



## 2008 Human Rights Report: Croatia

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

[2008 Country Reports on Human Rights Practices](#)

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The Republic of Croatia is a constitutional parliamentary democracy with a population of 4.4 million. Legislative authority is vested in the unicameral Sabor (parliament). The president serves as head of state and commander of the armed forces, cooperating in formulation and execution of foreign policy; he also nominates the prime minister, who leads the government. Domestic and international observers stated that the November 2007 parliamentary elections were in accord with international standards.

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

### RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

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

During the year one mine removal expert and one civilian were killed, and one mine removal experts and two civilians were severely injured.

b. Disappearance

There were no reports of politically motivated disappearances.

In September the government reported that 1,940 persons remained missing from the 1991-95 military conflict, including an estimated 873 ethnic Serbs. During the year the government investigated 36 possible mass and individual gravesites, resulting in the exhumation of seven persons. The government identified the remains of 44 persons found earlier.

In order to resolve more effectively cases of unidentified remains, the government organized drives in 28 cities throughout the country to collect blood samples from the families of persons missing from the war. The government collected 658 samples and submitted them to a DNA database. To date the government has exhumed 4,410 bodies

and identified 3,498 missing persons.

The government handled all exhumations and identifications, while the International Criminal Tribunal for the former Yugoslavia (ICTY) monitored only the sites related to cases it investigated. The International Commission on Missing Persons assisted in the identification of remains.

#### 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

Prison and detention centers continued to suffer from overcrowding and a shortage of capacity.

In June the Ministry of Justice established a committee to propose recommendations for the improvement of prison conditions. According to the ombudsman, although overcrowding and a lack of recreational opportunities were problems, the prisons treated prisoners humanely. There were no reported cases of discrimination against ethnic minorities in prisons. During the year the European Court for Human Rights (ECHR) ruled in favor of a prisoner who sued for lack of adequate medical care in Lepoglava prison. The ECHR levied damages amounting to 2,000 euros (\$2,800).

In November the media reported that corruption in the prisons allowed some prisoners to receive extra privileges including those proscribed by law, such as access to drugs. In the wake of these reports, the minister of justice announced widespread changes to the prison system. The changes began in November when the countries' wardens were temporarily rotated to a different prison to evaluate and report on the condition of the prison to which they were transferred. This led to the firing of one warden for failure to protect female employees from sexual harassment.

The government permitted visits by independent human rights observers, including the International Committee of the Red Cross (ICRC).

On October 9, the Council of Europe's Committee for the Prevention of Torture (CPT) published a report on its May 2007 visit of the country's prison and detention facilities. The CPT found that, while the country's authorities generally respected detainees' rights, some detainees complained that police and prison guards beat them while in custody. In addition the report said that in some cases, prosecutors and police undermined an accused person's right to an attorney by calling an individual in for an "informative talk" (without the presence of counsel) that sometimes lasted several hours and frequently led to an indictment.

#### 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.

On October 6, the prime minister replaced the interior and justice ministers and the head of the national police, pledging to crack down on organized crime. The prime minister made the announcement after a gunman killed the daughter of a prominent lawyer in downtown Zagreb. On October 23, a car bomb killed Ivo Pukanic, a publisher and co-owner of the NCL Media Group, and his colleague in downtown Zagreb. Police arrested five suspects connected with the second killing, while several wanted persons remained at large; at year's end police had not yet identified the persons who ordered the killings.

During October the government unveiled new antimafia measures that to boost cooperation among authorities responsible for security. By November the National Security Council (NSC) had approved to the government's package of antimafia laws/measures, which contain significant legislative and institutional changes. The changes include the establishment of a National Office for the Suppression of Organized Crime and Corruption within the Ministry of Interior in line with the government's strategy for the fight against corruption and organized crime, and at year's end, the office was partially staffed. Reforms within the police resulted in the replacement or reassignment of 75 percent of police managers with a focus for the appointments based on professional background and expertise rather than political connections. The police reported very good cooperation with the Bosnian and Serbian law enforcement officials regarding investigations into the high-profile killings in Zagreb.

#### Arrest and Detention

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

Police must provide those arrested with access to an attorney of their choice within 24 hours of arrest. The magistrate appoints an attorney to represent an indigent detainee if the case involves long-term sentences. The government generally enforced this right in practice. The investigative judge 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. The law allows six months' pretrial detention, but a court can extend it to 12 months in certain cases, primarily war crimes and organized crime cases, at the state prosecutor's request. The courts may release detainees on their own recognizance pending further proceedings, although most criminal suspects were held in custody pending trial. The option of posting bail after an indictment is available, but detainees did not commonly exercise the right. Detention centers also allowed visits by family members.

On June 29, the Split County Court convicted U.S. citizen Mitar Arambasic for war crimes against civilians and prisoners in a retrial of his 1997 in-absentia conviction on the same charges. The court upheld the original in-absentia judgment as well as the original 20-year sentence.

On October 24, the Sisak County Court acquitted U.S. citizen Zeljko Vrljanovic of being a member of a Serbian army reconnaissance group that in 1993 murdered a local Croatian army officer, his wife, and their two children. The court convicted a second defendant, Branislav Miscevic, and sentenced him to the maximum penalty of 20 years in prison.

#### Amnesty

The law provides for amnesty except in cases of war crimes. In practice, when investigations failed to substantiate original charges of war crimes, courts convicted the defendants on reduced charges, thereby facilitating amnesty. This practice resolved the case for the court without further investigation and allows the defendant to go free, but it disregarded the future repercussions that a criminal record could have on potentially innocent defendants,

particularly with regard to employment.

During the year, the Organization for Security and Cooperation in Europe (OSCE) reported one amnesty case, that of Dusan Maslovar, whom the government extradited from Greece based on a war crimes investigation. After extradition the government reclassified the investigation as armed rebellion, applied amnesty, and released him from detention.

#### e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary. The judiciary continued to suffer from a heavy backlog of cases. The Ministry of Justice reported that as of September 30, 941,827 cases remained unresolved before courts.

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

#### Trial Procedures

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

OSCE observers reported that several problems existed with the country's institutions for determining war crimes accountability, although they continued to take steps conducive to achieving an equitable system. There were indications both of "over-" and "under-prosecution." Although there were Croats on trial for war crimes, Serbs constituted the majority of the accused persons. Several indictments and/or trials of Croats accused of war crimes occurred during the year. In addition, on October 9, the Office of the Chief State Prosecutor issued instructions to all offices on war crimes to ensure uniform practices regardless of national origin of the suspect.

During the year, the OSCE reported that the Supreme Court reversed trial court verdicts and remanded for retrial approximately 40 percent of individual appeals. The OSCE monitored 33 cases at the Supreme Court involving appeals of trial court verdicts for 58 individuals (41 ethnic Serbs, 15 ethnic Croats, one ethnic Bosniak, and one ethnic Albanian). Of these the court ruled on 19 individual appeals. The longest pending appeals tended to be state appeals of acquittals and appeals in which less than the minimum sentence had been imposed. At year's end, several undecided appeals had been pending up to four years. The OSCE reported that in appeals where less than the minimum sentence had been imposed, many of the defendants were imprisoned for almost the entire sentence before the Supreme Court review.

The OSCE reported that almost half of defendants on trial during the year for war crimes were in absentia. For example, in the Vukovar County Court, an in-absentia trial was ongoing against one Serb, with two other trials ongoing partially in absentia, with 23 out of 25 Serb accused not present. In the Sisak County Court, one trial involving two Serbs was partially in absentia (one Serb was present), while another trial in the Osijek County Court was ongoing against three Serbs, one of whom was not present.

On May 15, the chief state prosecutors from Bosnia and Herzegovina, Croatia, Macedonia, Montenegro, and Serbia together with the ICTY chief prosecutor met to discuss enhancing intergovernmental cooperation for the purpose of ensuring individual accountability for war crimes and coordinating efforts on the regional level to bridge the existing impunity gap. The conference was the second one organized under the auspices of the Croatian chief state prosecutor. The main issues covered at the conference were the creation of respective case inventories, data sharing procedures, exchange of best practices, and development of various prosecutorial tools.

During the year, the chief state prosecutor reported excellent cooperation with other countries in the region, especially Serbia and Montenegro.

A 2007 UN Development Program (UNDP) survey on support to victims and witnesses of crimes found that the country's regulations remained inadequate, particularly with regard to the provision of free legal aid, payment of compensation for damages, and protection of witnesses and their privacy. The Ministries of Justice and Interior have separate units to support and protect witnesses and victims. During the year the UNDP office in Zagreb, together with the Ministry of Justice and presidents of four courts, hired eight professionals who were responsible for providing support to witness and victims, not only to the persons who testify in war crimes trials but also to witnesses who testify in complex criminal cases. In the first three months of the pilot program, the offices assisted more than 100 persons.

On November 4, the trial began again in Zagreb of the country's highest-ranking politician ever charged with war crimes, parliamentarian Branimir Glavas, and five codefendants for the murder of ethnic Serbs in Osijek in the early 1990s.

OSCE trial monitors reported that, although trial testimony was confidential, the public indictment as well as publication of statements from the judicial investigation by the media and on Glavas' Web site made the basic content of the trial widely known. In September the court ordered the restart of the trial because a recess in the case had lasted more than two months, which is impermissible under the law. The trial was ongoing at year's end.

On July 7, the Osijek County Court convicted Antun Gudelj, former Osijek police officer, of murdering the chief of the Osijek police, Josip-Reihl-Kir, and two local officials and attempted murder of a fourth. The conviction was a retrial of an in-absentia conviction after authorities extradited Gudelj from Australia. The court sentenced Gudelj to 20 years' imprisonment.

Vukovar County Court indicted five former Croatian soldiers for the 1992 murder of the Olujic family, whose members were ethnic Serbs, in the village of Cerna. The court sentenced five Croats to imprisonment for periods ranging from seven to 20 years. At year's end an appeal was pending at the Supreme Court.

On April 18, the Vukovar County Court restarted for the third time the trial that began in 2005 against 22 Serbs and Ruthenians, 17 of whom were not present, charged with genocide for participation as part of Serb paramilitary forces in the killing, severe injury, and forced resettlement of Ruthenians and other non-Serbs from the village of Miklusevci (near Vukovar) in late 1991 and 1992. On January 17, the Vukovar State Prosecutor dropped charges against two accused who had been at the trial as well as on an in-absentia defendant, on the grounds that the charges against them did not rise to the level of genocide. On January 11, the Vukovar County Court for the first time appointed an attorney to represent each of the accused. Previously, although the court considered the defendants coperpetrators, a single attorney represented all six.

During the year state prosecutors continued to review all open war crimes cases, eliminating unsubstantiated charges. On October 9, the chief state prosecutor issued written mandatory instructions regulating the application of the Basic Criminal Code and the Criminal Procedure Code, and the criteria for criminal prosecution of war crimes

cases. The document lays out prosecution standards for war crimes cases and review mechanisms for in-absentia war crimes cases. The prosecutor sent the instruction to respective county state attorney offices throughout the country.

Since constitutions of most South East European countries involved in the 1991-95 conflict prohibit extradition of their citizens, the chief state prosecutor has signed agreements with counterparts in Montenegro and Serbia to enable the transfer of evidence in such cases, thereby allowing suspects to be tried where they lived rather than where the crime was committed. During the year the Chief State Prosecutor's Office worked with counterparts in Serbia and Montenegro to transfer investigative materials and evidence needed for prosecution of persons suspected of war crimes by Croatia. During the year these agreements resulted in charges being filed against eight defendants in Montenegro and more than 10 indictments in Serbia, with one conviction.

#### 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, although continuing case backlogs raised concerns about judicial effectiveness and efficiency.

#### Property Restitution

During the year the government worked towards completion of its program to return occupied private properties to their rightful owners; however, the property law implicitly favors ethnic Croats over ethnic Serbs by giving precedence to the right of temporary occupants, who were mainly ethnic Croats, to that of original owners, predominantly ethnic Serbs who lost possession during the 1990s. In 11 cases, owners could not repossess their homes and were waiting for completion of administrative procedures. At the same time, 34 owners of agricultural land with unclear title could not take possession of their plots, mostly in the Zadar hinterland. During the year the government took steps to speed up the process. In June it provided a detailed plan to offer compensation to current users for the investments made on the land over the years, a potential subject of lengthy lawsuits.

Restitution of property seized during World War II and the Communist era remained an issue.

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

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

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

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

#### Section 2 Respect for Civil Liberties, Including:

##### a. Freedom of Speech and Press

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

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

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

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

Local governments partly or fully owned approximately 70 percent of the local media, making local broadcast media particularly vulnerable to political pressure. Approximately 46 percent of local radio stations depended on the financial support of local authorities. On August 10, newspapers reported that the Social Democratic Party (SDP), the largest opposition party, complained to the Electronic Media Council that the ruling party, the Croatian Democratic Union (HDZ), controlled the majority of local television stations. In May a group of respected journalists sent a letter to the European Union warning that individuals close to the HDZ were taking over a large number of local radio stations in order to influence local elections scheduled for the spring of 2009. The journalists requested that the Ministry of Culture, which is responsible for media legislation and the Electronic Media Agency, urgently review these media outlets' ownership structures, program activities, and financial management.

On World Press Freedom Day in May, the Croatian Journalists Association (CJA) pointed out that the concentration of ownership and the power of big advertisers increasingly jeopardized freedom of the media. The CJA also warned that "pressures on certain media owned by the state and local authorities continue, but the economic pressures on the owners, and through them, indirectly, on journalists, have become more prominent."

On January 3, police returned equipment, including computers, compact discs and some of the documents they had seized from free-lance journalist Zeljko Peratovic. Police arrested Peratovic in October 2007 and released him the day after his arrest. According to Peratovic, the police erased material from his computers and refused to return between 2,500 and 3,000 pages of documents.

In February the local press reported that Nebojsa Magdic, a Radio Ogulin journalist, had his salary reduced by 20 percent for January because he criticized the minister of science, education, and sports and a member of parliament. The town of Ogulin owned 75 percent of Radio Ogulin, according to Rijeka-based Novi List.

War crime topics remained a sensitive issue for media, and journalists faced pressure because of their reporting on them. On February 12, journalist Drago Hedl received a death threat letter. Hedl has investigated war crimes committed against civilians in the eastern city of Osijek in 1991. Several other individuals involved in the trial received the same letter. The CJA requested police protection for Hedl.

The police arrested a suspect in the May 25 attack on Filip Brala, a photojournalist for Zadarski List and Zagreb-based national daily newspaper 24 Sata, who was attacked while filming a soccer game in Gorica. Police also detained a suspect in the May 20 attack of on Danijela Banko, Zadar-based Narodni List journalist. She sustained severe bruises and required hospitalization. The CJA warned that this attack was just "one in a series of increasing attacks on journalists" in the country.

On June 2, two unidentified men beat investigative journalist Dusan Miljus with baseball bats in a parking lot near his house in Zagreb. Authorities hospitalized Miljus with a concussion, a broken arm, and facial injuries. Miljus covered organized crime and corruption for Zagreb-based national daily newspaper Jutarnji List and had reported on many sensitive topics over the preceding year, including investigations into alleged illegal arms production and trafficking in the country. Prime Minister Sanader stated that the government would take every measure possible to bring to justice those responsible for the attack on Miljus. President Mesic also criticized the assault, adding that he considered it an attack not only on investigative journalism, but on freedom of media in general.

On July 9, one of Miljus' relatives received a telephone call threatening to harm members of Miljus' family if he did not stop his investigative journalism. The unknown male caller also clearly indicated that he had information about Miljus' family members. The Secretary General of the South East Europe Media Organization (SEEMO) stated that he was "alarmed about these new threats and the police's continued failure to track the assailants responsible for the June attack on Miljus." At year's end the investigation was ongoing, and Miljus was under 24-hour police protection.

On June 9, police presented Makarska Kronika, a local Makarska-based weekly, with a Split County Court search warrant requesting information on the identity of the person who posted a commentary on the weekly's Internet portal with information about alleged criminal activities involving construction businesses and local authorities. Makarska Kronika refused to identify the person. The CJA criticized the operation, accusing police of pressuring the newspaper.

On October 29, police arrested and charged individuals suspected of being involved in the October 23 killing of Ivo Pukanic, a publisher and co-owner of the NCL Media Group in Zagreb, and Niko Franjic, the marketing director of the weekly newspaper Nacional, which NCL published. At year's end, police were investigating the killings.

On November 27, Drago Hedl, "Jutarnji list" commentator and journalist, received a text message threatening to "massacre" him. On November 20, Hrvoje Appelt, a journalist for Globus, found a device that looked like a bomb under his car. Appelt had recently published articles about smuggling activities in the country. According to press reports, both Appelt and Hedl received police protection after the threats. The CJA condemned both threats and requested the police to find the perpetrators as soon as possible and protect journalists. On December 4, police reported that a police officer, Krunoslav Fehir, was responsible for the message sent to Hedl. Fehir is a key witness in a war crimes trial, and his lawyer claimed that Fehir wanted to bring attention to himself. Authorities charged Fehir, suspended him from his duties, and initiated a disciplinary procedure against him.

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

#### Internet Freedom

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

On November 28, police questioned a man from Dubrovnik and searched his home and computer under suspicion that he posted a photomontage of Prime Minister Sanader in Nazi uniform on the social networking site Facebook. Fascist propaganda and Nazi symbols are banned under the law. No charges were brought in the case.

#### Academic Freedom and Cultural Events

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

#### b. Freedom of Peaceful Assembly and Association

##### Freedom of Assembly

The constitution and law provide for freedom of assembly, and the government generally respected this right in practice. The law prohibits political protests in Zagreb's St. Mark's Square, adjacent to the parliament and government offices. In December police briefly detained a young man posting fliers for an antigovernment protest in Zagreb. A similar incident for the same protest was reported in Zadar. Police incorrectly believed the protest did not have the correct permits. The organizers of the protest used Internet social networking sites. Police later apologized for the detention, and the officers involved were reprimanded. The protest occurred without incident a few days later.

##### Freedom of Association

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

#### c. Freedom of Religion

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

In May the government offered a joint agreement, similar to agreements it has with other religious communities in the country, to the Coordinating Committee of Jewish Communities in Croatia (CCJC) and the more recently formed Jewish religious community, Bet Israel. The CCJC declined the offer insisting on an independent agreement. The CCJC also objected to government funding for the communities, asserting that the smaller Bet Israel received funding disproportionate to its size. On October 24, Bet Israel signed the agreement with the government.

The law requires a group to have at least 500 members and to have been registered as an association for five years to register as a religious community. Registered communities have legal personality and enjoy tax and other benefits. However, all religious groups in the country prior to the 2003 passage of the law were in the process of registering without having to meet such conditions. By year's end a total of 43 religious communities registered, and 12 additional communities were awaiting registration. The Croatian Helsinki Committee and several smaller religious groups, who were registered but were not able to sign an agreement with the state, criticized the criteria for signing such agreements and alleged that authorities applied them inconsistently.

The government required schools to 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. Serbian Orthodox Church (SPC) officials continued to report that many schoolchildren and their parents, particularly in cities where Serbian Orthodox believers do not live in compact

communities, remained reluctant to identify themselves as Serb Orthodox to avoid being singled out. However, church officials also reported that the situation had improved, with an increase of students attending such classes in areas with a Serb majority, such as Knin and Donji Lapac.

The government made little progress restituting property nationalized during the World War II era to most major religious communities, although Roman Catholic Church officials reported in June that the government was willing to settle the outstanding claims. The government made progress in restoring property to the Catholic Church, including the return of the King Tomislav army barracks. The SPC, the second largest claimant of property after the Catholic Church, reported that the government had not restituted any property during the year. On November 10, the SPC issued a press release protesting the sale and demolition of the Zagreb Cinema building. There was no progress returning nationalized property to the CCJC in Zagreb. In 2006 the prime minister announced partial government funding for the reconstruction of the synagogue in Zagreb, which was destroyed during World War II. The CCJC refused the government's plans, disputing some of its conditions, including participation of Bet Israel in the project.

#### Societal Abuses and Discrimination

Societal violence and physical abuse of religious minorities were problems.

The SPC in Dalmatia and its hinterlands continued to report sporadic attacks on its property and clergy.

On March 21, an Orthodox Church from the Eparchy of Dalmatia reported that unidentified persons broke into the Benkovac parish yard and smashed a car windshield. The attack occurred days after an article in the local paper that blamed the priest residing there for erasing the country's coat of arms from his license plates. The police investigated but did not find the persons responsible.

Serbian Orthodox clergy in Dalmatia and ethnic Serb leaders continued to remark that the positive overtures of the central government stood in contrast to that of local authorities, law enforcement, and judiciary, which continued to discriminate against Serbs. For example, Serbian Orthodox clergy who arrived from Serbia, Bosnia and Herzegovina, and Montenegro faced bureaucratic obstacles in obtaining longer-term residency permits that entitled holders to benefits such as health care and pensions. Authorities required the priests 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. In January a new Law on Foreigners entered into force that limits the stay of foreigners to six months, followed by six months outside the country. The law did not list foreign clergy among categories of citizens exempt from this limitation.

The Jewish community has approximately 2,000 members. There were acts with anti-Semitic overtones reported during the year. For example, local NGOs and the police spotted fans who brandished pro-Nazi Ustasha symbols and chanted offensive slogans at the concert of the controversial ultranationalist singer Thompson in Zagreb at the end May. The Zagreb city government, which cosponsored the concert, subsequently criticized the display of Ustasha iconography at the event. In July the misdemeanor court in Zagreb fined a young man 1,600 kunas (\$308) for wearing a hat with the Ustasha symbol at the concert. In June the media reported that an estimated 12 high school graduates from Makarska published their pictures with swastikas in their yearbook. The students publicly apologized, and prosecutors did not find grounds to take legal action. Alluding to that case and the presence of youth at the Thompson concert, the president of the Coordination of Jewish Communities, Ognjen Kraus, in August wrote a letter to the minister of education, criticizing the school system and recent school reforms for failing to educate the young about the Holocaust and the nature of the Ustasha regime. The prime minister and senior government officials also criticized displays of Ustasha symbols as "misguided" and damaging to the country's national interests.

On July 20, the former commander of the World War II Ustasha-run concentration camp Jasenovac, Dinko Sakic, died in a prison hospital while serving a 20-year sentence and was reportedly buried in his Ustasha uniform in Zagreb. The president of the Simon Wiesenthal Center, Efraim Zuroff, wrote President Stipe Mesic in August to protest that the priest presiding over the burial praised Sakic as model for all Croatians. The President's Office responded that it "expected responsible institutions to take the necessary steps to prevent Dinko Sakic's funeral from damaging the country's reputation or inflicting long-term damaging effects on a disoriented young population." State prosecutors investigated the case but did not find sufficient evidence to press charges, since any display of the uniform had been in private.

In August an individual placed a plaque dedicated to the Black Legion Ustasha commander Jure Francetic close to the Holy Trinity church in Slunj. Citizens immediately notified police, who removed the plaque, but filed no charges against the person.

On September 21, local authorities in Pakovo Selo near Drnis removed a monument dedicated to a local platoon that fought in the 1991-95 war. The monument was in the shape of the letter "U" and resembled an Ustasha symbol; local residents claimed the resemblance was not intentional.

In April the county prosecutor in Pozega decided that there were no grounds to bring charges in the February 2007 case of production of sugar packets with Hitler's image, because the prosecutor could not establish that the factory owner had the intention to spread hatred.

For a more detailed discussion, see the 2008 International Religious Freedom Report at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt).

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

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

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

Refugees returning to the country as citizens of another former Yugoslav republic rather than as Croatian citizens encountered obstacles obtaining permanent residency status. The law permitted former habitual residents who returned and applied by June 2005 to be reinstated to their prewar status as habitual residents without further requirements and could subsequently apply for citizenship. However, the government did not consistently apply this provision. This caused uncertainty and delayed integration of returnees. On January 1, the Law on Foreigners, which includes a clause that exempts refugees from rigid citizenship requirements under the previous law, entered into force.

The government took steps to recognize or "convalidate" legal and administrative documents issued by entities not under the country's control during the 1991-95 conflict. In May and June, the government issued a rulebook and a decree allowing citizens to apply for recognition of work experience leading to accessing pensions. The regulations effectively annulled the 1999 deadline for submission of such applications. International observers reported that the government initiated implementation of the new procedure, and the UNHCR registered 9,200 new applications for convalidation. A total of 616 of these were resolved positively, while 794 were resolved negatively. International observers noted that some administrative bodies continued to interpret the law in a restrictive fashion despite the government's instruction.

By September the UNHCR registered a cumulative total of 143,632 refugee returns to the country, including 951 persons returning up to that point in the year. The UNHCR noted that refugees continued return at an average level of 2,000 persons a year. According to a 2007 UNCHR study, 53 percent of returns were sustainable, and the remainder were either one-time or "commuter" returns. International organizations listed the poor state of the regional economy, which resulted in lack of employment and slow access to permanent housing for former tenants of socially owned apartments, as the main obstacles to return. To address these problems, the government began implementing a 60 million euro (\$85 million) social and economic recovery project jointly funded by the government and the World Bank. The project is aimed at revitalizing the economy of disadvantaged areas affected by the war and promoting interethnic social cohesion. Public hostility toward returning ethnic Serb refugees diminished in most parts of the country but was still pronounced in the Zadar and Sibenik hinterland region in Dalmatia.

Repossession of Serb houses was almost complete, and reconstruction of Serb houses continued. As of September authorities had finished repairing damage to 300 out of 400 properties that were eligible for repair under the government protocol for looted properties. There were cases of persons attempting to use the courts to recover alleged investments they had made while illegally occupying property, and 21 such cases were pending in the courts. Although the government adopted a process in 2006 to resolve the cases out of court with investors, it remained reluctant to offer settlements to investors before the cases reached court.

The government slowly continued the program to resolve the claims of persons, mainly ethnic Serbs, who held tenancy rights in socially owned apartments prior to the war but who lost these rights during or just after the war. Individuals submitted 13,397 claims for government-provided housing under the program, 4,559 of which were in urban areas. According to the UNHCR, from 1995 through the end of October, the government had allocated 5,557 housing units, mainly in war-affected areas. The Ministry of Regional Development, Forestry, and Water Management delivered approximately 97 percent of its 2007 target of 1,400 housing units; by October it had delivered approximately 823 of the targeted 1,400 housing units for the year.

#### Internally Displaced Persons (IDPs)

Authorities took an inconsistent and nonuniform approach to minority IDPs, hampering their return. There remained a significant number of IDPs, although not all were under the government's direct care. As of May, 2,687 IDPs had registered with the government; of this number, 1,638 were ethnic Serbs.

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 expulsion or return of refugees to countries where their lives or freedom would be threatened. In January a new law on asylum came into force that observers believed was in line with asylum provisions of the UN refugee convention. Persons seeking protection generally considered the country a country of transit for asylum seekers, and a significant number of asylum seekers left the country before courts had reached decisions on their claims.

During the year 105 persons applied for asylum; of these, the government granted two persons subsidiary protection (protection granted to an applicant whose situation is not covered by the 1951 UN Geneva Convention on the Status of Refugees), rejected 10 persons, and dismissed the claims of 50 persons, while nine persons appealed.

There were 43 cases pending decisions. In May and June, the government granted refugee status to an applicant from Afghanistan and to an ethnic Kurd from Turkey. These were only the second and third instances since the country's independence that refugee status was granted to an applicant from outside the former Yugoslavia. There is a reception center for asylum seekers in Kutina, near Zagreb.

In May the government introduced a new appeals body, which replaced the previous government appeals commission. Observers believed that the new Commission for Asylum is an improvement over the previous commission because it enjoys a higher level of autonomy and includes representatives from civil society and academia. The new commission is scheduled to conduct substantive reviews of cases of asylum seekers whom it initially rejected. The UNHCR closely followed cases of individuals whom the government deported or whom authorities returned to their country of origin.

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

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

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

#### Elections and Political Participation

On January 12, coalition negotiations following the November 2007 parliamentary elections produced a government led by the Croatian Democratic Union (HDZ), with the Croatian Peasant Party, Independent Democratic Party of Serbs (SDSS), and the Croatian Social Liberal Party represented in the new cabinet. While no significant irregularities were reported, the local NGO Citizens Organized to Monitor Elections (GONG) estimated that registrations of approximately 20 percent of voters abroad (mainly in Bosnia-Herzegovina) were outdated on election day.

Political parties could operate without restriction or outside interference.

There were 32 women in the 153-seat parliament. There were four women in the 18-seat cabinet, including two deputy prime ministers and the minister of justice. There were six women among the 13 Constitutional Court justices, including the president of the court, and 18 women among the 39 Supreme Court justices.

There were 10 members of minorities in the parliament, eight of whom were elected under special arrangements guaranteeing seats to minority representatives. The law requires that ethnic minorities have representation in local government bodies if the census showed that a minority group constituted at least 5 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 could have resulted in greater minority representation due to the return of refugees since the 2001 census.

#### Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not always implement the laws effectively. The government's Office for the Prevention of Corruption and Organized Crime (USKOK) continued to improve its capacity and authority to manage criminal investigations since a revised law on USKOK took effect in August 2007. The law expanded USKOK's jurisdiction, making it responsible for prosecuting acts involving the abuse of power or position by a government official.

Corruption remained a serious issue, with a nexus of institutions, primarily in health care, university faculties, and the judiciary, and businesspeople often at the center of corruption cases. Corruption cases in the country involved nearly all segments of society, economy, and government, but a legal framework for fighting corruption was in place. The number of cases prosecuted by USKOK increased substantially in comparison with previous years. During the year USKOK concluded several cases against high profile civil servants, university professors, students, judges, and other professionals. On August 26, the county court in Rijeka sentenced surgeon Ognjen Simic to nine years in prison in a landmark trial for taking bribes between 1998 and 2006 from 18 patients who needed urgent heart surgery. The sentence was the most severe in a corruption trial to date; Simic fled the country and was reportedly a fugitive in Bosnia and Herzegovina, where he also holds citizenship and cannot be extradited under Bosnian law.

During the year authorities indicted 10 persons, including three vice-presidents of the Croatian Privatization Fund, on charges of corruption, bribe taking and giving, and abuse of authority, after the completion of a USKOK investigation. Another vice-president of the fund was under investigation in the operation, known as "Maestro." The trial for two of the defendants began on November 5, and the trial for eight other defendants began on November 10. Both trials were ongoing at year's end.

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

The law provides the right of public access to government information; however, NGOs complained that the government did not implement the law efficiently or effectively. The NGO GONG published results of a survey in September showing that 78 government institutions did not answer in a timely fashion, or at all, to more than 50 percent of 168 requests for information addressed to them. According to GONG, 17 of 31 government sessions in the first six months of the year were partly closed to the public, and in five cases their agendas were not published on the government's official Web site.

During the year, USKOK ended its 2005 investigation of possible large-scale illegal sales of refugee Serb houses to the government's Agency for Refugee Property (APN) without conclusive results. On May 14, an administrative court in Zagreb ruled that the APN did not have to allow Serb owners access to APN documents, including purchase and sales contracts that could potentially reveal illegal transactions. On October 28, the State Attorney's Office decided not to appeal this decision before the Supreme Court. An NGO representing Serb owners was preparing a lawsuit to be filed before the ECHR at the year's end.

#### 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 received both UN and government funds during the year. 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 directly, it cooperated effectively with NGOs and the international community to conduct awareness campaigns to promote gender equality and women's rights, encourage general tolerance, and prevent trafficking in persons. The office also served as a liaison body between governmental offices and citizens who reported different violations and complaints. The office awarded project grants to NGOs to address various human rights problems. It was adequately funded and enjoyed the cooperation

of other government agencies.

During the year the Office of the Chief State Prosecutor prosecuted war crimes committed by ethnic Croats, including several high profile cases, and continued its cooperation with the ICTY. On June 4, however, an ICTY prosecutor complained that some key documents requested for use in ongoing ICTY trials had yet to be handed over by the government.

The county court in Zagreb reached a verdict in the case of two former army generals, Rahim Ademi and Mirko Norac, whose trial was the first case to be formally transferred to Croatia by the ICTY for an in-country trial. On May 30, the court acquitted Ademi and sentenced Norac to seven years in prison for failing to prevent and punish the perpetrators of atrocities committed against Serb prisoners during a 1993 military operation. On September 26, the state prosecutors appealed Ademi's acquittal and the length of Norac's sentence, as well as his acquittal of some charges.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

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

##### Women

Rape, including spousal rape, is a crime punishable by one to 10 years' imprisonment; however, according to NGOs many women did not report rape or spousal rape. The law provides longer sentences for sexual violence against persons with disabilities. In rape cases under aggravated circumstances that result in death or pregnancy or if the victim is a minor, sentences may be between three and 15 years. Due to social pressure and stigmatization, rape and sexual violence were underreported. Some NGOs that specialized in curbing sexual violence remained concerned that there appeared to be no uniform application of rape kits or a uniform gynecological protocol for the treatment of rape victims. The availability of victim assistance services, such as rape crisis centers, varied widely from community to community.

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

Violence against women, including spousal abuse, continued to be a problem. The law provides that persons other than the victim, including the police, may initiate a domestic violence case, which is treated as a misdemeanor. Penalties range from fines of 1,000 to 10,000 kunas (\$193 to \$1,930) or up to 60 days in prison. Under the criminal law, perpetrators can face up to three years in prison for the same acts. Police officials tended to classify domestic violence against women as misdemeanors, resulting in minimal sentences. Minimum sentences were particularly common in cases of rape. Police officers in most urban areas were trained to handle family violence and to provide quick intervention, secure victims' safety, and remove perpetrators from families; in rural areas police officers were generally less trained in handling family violence cases.

Support for victims of violence was limited. In general private donations financed most services, but the

government took some steps to address the rising number of domestic violence cases. The Ombudswoman for Gender Equality stated that women reported that abuse more frequently and that her office received more complaints of domestic violence in the first six months of the year (800) than it did in all of 2007 (600).

NGOs and local governments operated 15 shelters, but, according to the ombudsman, only five were permanent. On November 25, the government signed contracts with county, city, and civil organizations to cofinance shelters and counseling centers for victims of domestic violence. The government planned to allocate 1.64 million kunas (\$308,000) for shelters and counseling centers in 2009. Hot lines, counseling, and legal assistance were available to victims of domestic violence.

Prostitution is illegal but widespread and generally punishable by fines. Women's organizations claimed that prostitutes faced abuse, stigmatization, and public humiliation. There were reports that women were trafficked for commercial sexual exploitation.

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

Women generally held lower paying positions in the work force. On January 23, the Zagreb Institute of Economics presented a study that showed that employers paid women on average 21 percent less than men of equal age, work experience, and education. The study also found that 25 percent of employed women held a university degree as opposed to 16 percent of employed men. In October 2007 the Office for Gender Equality published a survey on discrimination indicating that two thirds of women experienced some form of discrimination while looking for employment. Violations during the job interviews ranged from questions about their marital status to plans for pregnancy and comments on their physical appearance.

The government cooperated with NGOs to promote gender equality; however, NGOs remained concerned that the government lacked transparency in the allocation of funds for their programs and in sharing information about new procedures. While the NGOs participated in drafting legislation promoting gender equality, they believed that their impact on the ultimate result was limited.

The Office for Gender Equality is responsible for implementing the Gender Equality Law and formulating the government's gender policy; the ombudsman for gender equality monitored implementation of the law, including the submission of mandatory action plans for state institutions and public companies. On July 15, a new act on Gender Equality came into effect. The new law includes quotas to secure increased political representation of women. According to the law, women must comprise at least 40 percent of the voting list for each political party by the third round of elections on local and national levels as well as for the European parliament. During the year only 10 percent of the members of local representational bodies were female. Political parties, state bodies, local authorities, employers, and the media can be fined for violating the new law. However, local NGOs claimed that the fines were too small to be a deterrent and that the government rarely enforced previous laws with quotas.

#### Children

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

During the year the government took steps to improve the right of national minorities to education in their own languages. On May 16, the Ministry of Science, Education, and Sports published state education standards that defined in greater detail the terms for organizing minority education and provides a greater level of legal security to

minorities than those put forth in the Constitutional Law on National Minorities. In June the ministry established a separate department for minorities.

While education is free and mandatory through grade eight, Romani children faced serious obstacles to continuing their education, including discrimination in schools and a lack of family support. The number of Romani children enrolled in preschool education for the 2008-09 school year rose to 595 from 509 in 2007. Countrywide statistics for primary schools were not available, but the Ministry of Science, Education, and Sports reported that in the region of Medjmurje, the region with the largest concentration of Roma population, the number of new Romani pupils increased to 1,421 from 1,360 in the past year. Statistics for another three counties with a high Roma population showed an average 10 percent increase. The Ministry of Education ascribed the increase to incentives from the government's Decade for Roma action plan, which included a 500 kunas (\$96) monthly scholarship for high school students and a 1,000 kunas (\$200) monthly scholarship for university students. The government distributed 265 scholarships to high school Romani students, 110 more than in the previous school year. 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. On July 17, the ECHR rejected a complaint by the parents of 15 Romani children that the creation of separate classes for Romani students in several elementary schools in the northwestern county of Medimurje was discriminatory. The court found that the schools did not set the children apart simply for being Roma but that the schools separated them only until their language improved to the point where they could join a regular classroom.

Child abuse, including sexual abuse, was a problem. During the year police received reports of the following incidents involving children and minors: 57 reports of sexual abuse of minors, 157 reports of lewd behavior involving a child or a minor, 42 reports of abusing children for pornography, and five of pimping children. Information about verdicts related for similar acts committed during the year was not available at year's end.

The office of the Ombudsperson for Children reported 609 new complaints of individual violations of children's rights through August. The office has seen yearly increases in the number of reports due in part to the greater visibility and presence of the ombudsman.

On June 15, the Ministry of Family, War Veterans, and Intergenerational Solidarity launched a campaign in cooperation with the Council of Europe to prevent corporal punishment. The campaign targets families, schools, children's homes and penitentiaries.

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

#### Trafficking in Persons

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

The country is mainly a transit country for women and girls trafficked from countries in Eastern Europe and the Balkans to other parts of Europe for prostitution and labor exploitation. The country was also a source and destination country for trafficked women. In December the government reported that seven trafficking victims were identified during the year; three victims were Croatians, three were Bosnians, and one was Serbian. Four of the victims were men trafficked for purposes of labor exploitation, one was a woman also trafficked for purposes of labor exploitation, while three of the victims were women trafficked for sexual exploitation. The government

reported that the victims cooperated with police investigations and NGOs.

Recent trends indicated that 20- to 30-year-old women were most at risk of being trafficked. Anecdotal information indicated that transnational and domestic organized crime groups were responsible for trafficking. Victims were subject to violence, intimidation, withholding of documents, and threats by traffickers.

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

As of October, the Ministry of Interior had arrested and instituted criminal proceedings against 10 persons. The government reported two final trafficking convictions against three persons in which the court sentenced the defendants to prison terms ranging from one year to 18 months. The government also issued three indictments against seven persons during the year.

The government has a national committee for the suppression of trafficking in persons and a national coordinator for trafficking issues, who is also the head of the government's human rights office. Agencies responsible for the suppression of trafficking included the Ministries of Foreign Affairs, Justice, Interior, Health, Social Care, and Education, and the Office of the State Prosecutor. Police participated in international investigations through the Southeastern European Cooperative Initiative (SECI) regional center in Bucharest. Police continued to cooperate with both short- and long-term advisors from Germany and Austria. In addition, police had an active role in the Mirage working group from the SECI regional center and reported strong cooperation with Europol and Interpol in combating trafficking in persons.

There were no specific reports 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 International Organization for Migration (IOM) mission to offer all necessary assistance to victims. While the law criminalizes international prostitution and unauthorized border crossings, it exempts trafficking victims from prosecution. Similarly, the law 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 it 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 shelters for adult and minor trafficking victims. The Croatian Red Cross, in cooperation with the government, operated four reception shelters for victims. The government offered assistance to all victims. The government provided services jointly with local NGOs and the IOM. During the year the government cofunded a one million euro (\$1.4 million) Community Assistance for Reconstruction, Development, and Stabilization program with the EU that provided education on trafficking in persons to 314 persons, including social workers, health care workers, police officials, and government lawyers.

The Law on Foreigners regulates the status of foreign victims of trafficking. The law defines methods of identification and the scope of assistance and the respective bodies that are responsible for offering victim assistance. The law establishes a "reflection period" for adult victims of 30 days and for minor victims of 90 days. The law specifies different forms of assistance that should be offered to foreign victims, including safe accommodation, financial support, education and training, and assistance with regard to work. The law also provides for temporary residence permits, initially from six months to one year, which the government can extend

based on a subsequent needs assessment.

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

The State Department's annual Trafficking in Persons Report can be found at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### Persons with Disabilities

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

The government maintained 10 counseling centers that offered assistance to persons with disabilities and their families. During the year the government also opened a separate department for persons with disabilities at the employment agency, aimed at increasing employment rates. A total of 1,267 persons with disabilities were employed during the year, while the number of unemployed was 5,703. This was a slight decrease from previous years. Employment bureau analysts ascribed this decrease to slowdowns in the global and national economies during the year.

On June 9, the parliament appointed the first ombudsman for persons with disabilities. The new ombudsman established an office in Zagreb in September and continued to staff it in October.

During the year parliamentarian Vesna Skulic continued to criticize 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 practice of placing personal assistants with persons with grave disabilities remained a pilot project, but it doubled the number of beneficiaries to 300.

The number of persons with mental disabilities in institutions did not decrease, despite some efforts to develop community-based alternatives. The law provides that unemployed parents of disabled children are granted 2,200 kunas (\$424) monthly compensation. The law also provides compensation to foster care families.

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

#### National/Racial/Ethnic Minorities

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

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

On March 26, a group of eight young men threw stones at and verbally abused the local Serb population in the village of Bukovic in the Benkovac area. They threatened one of the villagers with a knife and demanded money.

They smashed windows in homes and burned the haystack of another villager. The police identified all eight perpetrators, and charged them with "violent behavior" and "disruption of the inviolability of the home" as criminal acts.

In May the media widely reported on an incident in Vukovar involving 30 Croatian soccer fans who attacked a group of supporters of a Serbian soccer team. The attackers disrupted a meeting and threw bottles and stones at the Serbian team fans. The attackers injured six persons, including two policemen sent to secure the site and one 12-year-old girl, whom authorities later hospitalized with head wounds. Police arrested two attackers.

Verbal provocations against ethnic Serbs were reported in the central and southern parts of the country. For example, in May a Croat from the village of Svracica near Glina verbally abused an ethnic Serb from the village of Dragotin while he waited at a bus stop. The attacker said that the victim "needed a bullet in his head" and tried to tear his shirt. The police investigated and reported the incident, but there was no information on whether legal action was taken against the culprit.

Local NGOs and the police spotted fans who brandished pro-Nazi Ustasha symbols and chanted offensive slogans such as "Kill the Serb" at the concert of the controversial ultranationalist singer Thompson in Zagreb at the end of May. The Zagreb city government, which cosponsored the concert, subsequently criticized the display of Ustasha iconography at the event. The Misdemeanor Court in Zagreb in July fined a young man 1,600 kunas (\$308) for wearing a hat with the Ustasha symbol at the concert.

On January 20, offensive graffiti including "Serbs should hang" and "Kill the Serb" appeared on the wall of a house owned by ethnic Serbs in Pakostane, near Zadar, and vandals sprayed a letter "U" (for Ustasha) on their car. The police investigated and continued to patrol the house for several days after the incident but did not find the perpetrators. Similar messages appeared on the wall of a newly reconstructed house of a Serb family in Bastajski Brdjani near Pakrac in the central part of the country. The house was uninhabited.

In May authorities transferred the July 2007 case of two young men arrested for verbally and physically abusing two Serb returnees and attempting to burn their house with them inside, from the county court to the municipal court in Pozega, where prosecutors requalified the act from attempted murder to inflicting grave injuries. The trial was ongoing in September, but no hearings had taken place since May.

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

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

Six years after the parliament passed the Constitutional Law on National Minorities (CLNM), authorities had not implemented its provision on proportional minority employment in the public sector in areas where a minority constitutes at least 15 percent of the population. Ethnic Serbs, the largest minority, were most affected by the slow implementation of the law.

In August the SDF reported that there was continued discrimination against ethnic minorities seeking employment in civil services, administration, and justice. A SDF survey conducted between April and August showed that the number of Serbs employed in local administration and public services remained at levels similar to their last survey in 2006. For example, in Glina, in the central part of the country, Serbs made up 29 percent of the population, but

only 2 percent of the Serbs were employed in the local civil services and administration. In Knin, a city that is 21 percent Serb, only 6 percent of Serbs were employed by the state. Survey results differed only in eastern Slavonia. In Vukovar Serbs made up 33 percent of the population but constituted 36 percent of those employed in the local civil service and administration. In September SDSS officials complained that the adoption of an action plan for the implementation of the CLNM lacked clear and precise measures. Of approximately 21,200 civil servants employed at the national level in 2007, approximately 3 percent were ethnic minorities, while minorities made up 7.5 percent of the population. Members of minorities accounted for almost 4,000, or 6 percent, of civil servants at the county level in 2007. The State National Minority Council received 41.5 million kunas (\$8 million) for minority associations' cultural programs during the year, a 15 percent increase from 2007.

The law provides that minority participation is to be taken into account when appointing judges in regions where minorities constitute a significant percentage of the population. According to an OSCE report from 2007, members of minorities made up approximately 4 percent of the country's judges, with Serbs comprising only 2.5 percent. The report noted that minorities needed to invoke their minority status during the recruitment process in order to benefit from this provision of the law.

In November the SDSS listed eight cases of ethnic Serbs who applied for positions of judges at administrative, commercial, and municipal courts and two who applied as trainees at municipal courts. According to the SDSS, the courts rejected the applicants despite their qualifications. Despite the lack of minority judges in the country, the positions were either cancelled or filled by other applicants.

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

Roma faced many obstacles, including language, lack of education, lack of citizenship and identity documents, high unemployment, and widespread discrimination. Many Romani women in particular had only limited Croatian language skills. Romani NGOs estimated in 2007 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. A 2006 UNDP report on social exclusion estimated that, while Roma constituted less than 1 percent of the population, they accounted for 13.6 percent of the recipients of social assistance. On a national level, the government worked to increase the employment rate of Roma by providing two years' worth of salary payments to employers who hired Romani workers. On October 12, the government reported that government spending to improve the life of Roma in the country increased six fold from 2005 to 2008. Spending increased from 2.7 million kunas (\$520,000) to 17 million kuna (\$3.3 million) a year. During the year the government cofunded a European Commission program with 167,000 euros (\$244,000) to reconstruct infrastructure in the Medjmurje region, where Roma constitute 6 percent of the population. The government and the EU also signed a 3.2 million euro (\$4.5 million) agreement for the construction of infrastructure in another three municipalities in the same region.

On occasion ethnic Croats were targets of interethnic violence. In February ethnic Serb high school students vandalized a student's home in Borovo, near Vukovar. The vandals destroyed 20 glass windows and the entryway door. They also threatened the Croatian student, insulted the late president, Franjo Tudjman, and chanted "this is Serbia." Police identified and arrested several minors. Deputy Prime Minister Slobodan Uzelac, an ethnic Serb, criticized the violence. A month later an estimated 500 soccer fans from Zagreb and elsewhere in the country arrived in Vukovar on buses and marched through the town, chanting offensive slogans in retaliation. The chants included "kill the Serbs" and "Croatian mother, we shall slaughter Serbs." A heavy police presence prevented any acts of physical violence.

On September 25, the International Federation of Football Associations (FIFA) fined the Croatian Soccer Association (HNS) 30,000 Swiss francs (\$28,000) for the racist behavior of some Croatian fans at a soccer match against England on September 10. The Croatian fans referred to a black British player as a "monkey" and taunted him with "monkey noises." The head of the HNS stated the actions were unacceptable and urged fans to stop such offensive behavior. The HNS was earlier fined 12,500 euros (\$18,000) for racist behavior in a match against Turkey in June.

#### Other Societal Abuses and Discrimination

There was some societal violence and discrimination against homosexuals.

On June 28, two persons attacked activists from Iskorak and Kontra (NGOs that promote gay rights) outside their offices after the annual gay pride parade. The parade route was nevertheless well guarded, and the police were quick to take away those trying to disrupt the march. In addition, police investigated an assault against three Kosovo citizens who were celebrating outside of the parade zone. The police identified the attackers and charged them with criminal acts, although there were reports that police also treated the victims disrespectfully.

On February 25, a court convicted and sentenced a man to 14 months in prison and psychiatric treatment for attacking Italian Senator Gianpaolo Silvestri after the 2007 gay pride parade. This was the first time that courts convicted someone of a hate crime since the parliament introduced this type of crime into the criminal code in 2006. Gay pride organizers welcomed the conviction but complained that the police did not file criminal reports against other attackers.

Societal discrimination against homosexuals was frequently present in the form of insults, stereotypical jokes, and societal prejudices.

On July 21, the parliament passed a law on the suppression of discrimination, an umbrella law that addresses discrimination based on a number of grounds including race, ethnicity, sex, language, political convictions, property, union membership, disability, and others. The Catholic Church and other religious bodies strongly opposed one section of the new law because they believed it opened up the possibility for gay marriages and the adoption of children by gay individuals, although the law did not directly stipulate these measures. The law was scheduled to enter into effect in January 2009. The new law also provides more staffing and funding for the Office of the Ombudsman for Human Rights, responsible for the implementation of the new law.

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

According to HUHIV representatives, the lack of public assistance, such as hot lines, for HIV-positive patients was a problem. According to the UN theme group on HIV/AIDS, analysis of the 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 employment. According to the analysis, most cases of discrimination occurred outside the scope of the law or were due to insufficient enforcement of privacy laws, lack of consistent adequate medical care, and discrimination in school or the workplace.

#### Section 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, as there is no oversight system to track the exact number of union members in all of the unions. Unions generally were independent of the government and political parties.

The law provides for the right to strike, with some limitations, and workers exercised these rights during the year. The law does not permit members of the armed forces, police, government administration, and public services to strike. Workers may strike only at the end of a contract or in specific circumstances mentioned in the contract after they have gone through mediation. When negotiating a new contract, workers are also required to go through mediation before they can strike. Labor and management must jointly agree on a mediator if a dispute goes to mediation. If a strike is found to be illegal, any participant may be dismissed, and the union held liable for damages.

b. The Right to Organize and Bargain Collectively

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

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

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits all forced or compulsory labor, including by children, although there were incidents of adult persons trafficked for the purpose of forced labor during the year.

d. Prohibition of Child Labor and Minimum Age for Employment

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

In 2007, the last year for which data are available, the State Labor Inspectorate recorded 163 violations of labor-related laws involving 89 children under the age of 17. Of these violations, one involved a child under the age of 15. Violations occurred mainly in the hospitality, tourism, retail, food, industrial, services, and construction sectors.

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

The law proscribes the worst forms of child labor, including trafficking in children for purposes of sexual exploitation and labor. The national ombudsman for children 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 102 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

The minimum wage, as determined by the government, is 2,100 kunas (\$405) per month; the net wage is between 1,400 and 1,500 kunas (\$269-\$289), depending on exemptions, and does not provide a decent standard of living for a working family. Government statistics from August indicated the average wage was 5,167 kunas (\$995), and the minimum cost of living for a family of four in rented housing was 6,294 kunas (\$1,213). The State 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, as was nonpayment of overtime or for work on holidays. According to the State Labor Inspectorate, it is no longer required by law to record the number of persons who did not receive payment of their salaries. However, workers have the right to bring court proceedings against employers who did not issue pay slips to their employees. Based on data that it received through various reports, the inspectorate concluded that at least 1,761 employees did not receive payment for their work in 2007, the last year for which data were available.

The State Labor Inspectorate reported that it shut down 344 employers during 2007 for periods of at least 30 days. Labor law violations included illegally employed workers and foreigners who did not have work permits, workers who were not registered with the pension fund, and workers who were not registered with a health insurance agency. The Labor Inspectorate reported that although its officers greatly increased their inspections and reporting of violations, the courts did not sanction violations in accordance with the weight of the violation, and therefore the inspectorate's actions in terms of effecting change in the field were not strong.

The law provides for a standard workweek of 40 hours. Workers are entitled to a 30-minute break daily, one day off out of seven, and a minimum of four weeks of paid vacation annually. The law provides that workers are entitled to time-and-a-half pay for overtime and limits overtime to eight hours per week. The State Labor Inspectorate must be notified if overtime work by an employee continues for more than four consecutive weeks, for more than 12 weeks during a calendar year, or if the combined overtime of employees of an employer exceeds 10 percent of the total working hours in a particular month. In 2007 the inspectorate processed 16,481 violations. After processing, the inspectorate sent 6,484 violations to misdemeanor courts for proceedings. Infractions included violations related to labor contracts, payment for work, annual leave, and unpaid and unreported overtime. In 2007 authorities sent 57 criminal proceedings against employers to municipal state attorneys' offices. 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 the Health Ministry enforced; the Ministry's inspectorate has jurisdiction over enforcement of health and safety laws at the workplace. In practice many industries often did not meet worker protection standards. In 2007 the inspectorate initiated 1,913 requests for misdemeanor proceedings covering 3,909 violations of safety standards. During 2007 misdemeanor courts issued 1,118 violations, of which authorities declared two criminal acts and referred them to court. Courts rejected 450 of the reported violations because of expiration of the statute of limitations. Under the law workers may remove themselves from hazardous conditions and have recourse through the courts if they believe that they have been dismissed wrongfully for doing so; however, according to the State Labor Inspectorate, workers did not exercise this right in practice and normally reported employers only after they had left their job.