship and identity documents, high unemployment, and widespread discrimination. Romani NGOs estimated that 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 had permanent jobs, while the Ministry of Social Welfare estimated that 20,000 to 30,000 Roma were receiving some form of social assistance. The Ivo Pilar Institute for Social Research in 2005 estimated that only 17 percent of Roma had permanent employment and over 50 percent lived exclusively on social welfare.

International organizations and local NGOs continued to report that school officials segregated Romani pupils in lower quality classes in the northern part of the country (see section 5, Children).

In March 2005 the government adopted an action plan to invest approximately \$10 million (62.5 million kunas) over the next 10 years to improve conditions for Roma in education, health, employment, housing, and other areas. During the year the government increased its budget for Roma programs five fold compared with 2005, to \$2 million (12 million kunas). The European Commission provided additional funding for programs, including for Roma employment through the State Employment Bureau, education, improvement of Romani settlements, free legal aid, and health care. In August the government organized an employment seminar for 20 young Roma. In Bjelovar the first Roma was employed as an advisor to the regional state employment bureau. In August the government launched a website in Croatian, English, and Romani on the implementation of its programs for Roma. The government's Office for National Minorities asserted that progress was most visible in the preparation of zoning plans for municipalities with Roma settlements, which is a precondition for their legalization and reconstruction. The Ministry of Health continued to deploy mobile teams to provide basic health care to Romani communities. In July the Ministry of Education approved specialized training for some teachers in the Roma language to facilitate their communication with Romani students.

On occasion ethnic Croats were targets of interethnic violence. In September the media reported that a Serb youth attacked a younger Croat teenager, pointing a knife against his throat while they rode on a bus from school in Vukovar. The attacker cut the boy on his fingers and threatened a group of boys to "slaughter all Ustasha." The police charged the attacker with violent behavior and disturbing public order.

Other Societal Abuses and Discrimination

There was some societal discrimination against homosexuals.

In July the media reported that a dozen persons attacked two homosexual British tourists in a bar. The tourists sustained a concussion, ear injury, and loss of teeth. The attackers accused them of making inappropriate comments and behavior. The same month Croatian Party of Rights MP Tonci Tadic compared homosexual tourists with concentration camp guards and cannibals, and suggested they would not be welcome in the country. The government ombudswoman for gender equality and human rights groups criticized the statement. In September at least three unidentified persons attacked two German homosexual tourists in Split while they walked on the waterfront holding hands. One of the victims sustained a nose fracture and the other a slight chest injury. The police investigated but did not identify the perpetrators.

Legal experts from Iskorak and Kontra, two NGOs that represent sexual minorities, drafted the definition of hate crime that was introduced in the Penal Code in June and participated in a seminar for nine police officers at the Police Academy in Zagreb that month. The nine officers were expected to train colleagues in prosecuting this type of crime.

In August 2005 one NGO reported that authorities initiated 11 criminal proceedings for physical assaults against homosexuals during that year. In one, a group of teenagers attacked a homosexual couple by shouting offensive remarks and then severely beat the couple. The victims, who immediately reported the incident, complained that the police were slow to react.

Societal discrimination against persons with HIV/AIDS remained a problem. The Croatian Association for HIV reported that dentists and general practitioners often refused treatment of HIV positive patients and some hospitals postponed surgeries because doctors were reluctant to operate. If an HIV patient did not go through the infectious disease hospital, they often had to wait for treatment, and surgery could be delayed indefinitely. Transplant centers have also refused to put HIV patients on their list of potential organ recipients.

In March a daily paper reported the death of an individual, printing his name and photograph and stating that the cause of death was AIDS. The newspaper published the article without official confirmation of the cause of death. The same paper republished the details again in September, in an article about a company director that allegedly intentionally infected employees with HIV. According to the Croatian Association for HIV, the paper did not officially confirm the facts surrounding the article, which accused the newspaper of running a campaign against persons with HIV.

A daily newspaper published a report with photographs concerning two juveniles, who were the focus of media attention in prior years due to their HIV status. The country does not have separate regulations on the protection of data confidentiality for children with HIV.

According to the UN theme group on HIV/AIDS, analysis of laws regarding HIV indicated that they contain discriminatory provisions. The group cited legal provisions that require: testing under medical supervision for certain professions and in certain cases involving prisoners and restrictions on HIV-positive persons with regard to performing certain jobs. Otherwise, according to the analysis, most cases of discrimination occur outside the scope of legislation or due to a lack of sufficient enforcement of privacy laws, lack of consistent adequate medical care and discrimination in school or the workplace.

The UNDP reported that one weekly in May published the initials and other personal information in detail sufficient to identify a café owner in Split suspected of being HIV positive and alleged that he was allegedly spreading AIDS. The damaged party did not take legal action against the weekly.

Section 6 Worker Rights

a. The Right of Association

Workers are entitled by law to form or join unions of their own choosing, and workers exercised this right in practice. Approximately 50 percent of workers were members of unions; however, not all the unions were associated with each other and this percentage could vary. Unions generally were independent of the government and political parties.

The law prohibits antiunion discrimination and expressly allows unions to challenge firings in court. However, in general, citizens' attempts to seek redress through the legal system were seriously hampered by the inefficiency of the court system.

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.

The law provides for the right to strike, with some limitations, and workers exercised these rights during the year. Members of the armed forces, police, government administration, and public services were not permitted to strike. Workers may only strike 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 required to go through mediation before they can strike over a new contract. 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.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits all forced or compulsory labor, including by children; however, there were reports that it occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment

There were 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 2005 the State Inspectorate recorded 271 violations of the labor law involving 188 children under the age of 17. Approximately 35 percent of the total violations involved children under the age of 15, mostly in the entertainment industry. The children were employed in the hospitality, tourism, retail, industrial, construction, and media 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 was responsible for enforcing this regulation. Minors under the age of 15 may work if they receive prior approval from the 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 play rehearsal. The law prohibits workers under the age of 18 from working overtime, at night, or under dangerous conditions.

The law prohibits trafficking in children; however, it occurred (see section 5).

The law proscribes the worst forms of child labor. Recent changes to the criminal code criminalize trafficking in children for purposes of sexual exploitation and labor. The national ombudsman for children coordinates the country's efforts to prevent the exploitation of children and to assist in removing children from exploitative situations. The State Labor Inspectorate has 92 inspectors whose duties include inspection for illegal employment of minors. The inspectorate forwards all cases of violations involving minors to the office of the ombudsman for children.

e. Acceptable Conditions of Work

Minimum wage, as determined by the government, is \$368 (2,100 HRK gross), net is between \$245-\$262 (1,400-1,500 HRK) depending upon exemptions, and does not provide a decent standard of living for a working family. Government statistics from August indicated the average wage was \$812 (4,633 HRK) and the minimum cost of living for a family of four in rented housing was \$1097 (6,256 HRK). The labor inspectorate enforces the minimum wage while the Ministry of Finance determines the level.

Nonpayment and late payment of wages continued to be a problem, although it lessened in recent years. Nonpayment of overtime or for work on holidays was also a problem. According to the State Labor Inspectorate, 1,809 workers did not receive payment for their work between January 1 and October 31.

The Labor Inspectorate reported that employers did not register 4,046 employees with the health and pension insurance funds, thereby denying health or pension benefits. The law allows labor inspectors to immediately shut down a work site where illegal or unregistered workers are discovered. Between January 1 and October 31, the inspectorate shut down 327 employers for violating labor regulations.

The law provides for a standard workweek of 40 hours. Workers are entitled to a 30 minute daily break, one day off out of seven, and a minimum of 18 days of paid vacation annually. The law provides that workers are entitled to time-and-a-half pay for overtime and limits overtime to 10 hours per week. The labor inspectorate must be notified if overtime work for an individual employee continues for more than four consecutive weeks, for more than 12 weeks during a calendar year, or if overtime work of all employees of a certain employer exceeds 10 percent of the total working hours in a particular month. Between January 1 and October 31, the inspectorate processed 12,984 violations of labor law. After processing the inspectorate sent 5,311 violations to misdemeanor courts for proceedings. Infractions included labor contract, payment, and annual leave violations, and unpaid and unreported overtime. 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.

The government set health and safety standards, which were enforced by the Ministry of Health; the ministry's inspectorate has jurisdiction over enforcement of health and safety laws at the workplace and compiled annual data on injuries and health and safety code violations. In practice, many industries often did not meet the standards for worker protection. In 2005 the inspectorate investigated 6,773 worksites and entered 1,750 misdemeanor reports covering a total of 3,483 violations of safety standards. During 2005 misdemeanor courts issued 1,267 violations of which five were declared criminal acts and referred to municipal or county courts. However, 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 state inspectorate, workers did not exercise this right in practice and normally only reported employers after they had left their job.