



Croatia

Country Reports on Human Rights Practices - [2000](#)

Released by the Bureau of Democracy, Human Rights, and Labor

February 23, 2001

The Republic of Croatia is a constitutional parliamentary democracy with a strong presidency. President Stjepan Mesic of the Croatian People's Party (HNS) was elected in February to a 5-year term to replace President Franjo Tudjman who died in office in December 1999; Ivica Racan is the Prime Minister. International observers characterized the elections as "calm and orderly," noting that in general, "voters were able to express their political will freely," although some problems remained. The President serves as Head of State and commander of the armed forces, nominates the Prime Minister who leads the Government, and approves certain appointments in local and regional government. On January 3, an opposition coalition defeated the ruling Croatian Democratic Union (HDZ) party in voting for the lower house of Parliament. The Organization for Security and Cooperation in Europe (OSCE) observers stated that the parliamentary elections represented "marked progress" toward meeting OSCE standards. The combination of a new President and a new democratic coalition in Parliament helped to increase the transparency of the role of the President and to end the blurring of the powers of the Presidency with those of the Government and the ruling party. The judiciary increased its independence as the Government reduced efforts to exert political influence over court decisions. The judiciary continued to suffer from bureaucratic and funding problems, as well as instances of political influence at the local level.

The Ministry of Interior oversees the civilian national police, and the Ministry of Defense oversees the military and military police. The national police have primary responsibility for internal security but, in times of disorder, the Government may call upon the army to provide security. Civilian authorities generally maintained effective control of the professional security forces; however, the police occasionally committed human rights abuses.

The new Government embarked on essential economic reforms, but the transition to a market-based, free enterprise economy continued to proceed slowly. While agriculture is mostly in private hands and the number of small enterprises is increasing, industry and media enterprises largely are either still controlled by the State or deliberately were transferred under the Tudjman regime in nontransparent, noncompetitive processes to individuals sympathetic to the HDZ. In July an investment law was passed to remove some obstacles to foreign direct investment. Government spending, although lower than in previous years, remained high. Unemployment reached 22.4 percent at year's end, was much higher in the war-affected areas, and may rise further as nonproductive, formerly state-run enterprises are liquidated. The standard of living for most of the population has yet to recover to prewar levels. Per capita gross domestic product (GDP) was \$4,100 (33,210 kuna). Nonpayment of wages continued to be a serious problem. Banks began lending again following a liquidity crisis of previous years. Economic growth resumed after several years of decline, and the exchange rate and prices remained stable. Income from tourism was up over 30 percent over 1999, nearly reaching prewar levels.

The Government generally respected the human rights of its citizens; its human rights record improved during the year, but serious problems remained in some areas. The Government's conduct of the January and February elections improved citizens' ability to change their Government peacefully. Police occasionally abused prisoners. The Government continued to charge and arrest persons for war crimes committed during the 1991-95 conflicts in Bosnia and Croatia. Lengthy pretrial detention, particularly for ethnic Serbs indicted for war crimes, continued to be a problem. The judiciary remained a problem as a pattern of arrests of ethnic Serbs for war crimes apparently based on extremely weak evidence continued from previous years. The courts continued to be subject to occasional political influence on the local level and suffered from bureaucratic inefficiency, insufficient funding, and a severe backlog of cases. The Government's respect for citizens' privacy rights improved; however, the restitution of occupied property to (mostly ethnic Serb) refugees returning to the country remained problematic.

The Government's respect for freedom of speech and press improved markedly, but some problems remained. Reports of the harassment of journalists and censorship virtually ceased. However, reform in public broadcasting has been slow, and an estimated 900 libel lawsuits against journalists remained pending due to backlogs in the judicial system. Parliament did not pass legislation to amend the law on state-owned television and radio (HRT) during the year. The Government respected academic freedom. The Constitutional Court struck down laws that allowed excessive governmental interference in the operation of associations and nongovernmental organizations (NGO's). Respect for freedom of religion improved somewhat during the year; however, restitution of nationalized property remains a high, and unaddressed, priority for several religious communities.

The Government took some steps to facilitate the return of refugee citizens (mostly ethnic Serbs) and the return of persons internally displaced by the 1991-95 conflict, including the establishment of a coordinative commission to address issues in war-affected areas and the reform of laws that previously discriminated against ethnic Serb refugees. Although the number of refugees returning to their homes accelerated during the year, serious problems remained. The coordinative commission lapsed into inactivity by year's end, and no significant progress was made on the restitution of private property or resolution of the right to previously socially owned property, and this continued to be the greatest obstacle to refugee returns.

Two rounds of presidential elections and one round of parliamentary voting were conducted in a calm and orderly fashion, and the Government addressed some irregularities and improved the process with each round. However, the OSCE noted continuing problems: While many refugees in neighboring countries, mostly ethnic Serbs, continued to be unable to assert their citizenship and exercise their right to vote, the Law on Citizenship grants voting rights to ethnic Croats born abroad but who have no permanent residence in Croatia.

The Government's record of cooperation with international human rights and monitoring organizations improved somewhat, although problems remained. The Council of Europe, citing progress on human rights, decided to terminate its permanent monitoring of Croatia in September, and the OSCE terminated its police monitoring group in the Danubian region (Eastern Slavonia) in October. In the first half of the year, the Government took steps to improve cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY); however, cooperation slowed in the second half of the year, and the Government was reluctant and slow in providing timely access to witnesses and documentary evidence. Some of the Tribunal's requests for cooperation remained outstanding at year's end. The Government's Ombudsman for Human Rights met periodically with human rights groups and investigated, upon receipt of complaints, individual cases of human rights violations.

Violence and discrimination against women remained problems. Ethnic minorities, particularly Serbs and Roma, faced serious discrimination. While some progress was made, ethnic tensions in the war-affected areas remained high, and abuses, including ethnically motivated harassment and assaults, continued to occur. There were two ethnically motivated murders during the year. The country is a transit point and lesser source and destination country for trafficking in persons.

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

a. Political and Other Extrajudicial Killings

There were no reports of political killings.

There were two ethnically motivated killings of Serbs during the year (see Section 5).

In August Milan Levar, a former police officer who previously provided information to the ICTY about the 1991 massacre of civilians in the town of Gospic, was killed at his Gospic home. Government leaders condemned the killing, but an intensive police investigation had not led to any arrests by December.

During the year nine persons were killed by landmines laid by Croatian and Serb forces during the 1991-95 war. Three persons also were killed in related demining incidents. The Croatian Center for Demining reported that from 1991 through the end of the year, 1,320 mine incidents were recorded in which 365 persons were killed (see Section 1.c.).

In July the Croatian Helsinki Committee for Human Rights released its second report on human rights violations during the 1995 military operation "Storm" in which Croatian forces recaptured rebel Serb areas in the Krajina region. The report identifies over 600 ethnic Serb civilians who were killed or reported missing in "sector north." No indictments have ever been brought for the events described in the report.

Courts continued adjudicating war crimes cases arising from the 1991-95 conflicts in Bosnia and Croatia. In an improvement over the record of the previous Government, which prosecuted very few ethnic Croats and then in often politicized trials, several ethnic Croats were detained during the year for war crimes or other crimes committed during the conflict. Five persons, including Tihomir Oreskovic, were arrested in September on suspicion of war crimes committed during the 1991 Gospic massacre. A sixth suspect was arrested in December. At year's end, four were in pretrial detention and two were released but remained under investigation. In September two military intelligence officers were arrested in Zadar for suspicion of involvement in the 1993 Ahmici massacre in Bosnia and Herzegovina. Four others were arrested but later released on suspicion of providing the officers with false identities to facilitate their escape. At year's end, the two arrestees remained in detention as the investigation proceeded. In May the long-delayed retrial of soldier Mihajlo Hrastov began. The Supreme Court in 1993 ordered the retrial after Hrastov was acquitted in 1992 of the massacre of 13 Serb prisoners in Karlovac in September 1991. At year's end, the trial was adjourned while the prosecution sought witnesses to the massacre. Also at year's end, the retrial was beginning in the case of 6 soldiers originally acquitted in the 1995 massacre of 16 elderly Serbs in the villages of Varivode and Goscici. In November the Supreme Court admitted committing an error in 1997 when it annulled Antun Gudelj, who had been convicted of the July 1991 murder of moderate Osijek police chief Josip Reichl-Kir (see Section 1.e.).

Trials of ethnic Serbs continued; however, a pattern of arresting Serbs for war crimes based on extremely weak evidence continued from previous years (see Section 1.e.). In May a Vukovar court convicted 11 ethnic Serbs of 22 indictees for war crimes committed during the fall of Vukovar in 1991; 21 of the defendants were tried in absentia (see Section 1.e.). The only individual to defend himself in person was Stefan Curnic, who was convicted and received a 15-year sentence. International observers assessed the evidence against Curnic as credible but noted that he had been incarcerated since December 1998 without a trial (see Section 1.d.). In July five ethnic Serbs (the "Sodolovci group"), whose 1999 conviction for war crimes was overturned by the Supreme Court and remanded to a lower court for a retrial, were acquitted for lack of evidence (see Section 1.e.). In Osijek in October, 15 ethnic Serbs (the "Baranja group") were arrested on 1991 war crimes indictments despite the fact that those indictments had little or no supporting evidence. Eight of these individuals remained incarcerated at year's end. There were at least 19 arrests of ethnic Serb refugees returning to Croatia after they had been cleared for return, in violation of return procedures established between the Government and UNHCR (see Section 2.d.).

Progress was made on the exhumation of graves and identification of persons missing from the 1991-95 war at a number of sites in the Danubian region. Throughout the country, the bodies of 3,197 victims have been exhumed from mass and individual graves since the war (see Section 1.b.).

b. Disappearance

There were no reports of politically motivated disappearances.

Government figures in December showed that 1,567 persons (mostly ethnic Croats) remained missing in cases unresolved from the 1991-95 military conflict. However, this number does not reflect approximately 900 additional persons (mostly ethnic Serbs) believed to be missing since mid-1995, who were reported to the Government of the Federal Republic of Yugoslavia (Yugoslavia) or to international organizations. There has been significant progress on the recovery and identification of the remains of ethnic Croats; but efforts to identify missing ethnic Serbs continued to be hampered by political and bureaucratic obstacles. Throughout the country, 3,197 victims have been exhumed from mass and individual graves since the war, including 73 during the year. The remains of 110 persons were identified positively during the year. In July and November the government commission charged with responsibility for locating missing persons held a meeting with its Yugoslav counterpart to exchange information on the missing and detained; these meetings had been suspended since March 1999. In September the Government formalized the status of the commission by legalizing it as a government office with a separate budget. The September changes also integrated the Danubian Subcommission for Missing Persons into the office as a working group. In the past, the lack of transparency regarding the commission's authority and budget hampered its efficient operation.

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

The Constitution prohibits torture, mistreatment, or cruel or degrading punishment; however, police occasionally abused prisoners.

In October the OSCE terminated its uniformed Police Monitoring Group (PMG) in the Danubian region (Eastern Slavonia), assessing that the local police performance was satisfactory and the security situation in the region was stable. The PMG was replaced by a smaller cadre of civilian police observers. There were periodic reports of ethnic tensions between ethnic Serb and Croat police officers in the Danubian region. For example, one ethnic Croat police officer "dry-fired" his unloaded pistol into the face of an ethnic Serb

colleague. The officer received a short suspension from duty, and credible observers expressed concern that mid-level police supervisors failed to take the incident seriously or adequately punish the perpetrator. However, upon being informed of the incident, the assistant Interior Minister ordered a thorough investigation. The commander of the station where the incident took place was replaced by year's end.

The number of reported ethnic incidents in the Danubian region fell to less than half its 1999 level. This development largely was due to a real decrease in the number of ethnic incidents. However, there were reports of the failure of some police officers to regularly classify ethnic incidents as such, and of a reluctance of ethnic Serbs to report harassment because of a sense that such incidents have become commonplace. Continuing problems include poor police investigative techniques, acute social sensitivity to ethnic issues, indecisive middle management in the police, and pressure from hard-line local politicians. These factors impede development of local police capability. In the Danubian region in particular, and depending upon the ethnicity of the complainant, inconsistent police response to housing disputes remained a problem. In May in consultation with OSCE, the Interior Ministry began a reform and restructuring of its field police presence that is intended to close 106 substations and, through attrition, reduce the country's uniformed police-to-population ratio to a level closer to that of other European countries. In December the Government passed a new law on police, creating the position of Director of Police and providing senior police officials more authority to implement reforms at the precinct level.

During the year, 13 persons were injured by landmines laid by Croatian and Serb forces during the 1991-95 war. Five persons also were injured in related demining incidents. The Croatian Center for Demining reported that from 1991 through the end of the year, 1,320 mine incidents were recorded, in which 1,281 persons were injured (see Section 1.a.).

In October judge Marko Rogulja, an ethnic Serb judge on the Vukovar municipal bench in the Danubian region, was threatened by a mob (that included the county prefect) shortly after he had issued a decision to evict an ethnic Croat police officer from a home he was occupying that was owned by an ethnic Serb. The eviction never was carried out and the case later was transferred to another judge. No public officials, either at the municipal or national level, made any public statement about the incident or otherwise condemned the harassment of a judge.

Prison conditions meet minimum international standards. Police reportedly occasionally abused prisoners. Jails are crowded, but not excessively so, and family visits and access to counsel generally are available, albeit not consistently at all phases of the criminal proceedings (see Section 1.d.).

The Government permits prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides for rights of accused persons, but the Government does not always respect due process provisions for arrest and detention. Police normally obtain arrest warrants by presenting evidence of probable cause to an investigative magistrate. Police may make arrests without a warrant if they believe a suspect might flee, destroy evidence, or commit other crimes; such cases of warrantless arrest are not uncommon. The police then have 24 hours to justify the arrest to a magistrate.

Detainees must be given access to an attorney of their choice within 24 hours of their arrest; if they have none and are charged with a crime for which the sentence is over 10 years' imprisonment, the magistrate appoints counsel. The magistrate must, within 48 hours of the arrest, decide whether to extend the detention for further investigation. Investigative detention generally lasts up to 30 days, but the Supreme Court may extend the period (for a total of not more than 6 months) in exceptional cases. Once the investigation is complete, detainees can be released on their own recognizance pending trial unless the crime is a serious offense, or the accused is considered a public danger, may influence witnesses, or is a flight risk.

Lengthy pretrial detention remained a serious problem, particularly for ethnic Serbs accused of war crimes. Suspects generally are held in custody pending trial, and there have been several cases of pretrial detention lasting for several months or years, including individuals awaiting the prosecutor's appeal of their acquittal. For example, in the case of Stefan Curnic, who was convicted for war crimes, international observers noted that he had been incarcerated since December 1998 without a trial (see Sections 1.a. and 1.e.). The practice of posting bail after an indictment is available but is not common.

The Government continued to apply the 1996 Amnesty Law (which amnestied acts of rebellion by ethnic Serbs) in an arbitrary and unfair manner. While some improvement was noted early in the year, in October the state prosecutor directed local prosecutors to reopen old war crimes cases and execute dormant arrest

warrants, although there appeared to be no new evidence to justify the arrests. As a result, although there only were 7 such arrests during the first 9 months of the year, there were at least 36 during the final 3 months. For example, in October 15 ethnic Serbs were arrested in Baranja in the Danubian region (8 of whom still were incarcerated at year's end) for 1991 indictments for war crimes, despite the fact that those indictments had little or no supporting evidence (see Sections 1.a. and 5). Because the arrests were not based upon new evidence, they violated letters of agreement between the U.N. Transitional Authority in Eastern Slavonia (UNTAES) and the Government reached under the auspices of the 1995 Erdut Agreement. Government officials later justified the arrests by calling these agreements "gentlemen's agreements" and "merely verbal agreements."

Several ethnic Serb defendants continued to be held in detention for extended periods as their cases slowly progressed through the overburdened judicial system. In April in the Lepoglava Prison, 27 ethnic Serb prisoners engaged in a 2-week hunger strike to protest shortcomings in the application of the Amnesty Law, particularly the slow pace of their proceedings and the Government's failure to reexamine previous convictions based on unfair procedures or weak and contradictory evidence.

There were at least 19 cases of ethnic Serb refugees being arrested upon return to the country, in violation of clearance procedures agreed upon by the Government and the UNHCR. In four of these cases the subject later was released after being amnestied under the Amnesty Act or when charges were dropped. In August Dusan Jokic was arrested on a warrant for a 1995 robbery conviction while on a U.N.-organized visit to his prewar home in Obrovac. In September charges were dropped under the Amnesty Law and Jokic was released. Also in August, Slavko Drobnjak was arrested in Petrinja based on a previous conviction in absentia for 1991 war crimes. In October Miljan Strunjas was arrested in Karlovac, a week after returning to the country, on suspicion of committing 1991 war crimes. International observers did not question the Government's right to prosecute criminals but expressed concern that arrests of persons who had been cleared for return and informed by authorities that there were no outstanding charges against them would harm the process of refugee returns. In the autumn, the Government streamlined its clearance procedure to process requests more efficiently for refugees intending to return.

In the Danubian region monitors noted that police occasionally called ethnic Serbs to police stations for "voluntary informative talks," which amounted to brief warrantless detentions intended to harass Serb citizens.

Two Serb police officers in Borovo Selo and Ilok (both in the Danubian region) were arrested in 1999 for war crimes despite the fact that they previously were cleared for police duty by the Ministry of Interior. One of the officers was convicted of war crimes and sentenced to 15 years in prison. The other remained in investigative detention at year's end, pending trial. At least four Serb police officers were arrested during the year on war crimes charges and remained in detention. There were no reports of Serb officers fleeing to Yugoslavia when they learned they were the subject of investigations.

The Constitution prohibits the exile of citizens. In 1998 the Government established procedures for Croatian Serbs who fled the country during the conflict to have their citizenship recognized, obtain personal documentation, return to Croatia, and reclaim their property and social benefits. Implementation of these procedures continued to be slow and uneven (see Section 2.d.). During the year, 27,900 persons who were refugees in Yugoslavia and Bosnia-Herzegovina were able to return to Croatia in returns organized by the U.N. High Commissioner for Refugees (UNHCR). The pace of organized returns during the year was 50 percent higher than in 1999, in large part because of the new Government's commitment to facilitate the process. Of approximately 250,000 ethnic Serbs who fled their homes, organized returns since the end of the conflict in 1995 through December totaled 37,144. In addition an estimated 30,000 persons returned outside of official programs.

Ethnic Serbs requiring personal documentation to return to or regularize their status within the country continued to report difficulties, delays, and contradictory requirements from local officials charged with issuing documents. However the number of such reports was lower than in the past. Several NGO's reported that despite the central Government's commitment to facilitate the documentation process, obstructions often were caused by recalcitrant local officials.

e. Denial of Fair Public Trial

The judiciary is autonomous and independent under the Constitution; however, it suffers from instances of political influence at the local level, and a large backlog of over 1.1 million cases and funding shortfalls remain.

The judicial system consists of municipal and county courts, the Administrative court, and the Supreme Court. The independent Constitutional Court both determines the constitutionality of laws, governmental acts, and elections and serves as the court of final appeal for individual cases. A parallel commercial court system adjudicates commercial and contractual disputes. The State Judicial Council (consisting of a president and 14

members serving 8-year terms) is a body independent of both the judiciary and the Ministry of Justice. It is charged with the appointment and discipline, including removal, of judges and public prosecutors. The lower house of Parliament nominates and elects persons for membership on the Council. The 11 judges of the Constitutional Court are elected for 8-year terms in the same manner, while all other judges are appointed for life.

In the past, the State Judicial Council was criticized for the politicization of its decisions. In March the Constitutional Court struck down some provisions of the Law on the State Judicial Council and criticized the Council for failing to abide by several court decisions and for lack of transparency in making judicial appointments. The Constitutional Court also directed the Council to repeat the confirmation process for 16 judges (including 5 Supreme Court nominations) that were improperly rejected by the council. However, because four members resigned from the Council during the year in protest over its politicization, the Council was not able to convene to act on this court order. Amendments to the Law on the State Judicial Council passed in December, in response to the Supreme Court ruling, were designed to depoliticize the Council and judicial appointments and, by extension, improve the quality and the number of sitting judges. The amendments empower the Minister of Justice (rather than the Council) to nominate and discipline Court presidents. They also introduce more transparency into the appointment and discipline of judges by, inter alia, providing for the Constitutional Court to review such proceedings.

Judges are constitutionally prohibited from being members of any political party. Under the new Government, the judiciary has been subject to less political influence than was the case under the previous regime, although reports of political influence at the local level continued. The politicization of hard-line judges appointed by the previous Government, who at times made decisions in a nontransparent manner seemingly at odds with the evidence or the law, also continued to be a problem. The Constitutional Court in particular has demonstrated during the year a commitment to impartial and nonpolitical rulings that have helped to overcome the legacy of the previous regime and to lay the foundation for an increased respect for the rule of law.

The greatest problems facing the judiciary are inexperienced judges and bureaucratic inefficiencies and funding shortfalls which, over the years, have created a massive backlog estimated at over 1.1 million cases, some dating back 30 years or more. Cases may drag on for years. The inexperience of young and recently appointed judges continued to be a problem. There continued to be areas of the country without a permanent judge. In August and September, three convicted felons were released because they did not receive their second instance (Supreme Court) decisions within the statutory limit of 30 months. Justice Ministry and Supreme Court officials noted that cases often would languish for extended periods at the first instance court and then be passed to the Supreme Court just days or weeks before the 30-month limit expired. Compounding this problem were scheduling inefficiencies at the Supreme Court, where there is a 10,000 case backlog and only 35 judges who do not have access to modern court technologies and case management techniques. As a result of these prisoner releases, the Supreme Court streamlined its procedures in the autumn and no more such releases were reported. According to the president of the Association of Croatian Judges, the Government failed to provide the financial means necessary for the regular operation of the courts.

Although the Constitution provides for the right to a fair trial and a variety of due process rights in the courts, citizens were sometimes denied fair trials. Courts tried and convicted in absentia persons for war crimes. In May a Vukovar court convicted 11 ethnic Serbs out of a total of 22 Serb indictees for war crimes committed during and after the fall of Vukovar in 1991; 21 of the defendants were tried in absentia. The only individual to defend himself in person was Stefan Curnic, who was convicted and received a 15-year sentence. International observers assessed the evidence against Curnic as credible but noted that he had been incarcerated since December 1998 without a trial (see Sections 1.a. and 1.d.). In August and October, authorities arrested at least 19 ethnic Serbs for war crimes, in an apparent breach of established return procedures (see Sections 1.a. and 1.d.).

In July five ethnic Serbs (the "Sodolovci group"), whose 1999 convictions for war crimes were overturned by the Supreme Court and remanded to the Osijek court for a retrial, were acquitted for lack of evidence. The 1999 convictions were, according to international observers and ethnic Serbs, based on improper judicial procedures and weak evidence. In October the Minister of Justice reported that 69 ethnic Serbs were in Croatian jails for charges relating to wartime events, including 61 held for war crimes.

In November the Supreme Court admitted committing an error in 1997 when it amnestied Antun Gudelj, who had been convicted of the July 1991 murder of moderate Osijek police chief Josip Reichl-Kir. At year's end, the Constitutional Court had not ruled yet on whether to order Gudelj rearrested and retried.

Little or no progress was made in thousands of cases of illegal occupancy in which the legal property owner (typically a returning Serb refugee) had a positive court decision and legal right but was unable to recover occupied property. Judicial decisions overwhelmingly favored ethnic Croats in property claims involving returning refugees and displaced persons. In those cases in which the court ruled in favor of a non-Croat, only

a handful of judicial orders for the eviction of a Croat occupant of a Serb-owned home have ever been carried out by the police (see Section 1.f.). Many cases of illegal occupancy involve current or former members of the Croatian military or police forces, and local authorities systematically refused to act against them on behalf of lawful owners. The only recourse for the lawful owner was to return to court to demand implementation of the first decision, a time-consuming and costly procedure that only rarely resulted in implementation.

There were no reports of political prisoners.

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

The Constitution declares the home inviolable; however, at times the Government infringed on these rights. Only a court may issue a search warrant, which must justify the search. Police may enter a home without a warrant or the owner's consent only to enforce an arrest warrant, apprehend a suspect, or prevent serious danger to life or property. The Government's respect for citizens' privacy improved measurably; however, the restitution of occupied private property to (mostly ethnic Serb) refugees returning to the country remained a problem. Very few property owners and apartment tenants were able to recover their prewar dwellings.

Despite a 1997 Constitutional Court ruling that several elements of the Law on the Temporary Takeover of Specified Property were unconstitutional, the vast majority of the thousands of ethnic Serb property owners who fled homes that later were occupied by ethnic Croats remained unable to access their property. A 1998 program for the return of refugees and displaced persons, which included mechanisms for property restitution and reconstruction, did not have the full force of law. The program was implemented very slowly, and only a handful of cases of property restitution were recorded during the year, as both national and local authorities declined to take steps to displace temporary occupants in favor of the original owners. Backlogs in the judicial system represented a further impediment to timely resolution of housing disputes. Governmental promises made in the autumn to reform and streamline the housing commissions were unfulfilled at year's end. Further, only a handful of claims by ethnic Serbs for reconstruction have been considered.

Despite orders from the national Government, local authorities (including local housing commissions) often did not take steps to regulate occupancy rights or to initiate lawsuits against individuals who refused to vacate occupied premises. This situation largely remained unchanged from the previous year. Thousands of returning ethnic Serb displaced persons and refugees continued to remain shut out of their homes, although in many cases the occupier's house had been reconstructed so there was no impediment to the occupier's return home. In some cases, the Government failed to furnish reconstructed houses with basic utilities, discouraging returns. In other instances, returnees who gained access to their property were held responsible for water and power bills accumulated by temporary occupants, and authorities refused to reconnect the services until the bills were paid. Local housing commissions often were purposefully dysfunctional and failed to resolve housing disputes, or when functional legally were powerless to implement their own decisions under an existing legal framework that still was unaddressed by the Government.

An ongoing problem was the continued occupation of homes belonging to Croatian Serbs by refugees from neighboring Bosnia-Herzegovina and Yugoslavia, as well as "priority category" ethnic Croat citizens, i.e., active duty or former members of the military, widows, and orphans. Meanwhile, ethnic Croats wishing to return to their homes in the Danubian region (Eastern Slavonia) generally were able to recover their homes by evicting ethnic Serbs occupying them. Many Serb returnees were unable to move into looted and devastated homes that the Government defined as habitable. Of the total 7,123 applications for repossession of property recorded by the government Office for Displaced Persons and Refugees at the end of August 1999, less than one-fourth were listed as returned to their owners. No update was available at year's end.

No progress was made to resolve the thousands of cases of persons (mostly ethnic Serbs) who lost their claims to their prewar socially-owned apartments due to their absence for more than 6 months during the conflict. Ethnic Serbs were affected disproportionately because no mechanism existed by which they could return to the country in order to claim their property or because they had lived in the occupied parts of the country and missed the chance to purchase their prewar apartments.

Incidents of grenade attacks against property and arson related to housing disputes were reported during the year (see Section 5).

The Constitution provides for the secrecy and safety of personal data, and this provision generally was respected. In line with a March Constitutional Court ruling, the Parliament in May adopted amendments to the internal affairs law that revoked the Interior Minister's sweeping discretionary powers to wiretap. The amendments grant wiretapping authority only in cases where the Criminal Code may be violated or there is a threat to the country's sovereignty, and they establish an independent board to oversee all wiretapping. In July the three members of the independent board were appointed; they are nonpartisan nonparliamentarians who

will report to the parliamentary Intelligence Committee. In September the Interior Minister announced that several intelligence officials were disciplined and prosecuted for illegal wiretapping.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of thought and expression, and the Government generally respected this right in practice, although some problems remained. The Constitutional provisions specifically include freedom of the press and other media, speech, and public expression, as well as the free establishment of institutions of public communication. Since the new Government took office in January, there has been a marked improvement in respect for freedom of speech and the media.

Reports of harassment including threats, wiretapping, surveillance, and beatings of journalists largely ceased. Official harassment in the form of job loss, banishment from the air (for nonpayment of excessive fees), and overzealous tax enforcement has stopped. Self-censorship (not covering controversial stories for fear of libel lawsuits) largely has ceased. No incidents of censorship of the electronic media were reported. The government campaign of harassment of the independent media through the use of libel suits stopped, although the estimated 900 libel cases from previous years (including 70 lawsuits filed against the satirical weekly *Feral Tribune*) have not concluded due to a slow and overburdened judicial system.

In February the Constitutional Court struck down legal provisions that allowed defamation cases against journalists to be tried under "urgent proceedings," meaning that the case would come to trial within 8 days, seriously prejudicing the defendant's ability to prepare a case. In May the Constitutional Court struck down a law that allowed prosecutors to file criminal charges against journalists for defamation of certain senior state officials. In June Parliament passed a bill amending the law to bring it in line with this ruling by formally rescinding the provision the court had struck down. However, by year's end, the Government still had not amended the Penal Code articles authorizing the prosecution of journalists who publish "state secrets," articles that were abused in the past. The Government continued to control the regulatory framework and licensing of radio and television, including the selection of members of the managing council and the Council for Radio and Television. By year's end, the Government had not passed legislation to address these issues. While management changes at government-controlled radio and television (HRT) in the spring improved the quality of news programming, the Government was slow to fulfill its overall reform commitments (primarily due to the difficulty in reducing the bloated HRT workforce). A truly independent nationwide television station did not yet exist by year's end.

The population continued to rely on government-run radio and television for news; however, a network of independent local television stations is producing *Vijesti*, a competing nightly news program. As a result of the 1999 Telecommunications Law, "networking" allowed independent media to achieve national coverage. Croatian Cable Network, an independent network of 8 television stations, was able to broadcast *Vijesti*, offering the first real competition to HRT'S *Dnevnik* program. The latter still was the most widely watched national news program, and was more balanced than in the past. HRT continued to enjoy an overwhelming advantage as the recipient of the bulk of advertising revenues and subsidies from government taxes on television users. These subsidies create an unfair advantage for the HRT over any independent television station that tries to compete, since the independents' ability to purchase programming, etc., is far less than that of the HRT. Similar problems exist in radio broadcasting. The Catholic Church operates the only private national radio station, but it invites other denominations to participate in ecumenical programming (see Section 2.c.). The new Government (unlike the previous regime) did not close independent media outlets for nonpayment of (often exorbitant) licensing fees.

Nearly all distribution of newspapers and magazines continued to be controlled by *Tisak*, a once-profitable firm that operates 1,700 news kiosks. Due to mismanagement, *Tisak* faced bankruptcy proceedings and still owed large debts to print media publishers. These debts, and the fact that the bankruptcy case is unlikely to be resolved quickly, put severe financial pressure on newspaper and magazine publishers. The trial of *Tisak* chief Miroslav Kutle for forgery and abuse of power in *Tisak*'s collapse was ongoing at year's end. *Tisak* is now administered by the Government's Privatization Fund and there are no longer complaints that *Tisak* manipulates the distribution of print media by leaving some areas oversupplied with publications and others undersupplied. Foreign newspapers and journals continue to be available in the larger urban areas throughout the country; however, because of their high cost they remain largely inaccessible to many.

Academic freedom was respected. Under the new Government, there have been no reports of restraints on academic freedom through control of research funds or otherwise. The previous dean of the University of Zagreb's philosophy faculty, a hard-liner closely associated with the previous Government, was replaced in October.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of peaceful assembly, and the Government respected this right in practice. A 1999 law permits assembly for registered demonstrations at approved locations, and while this law was less restrictive, it does not make transparent the process for approving or denying the registration of an assembly, there were no reports that it was used discriminatorily.

In March, thousands peacefully marched to protest the 45-year sentence served on General Tihomir Blaskic by the ICTY.

The Constitution provides for the right of association. In February the Constitutional Court struck down provisions of the 1997 Law on Associations that had increased the Government's ability to restrict the right of association through interference in the registration and operation of associations and nongovernmental organizations. Parliament did not pass new proposed legislation by year's end to comply with this ruling and to reduce governmental interference and make registration less onerous.

The Government continued to operate an office for cooperation with NGO's that coordinates NGO efforts with government initiatives on human rights and civil society. Budget cuts reduced this office's disbursements to NGO's and civic organizations from \$3.7 million (31.6 million kuna) in 1999 to \$2.5 million (20.5 million kuna) during the year.

c. Freedom of Religion

The Constitution provides for freedom of conscience and religion and free public profession of religious conviction, and the Government respects these rights in practice. No formal restrictions are imposed on religious groups, and all religious communities are free to conduct public services and to open and run social and charitable institutions. Roman Catholicism is the majority faith, and there are smaller Eastern Orthodox, Christian, Muslim, and Jewish communities. Croatian Protestants from a number of denominations and foreign clergy and missionaries actively practice and proselytize.

The overall situation for freedom of religion improved somewhat during the year. Government officials have expressed publicly a commitment to improving the climate for religious freedom, but their approach during the year was ad hoc, addressing problems as they arose rather than setting uniform nondiscriminatory standards for all communities. Early in the year, the Government established a "Commission for Relations with Religious Communities" whose purview includes the rights of minority religions, religious instruction in schools, and restitution of nationalized property. This commission replaced a similar office under the previous government. However, leaders of minority religious communities, who would like to use the commission to secure the same benefits as those enjoyed by the Catholic Church, reported that no substantive progress was made by year's end.

While there is no official state religion, the Roman Catholic Church is one of the most powerful national symbols and enjoys a historic relationship with the state not shared by other denominations. Approximately 85 percent of the population are Catholic. This relationship is codified in the "concordats", a series of 1997 bilateral treaties between the Government and the Vatican that regulate many aspects of church/state relations from the recognition of marriages to state subsidies for the church. The Catholic Church receives state financing to support pensions for priests and nuns through government-managed pension and health funds. Other religious communities still do not have such an agreement with the State, nor is there a law that regulates these issues. (Orthodox priests and imams have been paying their contributions to the health and pension funds from their own resources, in order to be covered by a pension plan.) In July the Catholic Church signed an agreement with the state-run broadcaster (HRT) to provide regular, extensive coverage of Catholic events (as much as 10 hours per month). Other denominations receive about 10 minutes broadcast time per month. Separately the Catholic Church operates the only private national radio station, but it invites other denominations to participate in ecumenical programming (see Section 2.a.).

The previous HDZ Government implemented restitution of religious property in a discriminatory manner. The Government signed a concordat with the Vatican in 1998 that provided for the return of all Catholic Church property confiscated by the Communist regime after 1945. This agreement stipulates that the Government would return seized properties or compensate the Church where return is impossible. Some progress has been made with some returnable properties being restituted, but there has been no compensation to date for nonreturnable properties.

No such agreements exist between the Government and other religious groups. The Orthodox community filed several requests for the return of seized properties, and some cases have been resolved successfully,

particularly cases involving buildings in urban centers. However, several buildings in downtown Zagreb have not been returned, nor have properties that belonged to monasteries, such as arable land and forest. In December 1999, the Government returned to the Jewish community a site in downtown Zagreb where the main synagogue was located until its destruction in World War II. However, other Jewish properties, including some Zagreb buildings, have not been returned. The Jewish community identifies property return as one of its top priorities.

Catholic marriages are recognized by the State, eliminating the need to register them in the civil registry office. The Muslim and Jewish communities, seeking similar status, have raised this issue repeatedly with the Government, but there has been no resolution by year's end.

Zagreb Archbishop Josip Bozanic took office in 1997 and has sought a role for the Catholic Church independent of the Government. Bozanic has been active in publicly promoting ethnic reconciliation and the return of refugees. The Catholic Church consolidated its privileged position among the several religious communities, but at the same time has improved ecumenical dialogue, particularly with the Serb Orthodox Community. In February Orthodox and Catholic bishops met in Yugoslavia, in June Orthodox Patriarch Pavle visited Croatia and met with Bozanic, and in August they met again in Belgrade.

Notions of religion and ethnicity are linked closely in society, but the majority of incidents of discrimination are motivated by ethnicity rather than religion or religious doctrine. There were persistent reports of vandalism to Serb Orthodox cemeteries and structures, as well as to a Jewish community center (see Section 5).

The Ministry of Defense employs 19 Catholic Priests to tend to Catholics in the military. However, neither Orthodox nor Muslim clerics were given this opportunity. A Catholic priest is present and gives a blessing at the oath-giving ceremony upon entering the army, but other clerics have not been invited to participate. The Government requires that religious training be provided in schools, although attendance is optional. Schools filling the necessary quota of seven minority students per class are allowed to offer separate religion classes for these students. In classes not meeting this quota, minority students may fulfill the religion requirement by bringing a certificate that they received classes from their religious community. Generally the lack of resources, minority students, and qualified teachers impeded religious instruction in minority faiths. Jewish officials noted that basic information provided to students about Judaism was inaccurate, and their offers to improve the material continued to go unheeded.

Foreign missionaries occasionally reported difficulty in obtaining appropriate working visas, but under the new Government immigration authorities have made a conscious effort to process their visa requests more expeditiously than in the past. Missionaries do not operate registered schools, but the Church of Jesus Christ of Latter-Day Saints (Mormon) community provides free English lessons, normally followed by religion class. The Muslim community has a secondary school in Zagreb, but the Ministry of Education continued to refuse to recognize its diploma; a lawsuit to resolve the matter was pending at year's end. About 20 students per year graduate from the school.

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

The Constitution generally provides for these rights, with certain restrictions. All persons must register their residence with the local authorities. Under exceptional circumstances, the Government legally may restrict the right to enter or leave the country if necessary to protect the "legal order, health, rights, or freedoms of others."

There were at least 19 arrests of ethnic Serb refugees returning to Croatia after they had been cleared for return, in violation of return procedures established between the Government and UNHCR (see Sections 1.a. and 1.d.).

There were no reports that the Government revoked citizenship for political reasons. The Government's procedures to verify and document the citizenship of hundreds of thousands of ethnic Serbs who fled the country after the military operations in 1995 improved slightly during the year; however, this process for the most part has remained slow and uneven. International observers assessed that delays and obstacles more often were created by limited resources and overburdened consular offices in Bosnia-Herzegovina and Yugoslavia than by willful discrimination.

During the year, 27,900 persons who were refugees in Yugoslavia and Bosnia-Herzegovina were able to return to Croatia in returns organized by the UNHCR (see Section 1.d.).

A significant number of internally displaced persons remains in the country, although not all are under the Government's direct care. While the government reported some 57,000 persons (34,000 internally displaced

and 23,000 refugees, mostly from Bosnia-Herzegovina and Yugoslavia) with refugee or displaced person status at year's end, this number does not reflect fully an additional 140,000 former refugees (nearly all ethnic Croats from Bosnia-Herzegovina) who have become citizens of Croatia.

International monitors and NGO's assessed that the emigration of ethnic Serbs from the Danubian region to third countries continued, but at a much slower pace than in previous years. Despite the fact that the Government continued an intensive program to repair thousands of damaged homes in the Danubian region, government officials, NGO's, and international observers assessed that the reduction of population movements into and out of the region to a trickle indicates that the returns process is nearing its completion there. In the first 9 months of the year, only 3,004 (mostly ethnic Croat) displaced persons returned to their prewar homes within the region, and 2,688 (mostly ethnic Serb) displaced persons left the region for prewar homes elsewhere in Croatia. Of 70,000 (mostly ethnic Croats) who fled the region during the conflict, 49,000 have returned. Overall the ethnic Serb population in the region has fallen from a prewar number of 70,000 to an estimated 55,000 persons. While ethnic tensions continued in the Danubian region, the overall security situation was stable. The most salient disincentive to returns was the poor state of the regional economy.

President Mesic and Prime Minister Racan made frequent public statements encouraging the return and reintegration of all Croatian citizens to their prewar homes. These commitments were supported by several initiatives. In March the Government established a commission to address issues in the war-affected areas. While the commission largely had concentrated its efforts on the Danubian region, it made little progress effecting return and reintegration throughout the other war-affected regions of the country and lapsed into inactivity at year's end. Also in March, the Government signed a joint declaration with the Republika Srpska entity of Bosnia-Herzegovina to cooperate in a number of technical areas to facilitate two-way refugee returns. Some efforts were made to help register the return of 2,000 refugees from Bosnia; however, the other provisions of the declaration remained unfulfilled at year's end. In June the Government brokered the signing of a joint statement by leaders of the Croatian Serb and Bosnian Croat communities in Croatia that encourages returns and repossession of private property in an atmosphere of respect for human and civil rights; however, little progress was made during the year on property restitution. In June and July, the Government reformed two laws that previously discriminated against ethnic Serb returnees. The Law on Reconstruction regulates access to reconstruction assistance and the Law on Areas of Special State Concern provides incentives to revitalize war-affected areas.

Notwithstanding the reform of the two laws, there has been no significant administrative or legislative progress on restitution of property. The greatest outstanding obstacle to the return of all Croatian citizens is their inability to regain access to their prewar homes and properties. Existing mechanisms for the return of private property have worked best in the Danubian region where returnees tend to be ethnic Croats seeking to regain their homes from ethnic Serbs who are occupying them. Nearly every other instance of restituted property occurred pursuant to a private agreement between the owner and occupier.

In May the Constitutional Court struck down provisions of the Law on the Status of Displaced Persons and Refugees that prohibited evictions unless alternative accommodation was provided for the evictee. This provision had the effect of reinforcing the legal precedence of temporary occupants over that of property owners, and it provided an easy means for hard-line officials to obstruct the process of minority returns. The law continued to contain other discriminatory language, notably the failure of positive amendments enacted in November 1999 to be applied retroactively, and that therefore allowed existing discriminatory definitions of "displaced person" and "refugee" to remain in effect.

There were persistent reports that humanitarian and reconstruction assistance was not distributed fairly by government agencies. The Government allowed free access to all displaced persons by domestic and international humanitarian organizations and permitted them to provide assistance. However, the Government at times accused international organizations of bias in providing assistance only to ethnic Serb returnees.

The Government cooperated with UNHCR and other humanitarian and international organizations assisting refugees. The Government began implementation of the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Thus persons seeking refuge (notably from Kosovo and Yugoslavia) are given "temporary protection." Separately asylum seekers are processed by the Interior Ministry under the Law on Residence of Aliens. A working group of Interior Ministry and UNHCR officials continued its work drafting new legislation on asylum to meet international standards. The country provides first asylum and there were no reports of persons claiming asylum being returned to countries where they feared persecution.

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

All citizens over 18 years of age have the right to vote by secret ballot. The President is limited by the

Constitution to two 5-year terms. President Stjepan Mesic was elected in two rounds of voting in January and February to a 5-year term to replace President Franjo Tudjman, who died in office in December 1999. The elections generally were well conducted, and irregularities (particularly at out-of-country polling stations) during the first round were addressed at the second round. OSCE monitors characterized the elections as "calm and orderly," noting that "voters were able to express their political will freely;" however, problems remained. The Citizenship Law and electoral legislation grant citizenship, and thereby the franchise, on purely ethnic grounds to ethnic Croats abroad with no genuine link to the country. Meanwhile the Government failed to ensure that many Croatian Serbs, who fled in 1995 and who wished to assume the responsibilities of Croatian citizenship, were able to document their Croatian citizenship in order to vote and ultimately to return. Progress on the documentation and return of ethnic Serb refugees continued to be slow (see Sections 1.d and 2.d.).

The Parliament comprises the (lower) House of Representatives and the (upper) House of Counties. During the January elections, an opposition coalition led by the Social Democratic Party (SDP) and the Croatian Social Liberal Party (HSL) won a majority of the lower house, ending 9 years of HDZ party rule. OSCE monitors characterized the voting as having made "marked progress" toward meeting OSCE standards. The 1999 electoral law that regulated the voting allowed independent monitoring by NGO's and the establishment of multiparty voting commissions.

Other concerns about the electoral process remained. The electoral law reduced the number of lower house seats reserved for ethnic minorities from seven to five (although minorities make up about 15 percent of the population). Previous legislation more closely matched the minority representation to the size of the minority population, and the 1999 reduction in minority seats was especially disadvantageous to ethnic Serbs.

Women and minorities were underrepresented in government and politics, although there were no legal restrictions on their participation. After the January lower house elections, 32 of 151 lower house seats were held by women, and 11 by ethnic (non-Croat) minorities. Of the upper house's 68 seats, 4 were held by women and 3 by ethnic minorities. On the local level, Milan Djukic, an ethnic Serb member of Parliament, was elected mayor of the town of Donji Lapac in September. Djukic thus became the first member of an ethnic Serb party to win a mayoralty outside of the Danubian region.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of domestic and international human rights NGO's operate without government interference, investigating and publishing their findings on human rights cases. The Government generally is cooperative. The Parliamentary Ombudsman for Human Rights received over 1,500 individual complaints during the year. The Ombudsman met periodically with human rights groups and NGO representatives who reported that the Ombudsman is largely reactive, responding to individual complaints rather than setting an agenda for greater respect for human rights. Because it is a parliamentary rather than governmental office, the Ombudsman's authority to order compliance from government ministries is limited.

A number of NGO's, the largest being Citizens Organized to Monitor Elections (GONG) and Voice 99 (Glas 99), were active in organizing pre-electoral informational campaigns and in election monitoring at the January and February elections.

NGO's have difficulty soliciting contributions or donations to support their work, in part because there is no tax benefit for donors. NGO's also must pay taxes on contributions classified as income. Thus many human rights groups rely on international donations and government funding to pursue their work. NGO representatives reported that the new Government's attitude towards NGO's was improved significantly over that of the previous regime. NGO's were no longer harassed for criticizing the Government, and the Government's office for cooperation with NGO's, while operating with limited resources, was active in coordinating NGO and governmental efforts on human rights and civil society. However, while cooperation with government officials in Zagreb improved, a lack of follow-through on central government commitments by local authorities continued to be a problem.

International organizations, including the European Community Monitoring Mission, the OSCE, and the UNHCR among others, operated freely. In March the Government established a commission to address refugee returns and housing reconstruction in war-affected areas. This commission met periodically with NGO's, representatives of ethnic communities, and international organizations. However, after early promise, the commission lapsed into inactivity by year's end (see Section 2.d.). The Council of Europe (COE) in September, citing progress on human rights, decided to end its permanent monitoring of Croatia. Of 21 obligations which Croatia assumed when it joined the COE in 1996, 4 remained outstanding: The abolishment of discriminatory laws regulating refugee returns, full cooperation with ICTY, transformation of HTV into a private television station, and amending the constitutional law on minorities. In October the OSCE, citing a

stable security environment in the Danubian region (Eastern Slavonia) and satisfactory local police performance there, terminated its police monitoring group in the region. The police monitoring function was assumed by a smaller cadre of civilian observers.

Committees in the Parliament and in the Government were tasked specifically with human and minority rights issues, and they met periodically throughout the year to discuss topics and legislation within their purview. The parliamentary Committee participated in several legislative initiatives including the package of laws on minority rights passed in May.

The Government's record of cooperation with the ICTY improved during the year; however, problems remained and several of the ICTY's requests remained unfulfilled at year's end. In February the Government formalized the status of the ICTY office in Zagreb (pending since 1996) and conceded the tribunal's jurisdiction to investigate possible war crimes committed during the 1995 military operations "Flash" and "Storm" (disputed by the previous regime). In March indictee Mladen Naletelic ("Tuta") was transferred to The Hague; he was the only publicly indicted war criminal known to be in Croatia (ICTY requested his extradition beginning in December 1998). In April tribunal investigators conducted a field investigation in Gospic with full governmental support; in 1999 the previous regime refused ICTY's request to conduct this investigation. In April the Parliament passed a declaration of cooperation with ICTY that confirmed the tribunal's jurisdiction and supported the punishment of all war criminals regardless of ethnicity or level of responsibility. In May the Government granted ICTY researchers long-sought access to archives. However, the authorities remained reluctant and were slow to provide timely access to witnesses and documentary evidence. Each time the Government fulfilled a tribunal request, hard-liners both within the Government and in society responded with harsh criticism.

In November ICTY Chief Prosecutor Carla del Ponte commented on the Government's cooperation in a report to the UN Security Council, noting, "there has indeed been an improvement in relations when compared with the previous policy of obstruction and delay adopted by the former Government." However, she continued, "where Croatia perceives cooperation to be against its political or narrow security interests, a real difficulty still exists." Del Ponte went on to list a series of unfulfilled requests and disappointing developments, including the failure to provide requested materials in the trial of Dario Kordic, government leaks of ICTY documents, and a negative media campaign against the Tribunal fueled by these leaks. In December the Government passed a 13-point statement outlining its concerns and objections to some elements of its relationship with the ICTY. At year's end, both sides were working to resolve these difficulties.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution specifies that individuals shall enjoy all rights and freedoms, regardless of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, education, social status, or other attributes. Additionally members of all national groups and minorities shall have equal rights. While most of these rights were observed in practice, serious deficiencies continued, particularly with regard to ethnic discrimination of Serbs and Roma.

Women

Although the Government collected only limited statistics on the problem, credible NGO observers reported that violence against women, including spousal abuse, remained a widespread and underreported problem. Alcohol abuse and poor economic circumstances for veterans of the military conflict were cited as contributing factors. Rape and spousal rape are illegal under the Penal Code; however, NGO's report that many women do not report rape or spousal rape.

During the autumn session of Parliament, the Government revoked 1997 Penal Code amendments that removed domestic violence from the categories of crimes to be prosecuted automatically by the state attorney. Thus a domestic violence case can again be initiated based on, for example, suspicions of health care workers or police rather than requiring the victim to press charges. Legislation passed in the autumn created a specific Penal Code provision for family violence to replace inadequate existing provisions, and to direct that perpetrators of family violence, in addition to punishment, be placed under supervision and receive psychiatric treatment. Amendments to the Law on Misdemeanors passed in the autumn are designed to protect victims by extending detention (for up to 30 days) of perpetrators of family violence, even during the defendant's appeal. There is only one women's shelter, in Zagreb.

The Government's Commission for Gender Equality participated in U.N.-sponsored Beijing Plus Five activities in June but overall was not very effective, according to NGO's and women's activists. Failing to collect statistical data on violence and discrimination against women, the Commission relied on data from 1996 and 1997 during Beijing Plus Five activities. The Commission's already small budget was slashed to 60 percent of

its 1999 level and planned initiatives to encourage women's employment were not implemented for lack of resources.

The country is a transit point and lesser source and destination country for trafficking in women for the purposes of sexual exploitation (see Sections 6.c. and 6.f.).

Workplace sexual harassment is a violation of the Penal Code's section on abuse of power but is not specifically included in the employment law. NGO's reported that in practice, women often did not resort to the Penal Code for relief for fear of losing their jobs.

The law does not discriminate by gender. However, in practice women generally hold lower paying positions in the work force. Government statistics from previous years showed that, while women constituted roughly 50 percent of the work force, they occupied few jobs at senior levels, even in areas such as education and administration where they were a clear majority of the workers. Considerable anecdotal evidence suggested that women hold by far the preponderance of low-level clerical, labor, and shopkeeping positions. Women in these positions often are among the first to be fired or laid off, particularly in times of corporate restructuring. NGO's and labor organizations reported a practice in which women received short-term work contracts renewable every 3 to 6 months, creating a climate of job insecurity for them. While men occasionally suffered from this practice, it was used disproportionately against women to dissuade them from taking maternity leave, although there were fewer reports of this practice during the year than in the previous year. Legislation was passed in 1999 limiting the use of short-term work contracts to a maximum of 3 years.

While there is no national organization devoted solely to the protection of women's rights, many small, independent groups were active in the capital and larger cities. Among the most active were B.A.B.E. ("Be Active, Be Emancipated") and the Center for Women Victims of War.

Children

The Government is committed to the welfare of children. Education is free and mandatory through grade 8 (generally age 14). Schools provide free meals for children, subsidized daycare facilities are available in most communities even for infants, medical care for children is free, and the Labor Code authorizes 1 full year of maternity leave and 3 years' leave for women with twins or more than two children. The majority of students continue their education to the age of 18, with Roma being the only group reporting any notable exception. Romani children face serious discrimination in schools, and nearly all drop out by grade 8. While there is no societal pattern of abuse of children, 1 NGO operating hotlines for sexual abuse victims recorded 62 cases of abuse of children in 1 month in the city of Split.

People with Disabilities

The 1997 Law on Social Welfare and the Law on Construction specify access to public services and buildings for persons with disabilities; however, the construction rules do not mandate retro-fitting of facilities and are not always enforced, so access to such facilities is often difficult. While people with disabilities face no openly discriminatory measures, job opportunities generally are limited. Special education also is limited and poorly funded.

Religious Minorities

Religion and ethnicity are closely linked in society, and religion sometimes was used to identify and single out non-Croats for discriminatory practices. However, most such incidents appeared to be motivated by ethnicity and not religion or religious doctrine. The close identification of religion with ethnicity periodically caused religious institutions to be targets of violence (see Section 2.c.), and there were persistent reports of vandalism to Serb Orthodox cemeteries and structures. In January two crucifixes were damaged on the property of the local Orthodox priest in Tenja, and windows were broken at an Orthodox Church in Borovo. In April swastikas were painted on the walls of the Jewish community center in Zagreb. No arrests were made in these incidents. In August unidentified perpetrators broke into the Orthodox Church in the Danubian town of Branjina and wrote anti-Serb messages on the walls; no arrests were made.

There were no further developments in the case of an August 1999 attack on the home of Mufti Sevko Omerbasic, the head of the Islamic community in the country. No one was charged in the August 1999 desecration of a memorial plaque in Cakovec marking the site of the synagogue destroyed during the Hungarian occupation in World War II.

National/Racial/Ethnic Minorities

Constitutionally, ethnic minorities enjoy the same protection as other self-identified ethnic and religious groups; however, in practice a pattern of open and sometimes severe discrimination continued against ethnic Serbs and other minorities in a wide number of areas, including the administration of justice, employment, housing, and freedom of movement. A pattern of persistent and sometimes violent harassment and intimidation of ethnic Serbs in the war-affected regions continued to be a serious problem. Early in the year, senior government officials emphasized their commitment to non-discriminatory treatment of minorities; however, in some instances, government leaders failed to condemn highly-publicized incidents of discrimination and harassment of ethnic Serbs.

In May the Government passed a package of laws on minority rights, including a Constitutional law, that added nine new recognized minorities to the existing list of seven in the Constitution, including Muslims, Albanians, and Slovenes. Some observers, including ethnic Serb leaders, criticized the apparent haste and secrecy with which the constitutional law was passed. Government officials indicated that further amendments on minorities and local self-government would complement the Constitutional law; however, these amendments were not passed by year's end. Two other laws passed in May guaranteed equal status for minority languages and delineated minority educational rights. Nevertheless ethnic minorities, particularly Serbs and Roma, continued disproportionately to suffer discrimination. Ethnic Serb leaders reported improved communication with government officials, in contrast to the often tense relations under the previous Government.

There were two ethnically motivated killings, symptomatic of ethnic tensions throughout the country and particularly in the war-affected areas. In March on the Adriatic island of Vir, a 38-year-old ethnic Serb, who had returned to Croatia a week earlier after spending 8 years as a refugee in Yugoslavia, was beaten to death by three ethnic Croats shouting anti-Serb slogans. The perpetrators were arrested quickly, and international monitors assessed the police performance as satisfactory. However, the Government did not issue a statement condemning the incidents until several days had passed. At their October trial, two suspects were convicted of murder (receiving 10 and 9-year sentences) and the third was acquitted. During the same week, a 73-year-old ethnic Serb woman was stabbed to death in the western Slavonian town of Slatina by an ethnic Croat after an argument about war-related issues. The perpetrator was arrested quickly, was convicted of aggravated murder, and was sentenced to 9 years in prison.

Intimidation and violence against Serbs continued in war-affected areas during the year. In May about 50 ethnic Croats disrupted a ceremony in Veljun of mostly ethnic Serbs commemorating victims of a World War II Fascist massacre; one woman urinated on the memorial, and Serb leader Dr. Milorad Pupovac was escorted out of the area for his own protection. Two weeks later, five ethnic Croats entered the area at night and damaged the memorial; all were arrested, but in August the charges against them were dropped for lack of evidence. In June in nearby Slunj, a group of ethnic Croats unveiled a memorial to a notorious World War II Fascist Colonel. President Mesic and Prime Minister Racan condemned these incidents. During the summer, anti-Serb posters appeared in several areas (Karlovac, Sisak, and Erdut) containing photos and the names of local ethnic Serbs and accusing them of war crimes. Police investigated these incidents and identified suspects, but prosecutors did not press charges and police did not always make arrests. The poster incidents, in particular, appeared designed to intimidate returning Serb refugees.

In the autumn, vigilante "wanted" lists (similar to the anti-Serb posters that appeared during the summer) accusing ethnic Serbs of war crimes appeared in the Danubian region. Some lists appeared on the Internet and others were posted in public places and delivered to ethnic Serb homes in the area. These lists both reflected and exacerbated ethnic tensions in the region. No senior government official condemned them. In October 15 ethnic Serbs (the "Baranja group") were arrested in Osijek on 1991 war crimes widely believed to be based on weak evidence (see Sections 1.a. and 1.d.). This led to speculation that the Osijek prosecutor was responding to the vigilante lists in pursuing the cases. Also in October, Judge Rogulja, an ethnic Serb on the Vukovar bench, was threatened by a mob of local Croats (that included county prefect Petar Cobankovic) shortly after he had issued a ruling to evict a Croat police commander who was occupying a home belonging to an ethnic Serb. The eviction never was carried out and the case later was transferred to another judge. No public officials, either at the municipal or national level, made any public statement about the incident or otherwise condemned the harassment of a judge (see Section 1.c.).

Property destruction and other forms of harassment often arose from disputes between home occupiers of one ethnicity and returning homeowners of another. The number of ethnic incidents reported to the police in the Danubian region fell to less than half its 1999 level. This development likely was due to a number of factors: A real decrease in the number of ethnic incidents, the failure of some police officers to regularly classify ethnic incidents as such, and a reluctance of ethnic Serbs to report harassment because of a sense that such incidents have become commonplace. Verbal and legal harassment, forcible evictions, and assaults occurred regularly (see Section 2.d.). The number of incidents in the Danubian city of Vukovar and the nearby town of Tenja remained particularly high. An ongoing problem was the accessibility of weapons left over from the war, including firearms and explosives, which frequently were used in incidents of harassment during the year. Ethnically motivated incidents of various levels of severity occurred at a rate of over 50 per month. In about

two-thirds of these cases, the victim was an ethnic Serb. In addition to the two murders, serious incidents included several assaults and throwing of hand grenades onto private property. In March a group of ethnic Croats went from house to house in the Danubian town of Erdut terrorizing ethnic Serbs, including the local Orthodox priest and the local mayor. The 1,270 member police force in the Danubian region comprised 42 percent ethnic Serb and 53 percent ethnic Croat officers. There were periodic reports of tensions and incidents between ethnic Serb and Croat officers.

The situation was similar in other war-affected regions, with high levels of ethnic tension, particularly in areas where ethnic Serb refugees were returning to their prewar homes in large numbers. Observers expressed particular concern about the town of Benkovac in the Dalmatia region, where local Serbs expressed a lack of confidence in the performance and the impartiality of the local police force. In response the assistant Interior Minister investigated the Benkovac situation during the summer and replaced two senior local police officials. In April a hand grenade exploded in the garden of an ethnic Serb in the Dalmatian town of Imotski causing minor damages but no injuries; no arrests were made. In May in Cista Mala in the Dalmatian region, a 68-year-old ethnic Serb was beaten by four ethnic Croats, one of whom cut the victim with a knife and urinated on him. Local police apprehended the perpetrators quickly. The main perpetrator was convicted of assault and was serving a 1-year sentence at year's end. The ethnic Croat mayor of the neighboring town of Cista Velika expressed his regret over the incident.

The Constitution and the package of minority laws passed in May provide the legal basis and right for education in the languages of recognized minorities. However, problems remained. For example, in textbooks the history of the former Yugoslavia has been omitted in favor of a more nationalistic Croat interpretation, and new textbooks have used derogatory adjectives in reference to minorities. Government pledges to provide more balanced textbooks went unfulfilled. In July the Education Minister directed five county prefects outside the Danubian region to survey their students to determine how many would be interested in classes conducted in Serbian. Such classes already are available in the Danubian region.

The Citizenship Law distinguishes between those who have a claim to Croatian ethnicity and those who do not. Ethnic Croats are eligible to become citizens, even if they were not citizens of the former Socialist Republic of Croatia, as long as they submit a written statement that they consider themselves Croatian citizens. Persons who are not ethnic Croats must satisfy more stringent requirements through naturalization in order to obtain citizenship. Even those who previously were lawful residents of Croatia in the former Yugoslavia (see Section 1.d.) were compelled to provide proof of previous residence and citizenship not demanded of ethnic Croats. NGO's assisting ethnic Serbs with documentation issues continued to report local officials applying this legal double standard. These obstacles to ethnic Serbs' ability to document their citizenship led to discrimination in other areas, including the right to vote (see Section 3). While a citizenship application is pending, the applicant is denied social benefits including medical care, pensions, free education, and employment in the civil service. Denials frequently were based on Article 26 of the Citizenship Law (which stipulates that citizenship can be denied to persons otherwise qualified for reasons of national interest) and Article 8 (which requires that a person's actions demonstrate that they are "attached to the legal system and customs of Croatia" and that they have maintained a permanent residence on the territory of Croatia for the 5 years preceding the application for citizenship). However, the Interior Ministry began recognizing the period that (mostly ethnic Serbs) spent outside the country as refugees as applicable to the 5-year residency requirement.

In March the Government established a commission led by Deputy Prime Minister Goran Granic to address issues in the war-affected areas. It met several times in various formats, bringing together government ministries, the international community, NGO's, and representatives of the ethnic communities. However, the commission lapsed into inactivity by year's end.

A serious and ongoing impediment to the return and reintegration of ethnic Serb refugees is the failure of the Government to recognize or "convalidate" their legal and administrative documents from the period of the 1991-1995 conflict. Despite the 1997 adoption of a convalidation law to allow the recognition of documents issued by the rebel Serb para-State, this legislation was not put into practice fully because several ministries failed to adopt implementing instructions. While the law itself did not include a deadline for filing applications, a decree issued by the previous regime did fix an April 1999 filing deadline (impossible to meet for many ethnic Serbs who still were refugees outside the country). Even persons who filed before this deadline experienced arbitrary delays and obstructions. Without the recognition conferred by the law, citizens (almost exclusively ethnic Serbs) continued to be unable to resolve a wide range of problems including pensions, disability insurance, unemployment benefits, the recognition of births, deaths, and marriages, and even confirmation of time served in prison. The majority of requests are from elderly persons and relate to pension and employment histories from occupied territories during the conflict. This made resumption of a normal life almost impossible for this group. Also, contrary to the law, the state pension fund unilaterally and improperly denied some pension applications from ethnic Serbs. In 1999 one NGO providing legal assistance had files on 9,000 unresolved convalidation cases in Osijek alone.

Serb property owners whose homes were occupied by ethnic Croat refugees from elsewhere in the former Yugoslavia, mostly from Bosnia and Kosovo, remained unable to access their property, despite the 1998 program for returns, which mandated multiethnic "housing commissions" to implement property restitution. A lack of alternative housing in many areas and the lack of political will to evict ethnic Croat occupiers without alternative housing in favor of Serb homeowners resulted in only a handful of restituted properties outside of the Danubian region (see Section 1.f.).

Discrimination and violence against Roma continued. The 1991 Yugoslav census counted only 6,700 Roma in Croatia, but government officials and NGO's agree that this was a serious undercount and that the true number of Croatian Roma may be 30,000 to 40,000. Protective of their culture and reluctant to assimilate, Roma faced a host of obstacles, including language (many, especially women, have only limited Croatian language skills), lack of education, lack of citizenship and identity documents, high unemployment, and societal discrimination, and lack of Government will to address such abuses. There were no reports of police beatings of Roma during the year.

The European Roma Rights Center (ERRC) reported that on April 23, a group of 15 ethnic Croats beat a 23-year-old Romani man in Luka, northwest of Zagreb. Human Rights Watch reported that in May, local authorities in Varazdin County ordered 420 Roma to move from their settlement in the village of Strmec Prodravski after refusing to allow them to build more permanent homes and a water and electricity supply. The ERRC also reported that on June 1, a group of youths allegedly beat and threatened to rape a 9-year-old Romani girl in Zagreb. After her family confronted the attackers, a larger group of youths reportedly went to the Romani family's house, threw a brick through a window, damaged their car, and yelled insults at the family. The police then intervened and detained three of the attackers and four Roma.

An estimated 10 percent of Croatian Romani children begin primary school, and of these only 10 percent go on to secondary school. There were only an estimated 50 Romani students in secondary school throughout the country during the year. Those individuals going beyond secondary school tended to leave the settlements and assimilate into mainstream society, depriving Romani communities of valuable skills. In several instances, including in Varazdin and Zagreb, local officials segregated Romani students into separate classes without the same level of materials or instructors available to regular students.

The situation of other minority groups--such as Slovaks, Czechs, Italians, and Hungarians--did not reflect discrimination to the same extent as that of the Serb and Roma communities.

Section 6 Worker Rights

a. The Right of Association.

Workers are entitled to form or join unions of their own choosing without prior authorization. There is an active labor movement with one major and four minor national labor federations and independent associations of both blue-and white-collar members. Approximately 64 percent of workers are members of unions. In general unions are independent of the Government and political parties.

The law prohibits retaliation against strikers participating in legal strikes. Workers only may strike at the end of a contract or in specific circumstances mentioned in the contract. The Supreme Court has ruled in the past that workers may not strike for nonpayment of wages.

In December facing budget cuts, the Government unilaterally abrogated collective bargaining agreements with five public sector unions. While this action was legal under the terms of the agreements, it sparked protests and created concerns about the Government's respect for employment rights.

When negotiating a new contract, workers are required to go through mediation before they can strike. Labor and management choose the mediator together. If they cannot agree, the Labor Law calls for a tripartite commission of labor, business, and government representatives to appoint one. The tripartite commission began to meet regularly during the year and prepared its first list of mediators. Arbitration never is mandatory but can be used if both sides agree. Only after submitting to mediation and formally filing a statement that negotiations are at an impasse is a strike legal. If a strike is found to be illegal, any participant can be dismissed, and the union held liable for damages. No strikes were found to be illegal during the year.

The right to strike is provided for in the Constitution with these limitations and with additional limits on members of the armed forces, police, government administration, and public services. During the year, authorities permitted frequent labor demonstrations both in Zagreb's main square and in front of the Parliament. The strikes were nearly all over nonpayment of wages. The employees of NAMA, a department store chain, staged

several demonstrations during the year over this issue. In addition farmers in eastern Slavonia staged several demonstrations over nonpayment for their produce. On December 8, the public employee unions held a nonviolent nationwide strike calling for higher wages.

Laws limiting the right to assembly were not used against labor demonstrations during the year.

The ILO Committee of Experts in 1999 requested the Government, in consultation with trade unions, to set criteria and a time frame for the division of office space and property formerly owned by the unions during the Communist era. While the five labor confederations signed the preliminary agreement, there was no further progress on this issue by year's end. In April the Ministry of Defense returned a Zagreb-area facility that had been used since 1990 as an army training site to the UATUC confederation.

Unions may affiliate freely internationally.

b. The Right to Organize and Bargain Collectively

Collective bargaining is protected by law and practiced freely. The Labor Code governs collective bargaining contracts, protection for striking workers, and legal limitations on the ability of employers to conduct "lockouts" during labor disputes.

The transition to private enterprise and a free market economy kept labor unions under pressure at the same time that they were making progress towards establishing themselves as genuine trade unions, representative of their members rather than the Government. Unemployment remained high at 22.4 percent at year's end overall and much higher in some war-affected areas. The nonpayment of wages continued to be a serious problem; over 100,000 workers (10 percent of the workforce) failed to receive their salaries on time. During the summer, the Government signed an agreement with unions providing that all state-owned companies (the assets of which were controlled by the Croatian privatization fund) would pay salaries on time; however, some unions complained that the Government did not abide by this commitment. A further problem was that when salaries were not paid, associated contributions into the social welfare system also lagged, with the result that unpaid workers also were denied health coverage.

The Labor Code deals directly with antiunion discrimination issues. It expressly allows unions to challenge firings in court. No reports of systematic firings on grounds of ethnicity were reported during the year. However, in the high-profile "Magma" case, violations of labor rights were alleged. The Minister of Economy, Goranko Fizulic, his wife, and a U.K.-based investment company were co-owners of the "Magma" company in Zagreb. When workers unionized early in the year, Fizulic assured them that he would respect their wishes. Soon after, the union's president, all eight members of the executive board, and three union organizers were fired. The workers still were challenging the firings in court at year's end. Generally citizens' attempts to seek redress through the legal system were hampered seriously by the inefficiency of the court system, where cases often languished for months or years before reaching a final resolution (see Section 1.e.). There were no reports of the Government employing coercion or other illegal methods to induce striking employees to return to work. There were no further developments in the investigation of the beating of the vice president of the Locomotive Engineers Union by unknown assailants during tense contract negotiations in 1999.

There were no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, and there were no reports of these practices; however, there were occasional instances of women trafficked through the country for the purpose of forced prostitution (see Section 6.f.). While legislation does not explicitly cover children, the constitutional ban is comprehensive in this area, and the Government enforces this prohibition effectively. The Ministry of Labor and Social Welfare is the agency charged with enforcing the ban on coerced or forced labor.

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for employment of children is 15 years (the same as the ILO Convention standard), and it is enforced by the Ministry of Labor and Social Welfare. Children may not be employed before reaching the legal age and are not allowed to perform work that is harmful to their health or morality. There is no reported pattern of abuse of child labor. Workers under the age of 18 are entitled to special protection at work and are prohibited from heavy manual labor and night shifts. Education is free, universal, and mandatory up to the age of 14, generally. Children usually finish secondary school, and a high proportion go on to university. The broad constitutional prohibition against forced or compulsory labor encompasses children, and there were no

reported instances of such cases.

e. Acceptable Conditions of Work

In 1999 the Government signed a collective bargaining agreement establishing a minimum wage of about \$210 (1,700 kuna) per month. In July the government Bureau of Statistics estimated that the average net monthly wage was approximately \$400 (3,275 kuna), which is not sufficient to provide a decent standard of living for a worker and family.

National regulations provide for a 42-hour workweek including a 30-minute daily break, a 24-hour rest period during the week, and a minimum of 18 days of paid vacation leave annually. Workers receive time-and-a-half pay for any hours worked beyond 42. However, most unions have negotiated a 40-hour workweek.

Health and safety standards are set by the Government and are enforced by the Ministry of Health. The 1997 Health and Safety Law allowed unions to appoint health and safety stewards in companies, but their activities are regulated by collective agreements. In practice industries are not diligent in meeting standards for worker protection. It is common, for example, to find workers without hardhats on construction sites and for workers to remove safety devices from dangerous equipment. Workers can in theory remove themselves from hazardous conditions at work and would have recourse through the courts if they felt that they had been dismissed wrongfully for doing so; there were no reports of wrongful dismissal complaints over workplace safety during the year.

f. Trafficking in Persons

There are no laws that specifically prohibit trafficking in persons. However, existing laws can be used to prosecute traffickers. No statistical information on trafficking exists, although U.N. officials tracking the issue regionally and local NGO's indicate that Croatia is primarily a transit country, as well as a lesser source and destination country for women trafficked to other parts of Europe for forced prostitution (see Sections 5 and 6.c.). Women reportedly were trafficked through Bosnia-Herzegovina and Yugoslavia to Croatia, where some remained to work as prostitutes or are trafficked to other destinations.

Public awareness of trafficking is low. There were no government or NGO programs to deal with the prevention of trafficking during the year; however, government officials and NGO's are working to develop an antitrafficking strategy.

There were few support services available for trafficking victims. There is one women's shelter that occasionally helps trafficked women.

[End.]