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U.S. Department of State

Croatia Country Report on Human Rights Practices for 1996

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CROATIA

The Republic of Croatia is a constitutional parliamentary democracy with a powerful presidency. President Franjo Tudjman, elected in 1992 for a 5-year term, serves as head of state and commander of the armed forces. He chairs the influential National Defense and Security Council and appoints the Prime Minister who leads the Government. President Tudjman's party, the Croatian Democratic Union (HDZ), holds the majority of seats in both houses of Parliament and has ruled since independence in 1991. Government influence weakens the nominally independent judiciary. The enormous constitutional powers of the presidency, the overwhelming dominance of one political party, and the continuing concentration of power within the central Government tend to stifle the expression of diverse views.

The Ministry of Interior oversees the police, and the Ministry of Defense oversees the armed forces. Civilian police have no authority over military police or over uniformed military personnel. The national police have primary responsibility for internal security but, in times of disorder, the Government may call on the army to provide security. Both the police and army are responsible for external security. While civilian authorities generally maintain effective control of the professional security forces, members of the police and armed forces committed human rights abuses.

The economy is slowly changing to a market-based free enterprise system. Agriculture is mostly in private hands. Family-owned small enterprises are multiplying, but industry is still largely state-owned. Although the Government maintained a strict austerity budget, inflation began to creep upward, which eroded a standard of living already much diminished due to the civil conflict.

The Government's human rights record remained poor. It continued to commit or allow serious abuses, in particular with regard to the treatment of ethnic Serbs from the reclaimed areas (former sectors north, south, and west), most of whom fled to Serbia-Montenegro or Bosnia and Herzegovina. Military and police forces were responsible for forced evictions and also allowed Croatian refugees to evict ethnic Serbs. Ethnic Serbs were largely denied the right to return to their homes in the reclaimed areas, and the Government was slow in reestablishing adequate civil authority in these regions. Police were unwilling or unable to take effective action against criminal activity directed against ethnic Serbs. Murders, looting, and threats continued, although in lesser numbers than last year, and the Government did not make sufficient efforts to seek out, investigate, and punish those responsible for such abuses. Many cases of abuse from 1995, the victims of which were almost exclusively ethnic Serbs, also remain unresolved. Key provisions of the Law on National Minorities remained suspended during the year, and the Government sought to legalize and institutionalize the population changes resulting from its armed offensives of 1995, rather than engage in confidence-building measures that would welcome back Serb refugees. The Government infringed on press freedom and used the courts and administrative bodies to restrain or shut down newspapers, radio stations, and television programs that criticized it. The Government amended the Criminal Code, making it a crime to insult high government officials in the press. Government intimidation induced self-censorship by journalists. The judicial system is subject to executive influence and denies citizens fair trials. The Government partially limited the right of citizens to freely change their government. It used manipulation of laws, intimidation, harassment, control of the media, and economic pressure to control the political process. It occasionally harassed local human rights monitors. Societal discrimination against ethnic Serbs and other ethnic minorities and discrimination and domestic violence against women are problems.

Croatia normalized relations with neighboring Serbia-Montenegro on August 23, which paved the way for passage in September of a comprehensive general amnesty for ethnic Serbs who fought on the side of the Serb Republic of Krajina ("RSK") against Croatia during the previous 4 years. However, the Government allowed only several thousand of the approximately 180,000 Serbs who fled the Croatian military action in 1995 to return in 1996. Although precise figures vary, the office of the United Nations High Commissioner for Refugees (UNHCR) estimates that approximately 50,000 to 60,000 Croatian Serb displaced persons fled to the last remaining Serb enclave in Eastern Slavonia.

With the cessation of hostilities and signing of the Basic Agreement between the Government and the Eastern Slavonia Serbs, the United Nations established the U.N. Transitional Administration for Eastern Slavonia (UNTAES) on January 15 to supervise the peaceful reintegration of Eastern Slavonia into Croatia. A U.N.-appointed transitional administrator had complete authority over affairs of the territory, which was effectively outside of Croatian government control through the year. The region was demilitarized by mid-summer, and elections for local officials are expected to be held sometime in the first half of 1997. UNTAES established the Transitional Police Force (TPF), in which Serb and Croat police jointly patrolled the region. By year's end, however, only a small number of Croats were integrated into the force. Although this force was supervised by a U.N. civilian police contingent, there were at times questions about the TPF's equal treatment of ethnic minorities.

As a signatory of the Dayton Accords, Croatia is obliged to cooperate fully with the International Criminal Tribunal for the Former Yugoslavia by turning over to the Tribunal persons on its territory were indicted for war crimes. Croatia's cooperation with the Tribunal was uneven. It arranged for the surrender of Gen. Tihomir Blaskic, but it has not yet turned over another indictee in Croatian custody, Zlatko Aleksovski, and reports persisted that other persons indicted by the Tribunal were living or travelling in Croatia.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings. There were, however, several reports of ethnically motivated killings by unknown persons in the parts of Croatia reclaimed by the Government's "Operation Storm" in August 1995. The vast majority of those killed were ethnic Serbs. The murders, although far fewer in number than in 1995, continue a pattern begun in the fall of that year of ethnically motivated killings carried out to intimidate Serbs who stayed behind after Croatia reclaimed these areas and discourage those Serbs who fled from returning. The authorities have made only a few arrests in these cases and attempts to seek out, investigate, and punish those responsible for such murders have been inadequate.

For example, an elderly Serb couple was murdered on February 29 in Plitvice, in former Serb-controlled territory, and their house destroyed by arson. In August retired Serb General Milorad Miscevic was killed when a bomb exploded in the courtyard of his house near Gospic, also part of former Serb-occupied territory. The Croatian Helsinki Committee called the event "a murderous and terrorist" act. In September a married couple of mixed nationality, one Serb and one Croat, was murdered in Bukovica, and their house destroyed by arson. There have been no arrests to date in any of these cases.

Six individuals charged with the August 1995 murders of 16 elderly Serbs in Varivode and Gasici (both near Knin) in the wake of Operation Storm were acquitted in July. A seventh man, Ivica Petric, was sentenced to 6 years in prison for murdering a Serb civilian at Zrmanja village, while an eighth man, Nikola Rasic, was sentenced to 18 months in jail for armed robbery and attempted murder of a Serb woman in Ocestovo near Knin. Despite provision of information by U.N. personnel on the Grubori murders in 1995, police still have made no progress on solving the crime.

b. Disappearance

There were no reports of politically motivated disappearances.

As of mid-November, government figures showed 2,534 citizens still missing in cases unresolved from the 1991-92 war and the 1995 military actions. The Government estimates that about 1,250 of those people are from Vukovar, while about 500 are thought by the Government to be buried in the formerly Serb-held areas of Croatia known as the Krajina (former sectors north and south). Steady, albeit slow, progress was made throughout the year in removing names from the list of those missing as a result of identification of corpses exhumed in the Krajina region and Eastern and Western Slavonia.

Exhumations from the mass grave at Ovchara, completed by the International Criminal Tribunal for the Former Yugoslavia (ICTY) under the protection of UNTAES, unearthed the remains of 200 people who had been missing since they were taken from Vukovar hospital by rebel Serbs in November 1991. Exhumations were conducted in some 20 villages around Petrinja, and in Pridraga, Islam Grcki, Smilic, and Novigrad. In the village of Skabrnja in southern Croatia, 27 bodies were recovered from a mass grave where 60 civilians and 20 Croatian combatants were killed in the summer of 1991.

Some progress was also made in efforts to exchange information on missing persons between Serbia-Montenegro and Croatia. On April 17 the two Governments signed a protocol on cooperation between their respective commissions on missing persons. All prisoners held by either party or in an area under their influence were to be immediately released, and all information exchanged. However, cooperation between the commissions was often stymied for political reasons. As part of the normalization of

relations agreement signed by Serbia-Montenegro and Croatia on August 23, both sides agreed to resolve without delay the issue of missing persons. The International Commission on Missing Persons (ICMP) was established with the goal of raising the level of discussion between Serbia-Montenegro, Bosnia and Herzegovina, and Croatia and bringing political pressure to bear on all parties in order to increase cooperation in resolving cases of persons who were missing or had disappeared. After being registered by the Red Cross as a prisoner of war in 1992, Croatian pilot Vladimir Sumanovac disappeared in December 1993. He was "found" and released in May.

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

The Constitution prohibits torture or cruel or degrading punishment, and there were no reports that officials employed such practices.

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors. Jails are crowded, but not to excess, and family visits and access to counsel are generally available. Rebel Serb detainees interviewed by international monitors reported good treatment, although some asserted that they were treated less favorably than common criminals. Prisons and detainees in Eastern Slavonia were monitored under the auspices of UNTAES.

d. Arbitrary Arrest, Detention, or Exile

The Constitution contains provisions to protect the legal rights of all accused persons, but the Government does not always respect these rights in practice. Two new amnesty laws offered a framework under which some progress was made in resolving cases of arbitrary arrest and detention dating back as far as 1991. The first amnesty law, passed in May, covered only the specific geographic area of Eastern Slavonia and had numerous exceptions. Despite these weaknesses, however, 282 persons were amnestied under this legislation. The second country-wide general amnesty adopted in September incorporated many UNTAES recommendations. Under this amnesty, persons charged, arrested, or convicted in connection with the armed rebellion on the territory of Croatia were to have their cases reviewed. Those in custody determined eligible for amnesty were to be freed, while those who had been charged or convicted in absentia were to have all criminal proceedings against them canceled. Only war crimes (as determined by international convention) and common crimes not connected with the armed rebellion were exempted. By October 95 persons had been released from detention facilities across the country under this second amnesty, according to government figures. Of this number, 26 were charged again for war crimes ("crimes against civilian populations"). By year's end, lawyers involved with the cases claimed that, in at least some instances, no new evidence had been provided and that the Serbs had essentially been charged with reworded versions of the same crimes for which they had been amnestied; in effect double jeopardy in their view and a contradiction of the spirit, if not the letter, of the amnesty law. Among the persons amnestied were 15 Serbs arrested in 1995 on charges of espionage, including the prominent Croatian Serb judge, Radovan Jovic.

Police normally seek arrest warrants by presenting evidence of probable cause to an investigative magistrate. Police may carry out arrests without a warrant if they believe suspects might flee, destroy evidence, or commit other crimes. Such cases are not uncommon. The police then have 24 hours in which to justify their decision before the local investigative magistrate.

After arrest, the law states that persons must be given access to an attorney of their choice within 24 hours; if they have no attorney, and are charged with a crime for which the sentence is over 10 years' imprisonment, the investigative magistrate will appoint counsel from a list of public defenders. If the potential sentence is under 10 years, detainees can request court-appointed counsel if they so choose.

The court will appoint counsel after charges are levied for the trial. The investigative judge must, within 48 hours of the arrest, decide whether sufficient cause exists to hold a person in custody pending further investigation. The judge must justify the decision in writing, including the length of detention ordered, which may not be longer than 1 month without review. The review by the county court may extend the period another 2 months if necessary. The usual period of investigative detention varies from a few days to a few weeks, but the Supreme Court may grant the State an additional 3 months for a total of not than 6 months of pretrial detention in exceptional cases. These decisions may be appealed, either immediately or later in the detention period. Once the investigation is complete, detainees are usually released on their own recognizance pending trial, unless the crime is a major offense, the accused are considered a public danger, or the court believes that they may flee.

However, those persons held under investigative detention are often denied the right to have an attorney present whenever they wish during the investigative stage and during an appeal of investigative detention. In practice detainees are almost always bound over for investigation unless it is clear that no case exists against them. There are provisions for posting bail after charges are brought, but the practice is not common. Police will sometimes retain the passports of those released pending trial to prevent them from leaving the country.

With the cessation of hostilities and the establishment of UNTAES, the situation in Eastern Slavonia improved. UNTAES established the Transitional Police Force (TPF) in July, with joint Croatian-Serb patrols and international supervision of police activity.

The Red Cross estimated that approximately 120-130 ethnic Serbs were still in detention for acts related to the conflicts in 1995.

The Constitution prohibits the exile of Croatian citizens. However, Croatian Serbs who fled during the last 5 years have found themselves effectively exiled from Croatia. The Government's inability to create secure conditions in the formerly occupied regions and its slow pace in issuing identity papers to Serbs in Eastern Slavonia and abroad have combined to leave almost 180,000 ethnic Serb former citizens of Croatia effectively without citizenship. In December, however, substantial progress was made in talks between the U.N. Transitional Administration and the Government to establish a framework for expedited issuance of Croatian documents in preparation for the March elections.

Some 30,000 non-Croats (mostly Serbs) have applied to return from Serbia-Montenegro, but to date only approximately 1,000 to 1,500 have, in fact, been able to do so. Ethnic Muslims and Serbs who are currently living in Croatia have also been denied citizenship or residency permits, regardless of their previous residence, and are subject to exclusion and even deportation from Croatia (see Section 5).

e. Denial of Fair Public Trial

Government influence weakens the nominally independent judiciary.

The judicial system consists of municipal and district courts, a Constitutional Court, a Supreme Court, an Administrative Court, and a State Judicial Council. A parallel commercial court system handles all commercial and contractual disputes. The State Judicial Council (with a president and 14 members from all parts of the legal community) appoints judges and public prosecutors. The upper house of Parliament nominates persons for membership on the State Judicial Council, and the lower house elects members to 8-year terms. The 11 judges of the Constitutional Court are elected to 8-year terms in the same manner.

The Provisional Court for Human Rights called for under the 1992 Constitutional Law on Minorities

was never created. The Government cited a possible clash of jurisdiction between this court and the European Court of Human Rights because of Croatia's accession in November to the Council of Europe. In November the Parliament abolished the military court system which had functioned throughout the war. However, these military courts are to continue to function until all cases under way are resolved.

Although the Constitution provides for the right to a fair trial and a variety of due process rights in both civilian and military courts, in practice the prosecuting attorney has leeway in deciding whether to bring a case against an individual. Further, in cases considered "political", both the indictment and the conduct of trials are sometimes subject to outside influence. For example, in May charges were brought against the editor and one journalist of the satirical weekly, *Feral Tribune*, for articles that allegedly impugned the honor and dignity of the President (see Section 2.a.). The public prosecutor initiated charges on his own authority (with the consent of the President) and, when the journalists were acquitted, appealed the acquittal.

Nor is the judicial process free of ethnic bias. Numerous cases throughout the year dealing with residency and property claims were arbitrarily decided against ethnic Serbs and Muslims, often with little or no explanation for the decision. For example, in one extended ethnic Muslim family (resident in Croatia for 19 years) which applied for Croatian citizenship, the father and two of his siblings had their requests granted; a third sibling was granted permanent residency; while the two adult children were both denied legal status and face deportation (see Section 5). Following the general amnesty in September, there were repeated credible allegations that the Government rearrested several amnestied Serbs and charged them with war crimes, despite the lack of new evidence (see Section 1.d.).

The judicial system in Eastern Slavonia was put under the control of the U.N. Transitional Administrator in the summer. Although the local Serb entity continued to function with the same personnel and systems as previously, UNTAES asserted the right to review all cases and rescind or revise judgments as necessary.

There were no reports that the Government held political prisoners. At least one Croat was still being held as a political prisoner by Serb authorities in Eastern Slavonia.

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

The Constitution declares the home inviolable. Only a court may issue a search warrant, stating the justification for the search of a home or other premises. Police may enter a home without a warrant or the owner's consent only if necessary to enforce an arrest warrant, apprehend a suspect, or prevent serious danger to life or important property. In practice the authorities generally complied with these norms although there were some notable exceptions. For example, in October an ethnic Serb Member of Parliament alleged that police searched his apartment and interrogated his wife without any warrant or stated cause.

The incidence of looting in the former sectors, while lower than last year, remained substantial. International organizations such as the European Community Monitoring Mission (ECMM) noted at least several incidents per week of looting, robbery, and intimidation, particularly in the Krajina. Indigenous nongovernmental organizations (NGO's) claimed that the treatment of the small Serb populations in the Krajina region actually deteriorated with the normalization of relations between Croatia and Serbia-Montenegro in September. With the notable exception of Pakrac (former sector west), police in the formerly Serb-held areas were often ineffective in either responding to incidents or in resolving cases where the victim was an ethnic Serb. According to a report issued by the Government in June, numerous judicial proceedings have been initiated to prosecute crimes committed against the

indigenous Serb population after the military actions in 1995. However, the U.N. Special Rapporteur for Human Rights pointed out that, of those cases opened, a large number were for charges such as embezzlement and endangering traffic safety. In addition, a significant number of the cases were undertaken against Serbs for rebellion or war crimes.

Military and civil police continued to carry out forced evictions, involving numerous families of all nationalities. Croatian refugees, with at least the appearance of official countenance, forcibly entered the homes of ethnic Serbs and other minorities who had lived for years in family apartments, but who were themselves not listed as the official tenant. Although such evictions were often declared illegal in court, the authorities forbade the police to remove the intruders on the basis of a law requiring that a new home be found for a displaced or refugee family before it can be removed from any form of housing, whether legally occupied or not.

Forced evictions of ethnic Serbs, Croats, and others from former Yugoslav National Army (JNA) apartments continued throughout the year. The Ministry of Defense arbitrarily revoked the tenancy rights of individuals who had lived in apartments for decades, and soldiers frequently took residences by force of arms, either evicting current tenants or forcing them to share quarters. They justified their actions on the basis of property laws that remove tenancy rights as a result of any 6-month absence or if the tenant was ruled to "have acted against the interests of the Republic of Croatia." The courts increasingly used this legislation to deny tenancy rights to former JNA members, whether they had actually participated in activities against Croatia or not. Membership in the JNA at any time was deemed sufficient to brand them as "enemies of the state." Often court action was initiated to terminate tenancy rights when the tenant sought to purchase the residence under the rules for privatization adopted in 1995. In a positive development, the Constitutional Court in November abolished Articles 70 and 94 of the Law on Housing Relations, removing the right of administrative housing councils to evict tenants and reserving that right exclusively for the courts.

The Constitution provides for the secrecy and safety of personal data, but it was unclear if such provisions were observed in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of thought and expression, specifically including freedom of the press and other media of communication, speech and public expression, and free establishment of institutions of public communication. In practice, government influence on the media through state ownership of most print and broadcast outlets limits these freedoms. Government intimidation through the courts and other means also induces self-censorship. Journalists were increasingly reluctant to criticize the Government in public forums for fear of harassment, job loss, intimidation, criminal prosecution, or being branded as disloyal. A campaign of harassment of the independent media continued throughout the year.

After much delay, Parliament passed in October a comprehensive Law on Public Information to regulate the media. This law was adopted with input from both local and international organizations and had the general support of all parties. A controversial article requiring publishers to purchase mandatory insurance in case of libel suits (the expense of which would have effectively shut down many small publications) was removed after pressure from the Council of Europe.

More problematic were the amendments to the Penal Code adopted by the Parliament in March

authorizing criminal prosecution of journalists who insult the honor or dignity of the President, Supreme Court judges, or parliamentary figures and also of those who publish "state secrets." The law was used to suppress systematically several independent publications, including the satirical weekly Feral Tribune, the independent daily Novi List, and the weekly Nacional. While Feral Tribune was eventually acquitted in September of slandering the President, the state prosecutor appealed the acquittal. In addition, charges under yet another statute, brought by the ruling HDZ party are still pending against Nacional and Novi List, both charged with damaging the honor and reputation of the HDZ party.

In addition to legal action against unfriendly media coverage, the Government frequently used administrative means to control the media. Radio 101, the best known and one of last remaining independent radio stations, lost its broadcast license after a costly legal battle with administrative authorities in which the State Broadcasting Council reallocated its frequency to those more favorably inclined towards the Government. After extensive public criticism, including two mass demonstrations in Zagreb in which tens of thousands of persons took part, the new owners of the frequency declined to accept it, and the Council announced that it would reconsider the issue. Radio 101 remained on the air with a temporary license pending final resolution of the issue. Another radio station, Radio North-Northwest in Varazdin lost its frequency in September. This station was similar in style to Radio 101, but lacked the outside attention the latter received. In April the newspaper Novi List was ordered to pay a \$2.5 million fine for allegedly using printing equipment imported tax and duty free for the sole use of the Italian-language press. The fine was suspended in May by the Ministry of Finance, although technically it is still outstanding against the paper. Also in April, the financial police raided the offices of the independent weekly Panorama, charging the newspaper with violations of "ecological standards." The newspaper was shut down for a month and reopened in May only after substantial international criticism. The popular television news program "Slikom na Sliku" (frame by frame) was taken off state-run television station HTV without explanation in July, soon after its coverage of the Feral Tribune trial.

Government influence over the distribution network for print media, coupled with stiff value added taxes levied at several points during the production process also has an impact on press freedom. Certain independent newspapers and magazines claim that they must pay out more than 50 percent of their gross revenues for taxes and distribution costs alone. While the high circulation of some popular independent journals such as Globus has given them enough financial independence to survive despite these high taxes and high costs, other journals would likely shut down without support from international organizations like the Soros Foundation.

Foreign papers and journals were available throughout Croatia, including Serbian periodicals which subscribers continued to receive by mail.

Both public and private radio and television broadcasting coexist, although the Government controls all national broadcasting. Opposition figures and human rights activists uniformly charge that state-owned media outlets have a strong progovernment bias. Regulations governing access to the state-owned broadcast media restrict the ability of opposition parties to criticize government policies (see Section 3). Croatian state radio-television (HRT), broadcasts on three national television channels and three national radio channels. Technically under the supervision of the Parliament, HRT is in practice run by the ruling HDZ party, and its head has a seat on the National Security Council. HRT has its headquarters in Zagreb and also has radio and television studios in the country's major provincial cities. Its regional television studios broadcast 1/2 hour of local news daily; its regional radio stations offer more extensive local programming. Private local television stations operate in most major Croatian cities, and private local radio stations exist throughout the country, in cities large and small. However, these local outlets largely lack their own news and public affairs programs; most repeat HRT's news, while some also rebroadcast the Voice of America and the British Broadcasting Corporation.

In the U.N.-administered region of Eastern Slavonia, the local Serb authorities control a radio and television station in the town of Beli Manastir and a radio station in the city of Vukovar. There is no private broadcasting or local press in this region. UNTAES broadcasts a daily program over the Vukovar radio station. In this area (as elsewhere in Eastern Croatia) people receive radio and television broadcasts from neighboring Serbia; Serbian publications also circulate freely in the region.

While academic freedom is generally respected, some ethnic Serb professors and intellectuals have reported increasing pressure within academia to conform with the norms and opinions of the ruling HDZ party.

b. Freedom of Peaceful Assembly and Association

The Constitution provides that all citizens have the right to peaceful assembly and association for the protection of their interests or the promotion of social, economic, political, national, cultural, and other objectives, and the Government respects these provisions in practice.

There were demonstrations during the year in several major cities, often related to the desire of internally displaced persons to return to their homes or to labor disputes (see Section 6.a.). In November two peaceful mass rallies were held in support of the best known and one of the last remaining independent radio station when the State Broadcasting Council awarded its frequency to a competitor (see Section 2.a.). In the area under UNTAES control, there were a number of demonstrations. Demonstrators in Baranja and also in Vukovar expressed their interest in autonomy and other grievances.

c. Freedom of Religion

The Constitution provides for freedom of conscience and religion and free public profession of religious convictions, and the Government respects these rights in practice. There is no state religion. All religious communities are free to conduct public services and to open and run social and charitable institutions. Roman Catholicism, Eastern Orthodox Christianity, and Islam are the major faiths in Croatia, and there is also a small, though active, Jewish community. The majority of Croats are Roman Catholic, and the Government provides optional Catholic religious training in schools.

There are no formal restrictions on religious groups. The main mosque is in Zagreb, where it serves not only as a religious center but also as a social aid office for the large Bosnian Muslim refugee population. Croatian Protestants from a number of denominations, as well as foreign clergy, actively practice and proselytize, as do representatives of eastern-based religions. Some foreign religious organizations seeking to provide social services reported bureaucratic obstacles to their establishment, but it was unclear if this had any connection with their religious character.

A health care center in the main mosque in Zagreb was closed by Ministry of Health officials in September. The official reason given was that all health-related activity should be conducted only under the auspices of the Ministry, although other private clinics continued to operate.

Most Catholic churches in the formerly Serb-held areas were destroyed. In Eastern Slavonia, only one active Croatian Catholic priest remains.

The Government discriminates against Muslims in the issuance of citizenship documents. The Interior Ministry frequently uses Article 26 of the Law on Citizenship to deny citizenship papers to persons otherwise qualified to be citizens (see Section 5).

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

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

The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. Despite the absence of domestic implementing legislation, relevant U.N. acts in the refugee field have in practice been observed. The UNHCR estimates that the Government was providing first asylum to approximately 170,000 people from parts of the former Yugoslavia as of August, and the Government stated that it was financially supporting another 150,000 internally displaced persons. The Government has resettled some of the refugees, almost exclusively ethnic Croats, but has stated that Bosnian Croat refugees from "safe," Federation-held portions of Bosnia as well as Bosnian Muslim refugees (some 43,000) must return home and has removed their refugee status.

The Government continued to relocate refugees from coastal tourist facilities to inland areas in an effort to rehabilitate those facilities for the slowly reviving tourist trade. The Kupljensko refugee camp was officially closed in August, its inhabitants either repatriated to Bosnia, transferred to other sites in Croatia, or resettled in third countries. There was one significant incident of forced return of refugees to Bosnia and Herzegovina in February, when 46 Bosnian Muslim refugees were forcibly repatriated to the Bihac area after the Government arrested them on charges of black market activities in the Kupljensko camp.

Serbs who fled the military operations in 1995 found their right to travel freely, particularly to the former sectors, difficult and at times impossible to exercise. Incidents of intimidation and beatings by local Croats of ethnic Serbs who attempted to visit their former homes were common and frequently went uninvestigated and unpunished. The Government actively encouraged the resettlement of Bosnian Croat refugees in the Krajina, further complicating any eventual return by the former Serb residents. Although reports vary, by some estimates as many as 55,000 Croats had been housed there by November. In Eastern Slavonia, all access was strictly controlled by UNTAES, with neither Serbs nor Croats moving freely across the boundaries of the sector without U.N. approval or escort.

The process of Serb return progressed only slowly during the year. While the Government was publicly committed to the return of all persons to their homes, regardless of ethnicity, in practice it did not fulfill this commitment. Between 20,000 and 30,000 Serbs filed applications to return, based almost exclusively on the principle of family reunification, and over 12,000 of these requests had been granted by August. The UNHCR estimated that 61 percent of those applications approved were for persons over the age of 60. The United Nations Special Rapporteur for Human Rights estimated that as many as 3,000 Serbs had actually returned to Croatia, and that the majority of these had joined family members who were living outside of the former occupied areas. There were no group returns of Serbs to Croatia (see Section 3). On November 1, UNTAES opened the five villages south of the Bosut river in the U.N.-administered area to unlimited Croatian return. This affected up to 10,000 former residents of the region.

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

The Government partially limited the right of citizens to change their government. Croatia is a multiparty democracy in which all citizens 18 years of age and older have the right to vote by secret ballot. The President, elected for 5 years, exercises substantial power, authority, and influence but is

constitutionally limited to two terms. Parliament comprises the House of Representatives and the House of Counties (Zupanije). The Croatian Democratic Union holds a majority in both houses and President Franjo Tudjman was reelected in 1992. The Cabinet is a one-party (HDZ) body. According to law, presidential elections must be held in midsummer 1997, and elections for all local governing bodies as well as the House of Counties must be held no later than the spring of 1997.

Presidential powers include approving the mayor of Zagreb, who is elected by the city assembly. Opposition parties won control of the Zagreb city assembly in fall 1995 local elections. President Tudjman had refused to confirm four mayoral candidates by year's end, and the opposition parties in late 1996 began a boycott of the city assembly in protest. In November opposition Members of Parliament staged a 30-day walkout from Parliament to protest the HDZ decision not to debate the Zagreb situation in Parliament. Neither the boycott nor the walkout proved successful, and in December the opposition city assembly members submitted their resignations. However, further splits among the opposition parties led to the increased likelihood that new elections could be held in order to resolve the issue.

The "Zagreb City Council crisis," as it came to be known, was a visible example of the ruling party's manipulation of politics. In addition to liberal interpretation and implementation of laws to suit the Government's agenda, the ruling party used intimidation and harassment, as well as control of the media and government, to control the political process. Economic pressure was one of the most effective tools, and government agencies selectively issued or denied permits for businesses based on political affiliation. In at least a dozen towns and cities where the ruling party was not in power, it allegedly managed to coopt the local leader into joining the HDZ.

The HDZ used its control of Parliament to push through legislative changes that favored it. In addition changes in the election law made in 1995, in July additional amendments were passed, which included changing the ratio of proportionally to directly elected seats from 2/3:1/3 to 3/4:1/4. (The last local elections were held with a 50:50 ratio; 1995 changes to the law put the ratio at 2/3:1/3.) The July amendments allow a party to put someone's name on its list as its "bearer" even if that person was not a candidate on the list. Also in July, the Parliament began discussions on redistricting which, if legislation is passed, could inhibit minority parties from achieving a 5 percent threshold. Changes to the electoral law were often done in "emergency parliamentary sessions" and pushed through hastily, with little debate.

Rules for access to state-owned electronic media restricted the ability of opposition parties to criticize government policies and activities and limited their ability to fully engage the Government in an open political dialog (see Section 2.a.).

The Government maintained rigid policies throughout the year that disenfranchised the Croatian Serb population. A nationwide census scheduled for April was not held. Consequently, Articles 21 and 22 (and all other relevant articles) of the 1992 Constitutional Law on Human Rights and Freedoms, rescinded in 1995, remained suspended throughout the year. These laws had established self-governing special status districts in areas where minorities made up more than 50 percent of the population, namely, municipalities in the Knin and Glina regions. This repeal of the special districts law combined with the unwillingness of the Government to facilitate the return of Serb refugees contributed to charges that the Government sought to legalize and institutionalize the population changes resulting from the 1995 military actions in order to create a homogenous country with no significant minorities.

In preparation for elections in sector east as called for under the Basic Agreement between the Government and the Eastern Slavonia Serbs, by year's end the Government increased the pace of residency document (domovnica) issuance for Serbs, thereby enabling them to participate in the political process. Elections were agreed upon for March 16, 1997, and, in a major positive development, the

Government in December dropped its long-held opposition to voting rights in Eastern Slavonia for Serb citizens from other parts of Croatia who had fled to Eastern Slavonia after the fall of the Krajina. While some modalities remained to be worked out, one of the major impediments to peaceful reintegration was thus removed.

Although there are no legal restrictions on participation by women or minorities in the political process, they are represented in only small numbers in Parliament, the executive branch, and courts. In the 206-member Parliament, 13 women hold seats; 1 is the President of the House of Counties. Election law requires representation for minorities in Parliament, with proportional representation for any minority that makes up more than 8 percent of the population. Currently no minority meets that criteria. Representation for Croatia's Serb minority is based, however, on government estimates of the number of Serbs who fled Croatia between 1991-95 and the assumption that they will not return. There were no Muslim representatives in Parliament despite that fact that the Muslim minority was the next largest after Serbs.

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

Human rights groups in the capital, Zagreb, and throughout the country worked to prevent human rights abuses and brought their concerns to the attention of local and national authorities as well as to that of domestic and international media. Most of these groups focused on legal advocacy programs and social services support for the remaining people in the former Serb-held areas. A coalition of groups called the Antiwar Campaign, formed in 1991, expanded its outlook and became a nationwide network of NGO's, dealing with issues as diverse as peace education and women's and minority rights, as well as lobbying Parliament for effective and fair legislation. Throughout the year, indigenous human rights groups were highly critical of the Government's human rights record.

International organizations worked freely throughout Croatia. These organizations usually reported an adequate level of cooperation with government authorities in Zagreb although, at times, government follow-through in the field was less than adequate. UNTAES reported that government cooperation was generally good, with demilitarization of Eastern Slavonia completed in June and establishment of the transitional police force with some joint Croat/Serb patrols in the summer. However, UNTAES complained that, at times, agreements made in Zagreb with ranking officials were openly ignored by local officials. For example, orders to the Osijek police to allow passage of documented Serbs across the sector boundary were countermanded by the local chief of police. The issuance of identity papers to Serbs desiring Croatian citizenship was slow and often marred by incomplete cooperation by the various ministries involved (see Section 5). There were also isolated incidents of threats and assaults against U.N. personnel in Eastern Slavonia.

The Government, after substantial delay, signed a memorandum of understanding that established a resident presence of the Organization for Cooperation and Security in Europe (OSCE). The agreement limited OSCE offices outside Zagreb to two (Knin and Vukovar) and the overall staff to 14 (8 in Zagreb, 3 in each field office), which did not allow for extensive operations throughout the country. OSCE officials reported instances of lack of cooperation by local government officials, especially in the Knin area, where it took local representatives almost 2 months to secure an initial appointment with the mayor. The ECMM and the United Nations Special Rapporteur for Human Rights moved freely throughout the country, reporting on human rights problems.

Domestic human rights groups reported that their activity was largely ignored by the Government. Unless a case received international attention through the media or an international organization, the Government took little or no action to address the problem cited. Increasingly, local NGO's and their

staff were the target of government harassment, such as "informal" interviews at the Ministry of Interior or apartment searches. In the last quarter of the year a tougher, less tolerant attitude toward foreign NGO's became evident, in particular toward the Soros Foundation whose activities included promotion of a free press. In December the Open Society (the local Soros affiliate) was charged with tax evasion, and three of its representatives were indicted for falsifying documents in relation to that charge. The Government's charges, coming soon after several hardline speeches by the President, were widely viewed as politically motivated.

The NGO's also found themselves the targets of violence. The office of the NGO Homo in Lika was attacked three times during the year. First the office was set on fire; then two staff members were beaten and a vehicle damaged, allegedly by a Bosnian Croat refugee living in the area who opposed the organization's work promoting the rights of Serbs in the area; a second fire at the office was reported in November. In December a staff member of the human rights NGO "Otvorene Oci" (Open Eyes) was beaten in her apartment in Split. All of these incidents were still under investigation, but no suspects were in custody. In yet another incident, a small explosive device was thrown into the yard of the summer home of the President of the Croatian Helsinki Committee, a vocal advocate for human rights who was often critical of government policies.

The Government pledged its cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY) in the Hague and passed legislation to facilitate that cooperation in April. However, the President of the Tribunal noted in October that the level of cooperation had been more verbal than actual and was cause to question the Government's commitment to work with that body. By year's end, the Government had arrested only two of seven indicted Croats, only one of whom had been turned over to the Tribunal. In several instances during the year, indicted war criminals were allegedly spotted on Croatian territory, but the Government apparently took little or no serious action to arrest them. The Government in July disbanded its war crimes commission, the main avenue for the flow of information to the Tribunal in the Hague, putting in its place a government panel which had yet to take effective shape by year's end, leading to increased dissatisfaction with the Government's performance. The Government repudiated its earlier pledge not to arrest war criminals absent prior review of the charges by the ICTY (the so-called rules of the road).

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

The Constitution specifies that all citizens 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. It adds that members of all national groups and minorities shall have equal rights. With the exceptions noted below, these rights are observed in practice. The Constitution provides for special "wartime measures" but states that restrictions shall be appropriate to the nature of the danger and may not result in the inequality of citizenship with respect to race, color, sex, language, religion, or national or social origin. Under these measures, these rights have been observed in practice.

Women

Although the Government does not collect statistics on the issue, informed observers state that violence against women, including spousal abuse, is common and that the number of incidents has increased in the last few years. One NGO estimates that abuse or harassment affect as many as 30 percent of women. Alcohol abuse is commonly cited as a contributing factor. Centers for the psychological and medical care of abused women are open in several cities, and hot lines have been established in Zagreb (24-hour), Pula, and Osijek. A number of local institutions and voluntary agencies offer social, medical, and other assistance to abused women and to those traumatized by war experiences. Family crisis associations are also active.

The law does not discriminate by gender. In practice, however, women generally hold lower paying positions in the work force. According to government figures, 75 percent of elementary teachers and 33 percent of high school teachers are women. The majority of nurses and clerical workers are female as well. While there is no one national organization devoted solely to the protection of women's rights, many small, independent groups were active in the capital and larger cities. These groups together established a national Coordination Council of Women's Organizations. A nationwide organization established during the Communist era, "Hrvatska Zena" (Croatian Woman), also sought to remake itself into a more genuine advocacy group.

Children

The Government is strongly committed to the welfare of children. Maternity leave was increased to 3 years under the new Labor Code that went into effect on January 1. Schools provide free meals for children, day care facilities are available in most communities even for infants, and medical care for children is free. Education is compulsory up to 14 years of age.

There is no societal pattern of abuse or discrimination against children.

People with Disabilities

No specific legislation mandates access to buildings or government services for people with disabilities; access to such facilities is often difficult. While people with disabilities face no open discriminatory measures, job opportunities generally are limited. Special education is also limited and poorly funded.

Religious Minorities

The Muslim community suffered from discrimination, and Croatian Muslims and Bosnian refugees continue to report widespread discrimination in many areas such as citizenship (see Section 2.c.) and employment rights. Religion as a reflection of ethnicity was frequently used to identify non-Croats and as another way of singling them out for discriminatory practices.

The close identification of religion with ethnicity previously caused religious institutions to be targets of violence. The Serbian Orthodox Church in downtown Zagreb nevertheless remained open, and several other Orthodox churches and monasteries operate freely. Despite being guarded by security forces, two Orthodox churches were bombed by unknown persons: one near Zadar on August 23 and another in Dubrovnik on September 5. There were no casualties. On December 24, UNTAES reported that the Catholic church in the town of Ilok (sector east) was attacked by a Serbian mob during its Christmas services, which were attended by a group of ethnic Croats from Croatia proper.

National/Racial/Ethnic Minorities

Constitutionally, Croatian Serbs and other minority groups enjoy the same protection as other self-identified ethnic and religious groups. Schools with a significant number of minority students often have their own special curriculum in addition to standard ones, designed to teach history, geography, art, and music to students in their native language. In practice, however, a pattern of ever-present and often open discrimination continues against ethnic Serbs in such areas as the administration of justice, employment, housing, and the free exercise of cultural rights. A plan for the development of a school curriculum for Serbs remains incomplete due to the Government's requirement that all students in Eastern Slavonia be tested in Croatian to receive credit for course work completed under the Serb curriculum. Istrian Italians complained that access to Italian-language schools was limited by a government requirement that

parents designate the ethnicity of their children at birth. Serbs continue to be particularly vulnerable to attack because of government reluctance to protect their rights rigorously. Although the rate declined from previous years, attacks against property owned by Serbs continued, particularly in the areas formerly under Serb control. Serbs continued to leave Croatia, and many who had fled did not return as a result of the combination of economic discrimination and physical threats and the lack of interest shown by the Government in restoring confidence among Serbs remaining in the formerly occupied areas.

The makeup of the police force, which consists almost exclusively of ethnic Croats--some with little or no previous experience or training in police work--contributed to the problem. Police responsiveness to complaints filed by Serb residents of the former sectors was mixed; in sectors north and west, adequate at best, and in sector south, uniformly poor. The U.N. Special Rapporteur on Human Rights reported that "the principal responsibility for the continued insecurity lies with the local police, who are either unable or unwilling to take effective action against the ongoing wave of criminal activity against Croatian Serbs." The ECMM, the International Federation of the Red Cross and Red Crescent Societies, and the ICRC all confirm that police action to stop the threats, theft, and violence is inadequate, particularly in former sector south, where a "climate of fear" still prevails. On the other hand, the situation is reported to have improved markedly in the town of Pakrac, in former sector west, largely due to the efforts of the local chief of police.

Serbs and other minorities also suffered from economic discrimination. While the difficult economic situation continued to cause high unemployment for all sectors of society, the rate of Serb unemployment is much higher than that of any other ethnic group, and a disproportionate number of layoffs and firings involve ethnic Serbs. In the Krajina (former sectors north and south), for example, one NGO estimated that unemployment for Serbs was as high as 80 percent and that the few jobs that existed went to Croats rather than Serbs. There are numerous documented cases of the inability of ethnic Serbs to obtain reconstruction assistance and loans to rebuild homes damaged in the war. In a positive development, 60 ethnic Serbs were rehired by the government-owned oil refinery INA in Djelotovci, Eastern Slavonia.

The Law on Citizenship distinguishes between those with a claim to Croatian ethnicity and those without. The "Croatian people" are eligible to become citizens of Croatia 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. Others must satisfy more stringent requirements through naturalization in order to obtain citizenship, even if they were previously lawful residents of Croatia as citizens of the former Yugoslavia. While an application for citizenship is pending, the applicant is considered an alien and is denied rights such as social allowances, including medical care, pensions, free education, and employment in the civil service. The Government's practice of discriminating against ethnic and religious minorities, particularly Serbs and Muslims, in the issuance of citizenship papers, drew harsh criticism. Human rights organizations reported numerous documented cases in which the Interior Ministry denied citizenship papers to long-term residents of Croatia (that is, resident in Croatia long before the country declared its independence). For example, residents of several ethnic Muslim villages near Slunj (a total of some 500 people) were unable to obtain Croatian citizenship, and in some cases entire villages were rendered stateless. Human rights groups complain that the Interior Ministry frequently based its denials on Article 26 of the Law on Citizenship, which permits it to deny citizenship papers to persons otherwise qualified to be citizens of Croatia for reasons of national interest. The law does not require the reasons to be explained, and human rights organizations reported that the police continued to refuse citizenship applications without full explanation.

The situation for Serbs in sector east and for those outside the country desiring to return to their homes in Croatia was particularly difficult. At the urging of UNTAES, the Government established document

centers in several cities in Eastern Slavonia to facilitate provision of identity papers to Serbs who claimed Croatian citizenship. Due to government requirements for lengthy background checks and document verification, however, these centers initially issued identity documents only slowly. UNTAES and international pressure helped to speed up the process, and, by year's end, approximately 20,000 (or 10 percent of the population of the sector) had been issued their domovnica with a further credible promise from the Government that the remaining backlog of persons desiring Croatian citizenship would be processed in time to vote in local elections scheduled for March 16, 1997.

While, overall, Roma continued to face societal discrimination and official inaction when complaints were filed, some progress was made in education and cultural awareness. In its June report to the Council of Europe, the Government noted the publication of several studies on the subject of Romani education, and the Ministry of Education established a summer school for Romani children.

Other minority groups--Slovaks, Czechs, Italians, and Hungarians--did not report significant discrimination to the same extent as the Serb community. As power became increasingly centralized in Zagreb, the Istrian region (with a large Italian minority who had traditionally enjoyed a significant amount of autonomy) became increasingly disaffected. Agreements were signed with Hungary and Italy for the mutual protection of minority populations. The return of ethnic Hungarians to Croatia was much less controversial than that of Serbs and proceeded unhindered, if somewhat slowly.

Section 6 Worker Rights

a. The Right of Association

All workers are entitled to form or join unions of their own choosing without prior authorization. There is an active labor movement with three major and three minor national labor federations and independent associations of both blue- and white-collar members. More than 80 percent of workers are members of unions of one sort or another. In general, unions are independent of the Government and political parties.

The law prohibits retaliation against strikers participating in legal strikes. Workers may only strike at the end of a contract or in specific circumstances mentioned in the contract. Most importantly, they cannot strike for nonpayment of wages, currently a serious problem. The only recourse in the event of nonpayment is to go to court, a process that may take several years. If a strike is found to be illegal, any participant can be dismissed, and the union held liable for damages.

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 which went into effect on January 1 calls for a tripartite commission of labor, business, and government representatives to appoint one. Arbitration is never 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.

The right to strike is provided for in the Constitution with the above-mentioned limitations and with additional limits on the members of the armed forces, police, government administration, and public services. Even though salaries are very low relative to the cost of living, and wage increases have been minimal, there is little strike activity. The stringent requirements for calling a strike, the high rate of unemployment, and the Government's insistence on adhering to its austerity program of October 1993 all discourage strikes. However, despite these deterrents, there were several labor disputes, including some successful strikes and protests, of varying severity, during the year as the quest for a living wage

clashed with government austerity measures.

Transportation workers, seeking a 100 percent wage increase, went on strike in February. Despite a demonstration of support by approximately 6,000 members of one of the largest trade unions in the capital, a general strike did not materialize. After 7 days, workers settled for a 19.75 percent increase. However, railway workers again went on strike for 2 weeks late in the year. When this strike was deemed illegal by the courts, the workers duly reported back to work, only to announce their intention to strike again when the proper procedures had been observed. This second strike lasted only several days before a compromise wage package was agreed upon.

A general strike planned for November 11 over labor-government negotiations on tax policy was called off when the talks began to make progress. In October shipbuilding workers struck in Karlovac over low wages and high unemployment.

Unions may freely affiliate internationally.

b. The Right to Organize and Bargain Collectively

Collective bargaining is protected by law and practiced freely. The new 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 process of "transforming" previously "socially owned" enterprises continues, albeit slowly, as the first step towards their eventual privatization. The current transition to private enterprise and a free market economy has put unions under pressure at the same time that they are trying to establish themselves as genuine trade unions. General unemployment is the most significant hurdle. Unions and foreign observers claim that unemployment was 22 percent throughout the year, and would be much higher except it did not include workers on "waiting lists"--employees at government-owned firms on partial pay but not working. International organizations working in the Krajina (former sectors north and south) estimated unemployment in these areas was 80 percent.

The Labor Code deals directly with antiunion discrimination issues. It allows unions to challenge firings in court and eliminated provisions under which illness had been a valid reason for employers to fire workers. However, the Government often employs coercion against employees, including government employees, involved in labor disputes and strikes to force them back to work. But no instances of severe coercion, such as physical attacks or destruction of workers' property, were reported.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is constitutionally forbidden, and there were no documented instances of it. The Ministry of Labor and Social Welfare is the agency charged with enforcing the ban on coerced or forced labor.

d. Minimum Age for Employment of Children

The minimum age for youth employment is 15 years old, and it is enforced by the Ministry of Labor and Social Welfare. Under the Constitution, children may not be employed before reaching the legally determined age, nor may they be forced or allowed to do work that is harmful to their health or morality. Workers under the age of 18 are entitled to special protection at work and are prohibited from heavy

manual labor. Education is mandatory to the age of 14.

e. Acceptable Conditions of Work

There are national minimum wage standards. As of October, the minimum gross monthly wage was approximately \$150 (800 kuna), which does not provide a decent standard of living for a worker and family. Government policy toward its employees is a major factor in setting wage standards. There is a large public sector, and the Government manages, through the privatization fund, employees of companies waiting to be privatized.

In January the Government announced a zero percent wage increase policy for all state employees as part of its austerity program. The policy was enforced only sporadically, however, and the Government signed a contract granting public sector employees a 5 percent raise effective July 1. (Public service wages are very low, and therefore public service unions have been very aggressive.) The Government then failed to pay the increase, claiming that the contract was not binding. Both sides initially agreed to mediation, but in the end rejected the compromise decision. The matter was finally resolved in November, when another less remunerative agreement