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Croatia

Country Reports on Human Rights Practices - 2001
 Released by the Bureau of Democracy, Human Rights, and Labor
 March 4, 2002


The Republic of Croatia is a constitutional parliamentary democracy with an independent presidency. President Stjepan Mesic (formerly of the Croatian People's Party, but now independent) was elected in February 2000 to a 5-year term. International observers characterized the elections as "calm and orderly," noting that in general, "voters were able to express their political will freely," although there were some problems. The President serves as Head of State and commander of the armed forces and nominates the Prime Minister who leads the Government. Ivica Racan of the social democratic party is Prime Minister. In January 2000 parliamentary elections, a democratic coalition defeated the then-ruling Croatian Democratic Union (HDZ) party. 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, a democratic coalition in Parliament, and constitutional reforms in 2000 helped to increase the transparency of the role of the President and Government. In March a constitutional amendment abolished the upper house of Parliament (the House of Counties). The judiciary began reform and modernization efforts during the year; however, it continued to suffer from inefficiency and funding problems, as well as some 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 and President may call upon the army to provide security. Civilian authorities generally maintained effective control of the security forces. Security forces committed a few abuses.

The Government has pursued economic reforms including privatization, public sector reductions, anticorruption legislation, and reforms of banking and commercial laws. In June the Government adopted a development strategy to transform socialist-era structures into a functioning market economy. An interim association agreement with the European Union was signed in October and was scheduled to enter into effect in January 2002. During the year, the economy overcame the effects of the 1998-1999 recession and banking sector crisis. The population of the country is 4,677,000 and per capita GDP in 2000 was approximately \$4,600 (39,500 kuna). During the year, real GDP rose an estimated 4.2 percent over the previous year. The exchange rate and prices remained stable. Income from tourism increased an estimated 20 percent over 2000, reaching prewar levels. While retail price inflation was 7.4 percent in 2000, by the end of the third quarter of the year, inflation had fallen to 3.8 percent. Croatia's unemployment rate was 15.3 percent during the first half of the year, measured by International Labor Organization (ILO) methodology. (Due to improved methodology, this figure is not directly comparable to 2000's reported unemployment rate of 22.4 percent. Year-end data suggests that the unemployment level remained constant or fell slightly during the year.)

The Government generally respected the human rights of its citizens and there were some improvements during the year; however, serious problems remained. Despite some irregularities, the Government's conduct of elections in 2000 improved citizens' ability to change their government peacefully. There were instances of arbitrary arrest and detention. The Government continued to arrest and charge persons for war crimes committed during the 1991-95 conflicts in Bosnia and Croatia, and the problem of arrests of ethnic Serbs for war crimes despite extremely weak evidence continued. Lengthy pretrial detention continued to be a problem, particularly for ethnic Serbs indicted for war crimes. Domestic courts continued to adjudicate war crimes cases, taking steps to depoliticize cases against ethnic Serbs and opening or reopening investigations of members of Croatian military forces. However, ethnic Serbs remained incarcerated after being convicted in nontransparent politicized trials in past years. Reforms in the courts and prosecutor's offices resulted in some improvements in the impartiality of the judiciary; however, courts convicted persons in mass trials and in trials with weak supporting evidence, particularly in Eastern Slavonia. The courts continued to be subject to some political influence on the local level and suffered from bureaucratic inefficiency, insufficient funding, and a severe backlog of cases. At times the Government infringed on privacy rights; restitution of occupied property to (mostly ethnic Serb) refugees returning to the country remained slow and problematic. The Government generally respected freedom of speech and press; however, a few problems remained. Unlike the previous regime, the Government did not interfere politically in the editorial decisions of the media; however, at the local level, political pressure on the media continued, and an estimated 1,200 libel lawsuits against journalists remained pending due to backlogs in the judicial system. A new Law on Associations reduced governmental interference in the formation and operation of associations and NGO's and created tax incentives for donors supporting them. The Government generally respected freedom of religion; however, restitution of nationalized property remained an unresolved problem for the religious communities. Lack of progress on private property restitution and resolution of the right to previously socially-owned property, along with severe economic difficulties in the war-affected areas, continued to impede returns of refugees. The Government's record of cooperation with international human rights and monitoring organizations and with the International Criminal Tribunal for the former Yugoslavia (ICTY) continued to improve.

Violence and discrimination against women persisted. There were some incidents of violence and harassment of religious minorities. Ethnic minorities, particularly Serbs and Roma, faced serious discrimination, including occasional violence. 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. The Government did not respect some labor rights in practice. Trafficking in women was a problem.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of political killings during the year by the Government or its agents. During the year, eight persons were killed in landmine incidents, most caused by landmines laid by Croatian and Serb forces during the 1991-95 war. The Croatian Center for Demining reported that from 1991 through the end of the year, 1,350 land mine incidents were recorded in which 418 persons were killed (see Section 1.c.).

There were no arrests in the August 2000 killing of Milan Levar, a former police officer who had provided information to the ICTY tribunal about the 1991 massacre of civilians in the town of Gospic.

Throughout the country, the bodies of 3,299 victims missing from the 1991-95 war have been exhumed from mass and individual graves (see Section 1.b.).

Domestic courts continued to adjudicate war crimes cases arising from the 1991-95 conflicts in Bosnia and Croatia; courts opened or reopened several outstanding allegations involving Croatian forces and took steps to depoliticize cases against ethnic Serbs (see Section 1.e.). In March the Constitutional Court ordered a retrial in the case of former Croatian policeman Antun Gudelj, who was convicted but improperly amnestied in 1997 for the 1991 murder of Osijek police chief Josip Reihl-Kir, who, at the time of his death, had been negotiating actively between ethnic Croats and Serbs and attempting to ease tensions in the region (see Section 1.e.). In December the Government sought Gudelj's arrest and extradition from Australia, where he has resided since 1997. In March the Supreme Court ordered the release of two Bosnian Croat suspects who had been detained as part of the investigation of the 1993 Ahmici massacre in central Bosnia after they had been detained for the legal maximum of 6 months without charges (see Section 1.d.). In June in Karlovac County Court, the war crimes trial began of Bosnian Muslim warlord Fikret Abdic, who was allied with Croatia's former regime. The trial is based on evidence provided by Bosnian authorities which implicates Abdic in the deaths of 121 civilian detainees and 3 military prisoners, which occurred between 1993 and 1995 in concentration camps set up by Abdic in northwestern Bosnia. In August authorities arrested four former Croatian police officers on war crimes charges for allegedly killing six prisoners in Bjelovar in October 1991; the police officers were acquitted in December when a key prosecution witness changed his testimony at trial. There was widespread speculation that the witness was pressured into changing his testimony. The prosecutor has appealed the verdict to the Supreme Court.

An investigation by Sibenik authorities continued at year's end into alleged war crimes committed by members of the 113th Sibenik Brigade against ethnic Serb civilians during the 1995 "Operation Storm." Four suspects remained in custody at year's end; a fifth was released in December due to a lack of evidence. In September county authorities in Split opened an investigation into alleged war crimes committed against Serb and Montenegrin prisoners of war at the Lora naval stockade in Split in 1992-1993. The Dalmatian Human Rights Committee, a local NGO, had long urged the Government to investigate the allegations and was assisting in locating witnesses, many of whom resided in Yugoslavia. Seven suspects were detained at year's end and an eighth suspect was a fugitive as the investigation continued. The case generated publicity because the right-wing Split county prefect visited the suspects in jail and several witnesses received death threats after giving closed-door testimony. The war crimes trial, which began in 2000, of five persons (including general Mirko Norac and Tihomir Oreskovic) for the 1991 massacre of ethnic Serb civilians in the town of Gospic was ongoing at year's end in the Rijeka county court. By December the trial had consisted of eight brief sessions, each ending with a recess to consider motions raised by the defendants. Norac is the highest-ranking member of the Croatian military to be tried domestically for war crimes and the case was being closely watched both domestically and by international monitors. The retrial of former Croatian soldier Mihajlo Hrastov, which began in 2000, was ongoing at year's end. Hrastov was acquitted in a politicized 1992 trial of the massacre of 13 Serb prisoners in Karlovac in September 1991. The 2000 retrial of 6 former Croatian soldiers charged with the 1995 massacre of 16 elderly Serbs in the villages of Varivode and Goscici was ongoing in the Sibenik county court at year's end.

During the year, the Government took some positive steps to depoliticize cases against ethnic Serbs and several war crimes trials of ethnic Serbs continued. However, in some cases courts convicted persons in mass trials and in trials with weak supporting evidence. For example, in March mass trials in the "Babska group" and "Tompojevci group" cases resulted in absentia convictions on war crimes charges for 11 and 10 ethnic Serbs respectively (see Section 1.e.).

b. Disappearance

There were no reports of politically motivated disappearances during the year.

Government figures at year's end showed that 1,401 persons (mostly ethnic Croats) remained missing in

cases unresolved from the 1991-95 military conflict. In addition the government Office for Missing and Detained Persons began to accept the validity of information regarding approximately 900 missing Croatian Serbs who originally were reported missing to the Government of the Federal Republic of Yugoslavia (Yugoslavia) or to international organizations. Throughout the country, the bodies of 3,299 victims have been exhumed from mass and individual graves since the war, including 102 during the year, of which 2,684 have been positively identified (including 140 during the year). During the year, there was significant progress on the exhumation and identification of the remains of ethnic Serbs as well as ethnic Croats; however, some political and bureaucratic obstacles remained. The government office actively cooperated with the International Criminal Tribunal for the former Yugoslavia (ICTY) in several investigations, including the exhumation of 380 bodies from the cemetery in Knin during the spring. In October the Office for Missing and Detained Persons inaugurated a long-awaited branch office in Vukovar to facilitate the search for missing persons in the Danubian region (Eastern Slavonia).

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

The Constitution prohibits torture, mistreatment, or cruel or degrading punishment, and the authorities generally observed these prohibitions in practice; however, police apathy regarding societal crimes against Roma was a problem (see Section 5). Unlike the previous year, there were no reports that police occasionally abused prisoners.

Societal intimidation and violence against Serbs continued in war-affected areas during the year. In the Danubian region (Eastern Slavonia), senior Interior Ministry authorities removed several police commanders who were responsible for fomenting tensions between ethnic Serb and ethnic Croat police officers as well as for discouraging ethnic Serbs from reporting incidents to police. There were periodic reports of ethnic tensions between ethnic Serb and Croat police officers in the Danubian region.

The Government undertook a major reform of the police during the year, cutting nearly 15 percent of the police workforce. In undertaking this sensitive downsizing, the Government committed itself to honoring its obligations under the 1995 Erdut Agreement to maintain "proportionality" in the numbers of ethnic Serb and Croat police officers in Eastern Slavonia; however, full compliance with these obligations was not yet achieved by year's end (see Section 5). Continuing problems in the police included 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 continued to impede development of local police capability.

In the first 10 months of the year, 21 persons were injured in landmine incidents, most caused by landmines laid by Croatian and Serb forces during the 1991-95 war. The Croatian Center for Demining reported that from 1991 through the end of the year, 1,350 mine incidents were recorded (see Section 1.a.).

Prison conditions generally meet international standards. Jails are crowded, but not excessively so, and family visits and access to counsel generally are available to prisoners. Men and women are housed separately, juveniles are held separately from adults, and pretrial detainees are held separately from convicted prisoners.

The Government permits visits by independent human rights monitors, and such visits occurred during the year by both international organizations and domestic NGO's.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, the Government did not always respect this right in practice. 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 in exceptional cases (for a total of not more than 6 months, or 12 months in serious corruption/organized crime cases). Once the investigation is complete, detainees may 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. However, 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 suspects held in pretrial detention for several months on weak evidence. In March the Supreme Court ordered two Bosnian Croat suspects freed in the investigation of the 1993 Ahmici massacre in central Bosnia. The two were arrested in Zadar in September 2000, and the court freed them after they had been detained for the legal maximum of 6 months without charges being brought. The option of posting bail after an indictment is available but not commonly exercised.

The Government improved its record of applying the 1996 Amnesty Law (which amnestied acts of rebellion by ethnic Serbs), and appropriately granted amnesty to several individuals during the year, particularly returning ethnic Serb refugees. However, in October 2000, 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. Arrests of ethnic Serbs for war crimes continued but decreased in frequency throughout the year. From October 2000 to May 2001, over 50 persons were arrested, 28 of whom were refugees. In some of these cases, the subject was released in a few days after the Amnesty Law was applied or charges were dropped; however, in other cases, persons were detained for long periods. In January authorities in Pozega arrested Natasa Jankovic on war crimes charges; she remained in detention until June, when a judge threw

out the case because Jankovic was not the person named in the indictment (see Section 1.e.). Several ethnic Serb defendants convicted in absentia or at nontransparent, politicized trials conducted by the previous regime continued to be held in detention for extended periods as their cases progressed slowly through the overburdened judicial system.

In April a domestic court convicted a Serb police officer from the Danubian region of war crimes; the police officer had been arrested in 1999 and was sentenced to 13 years in prison. There was no further information regarding the case of four ethnic Serb members of the Croatian police who were arrested and detained in 2000 despite being cleared by the Ministry of Interior of involvement in war crimes. In October 2000, 13 Serbs were arrested and detained in Baranja on war crimes charges based on 1996 indictments from the Osijek county court, despite the fact that these indictments had little or no supporting evidence; 7 of the Serbs eventually were released but 6 remained in detention at year's end. Evidentiary hearings began in September and continued at year's end.

NGO and international observers in the Danubian region 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.

The Constitution prohibits forced exile of citizens and the Government does not employ it.

e. Denial of Fair Public Trial

The Constitution provides for an autonomous and independent judiciary; however, the judiciary continued to suffer from some political influence, a backlog of over 1.1 million cases, and funding and training shortfalls.

The judicial system consists of municipal and county courts, an administrative court, and the Supreme Court. In May Ivica Cmic—a former non-party Justice Minister and labor law expert known for his independence—became the new president of the Supreme Court. The independent Constitutional Court determines the constitutionality of laws, governmental acts, and elections, and serves as the court of final appeal for individual cases. In March pursuant to constitutional amendments, the Constitutional Court was expanded from 11 to 13 justices. The three new justices are respected professionals and were chosen in a transparent process; the rest of the Court judges were appointed under the former Tudjman regime. Justices of the Constitutional Court are elected for 8-year terms by Parliament, while all other judges are appointed for life. A parallel commercial court system adjudicates commercial and contractual disputes. The State Judicial Council (consisting of 11 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. In the past, the State Judicial Council was criticized for the politicization of its decisions. In July the State Judicial Council was reconstituted pursuant to legislative amendments modifying the Council's authority with the goal of depoliticizing the Council and judicial appointments and, by extension, improving the quality of sitting judges. In July Parliament passed a new law designed to contribute to transparency and reduce politicization of the Prosecutor's offices, which creates a similar council for public prosecutors. This legislation enabled Chief State Prosecutor Radovan Ortynski to begin to renominate or replace the chiefs of municipal and county prosecutors' offices. Similarly a new Law on the Courts, passed in December 2000 and implemented during the year, introduced reforms in the appointment of court presidents of the various municipal, county, commercial, and misdemeanor courts. The law was designed to depoliticize the positions while streamlining administrative oversight; however, it has been criticized by some observers as giving too much control over judicial appointments to the Justice Ministry. By year's end, some of the county court presidents were being either renominated or replaced; the municipal court judges are to be addressed next.

Judges are prohibited constitutionally from being members of any political party. Over the past 2 years, the judiciary has been subject to far less political influence than under the Tudjman regime, although there continued to be reports of political influence at the local level. 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 greatest problems facing the judiciary are outmoded procedural codes and court rules, inexperienced judges and staff, bureaucratic inefficiencies, and funding shortfalls, which have created a massive backlog of over 1 million cases, some dating back 30 years or more. The inexperience of young and newly appointed judges continued to be a problem, and there continued to be areas of the country without a permanent judge.

Although the Constitution provides for the right to a fair trial and a variety of due process rights in the courts, at times citizens were denied these rights. Excessive delays in trials remained a problem. Courts tried and convicted in absentia persons for war crimes. Courts convicted persons in mass trials and in trials with weak supporting evidence, particularly in Eastern Slavonia. In January authorities in Požega arrested Natasa Jankovic on war crimes charges while she was entering the country from Bosnia; she had been convicted in absentia in 1996 for inhumane treatment of prisoners while she purportedly worked as a guard in a prison camp. Jankovic was unaware of the charges and had entered the country seven times previously before being arrested (see Section 1.d.). At two hearings in April, dozens of witnesses stated that Jankovic had been in Bosnia the entire time she was alleged to have been a camp guard. No prosecution witnesses identified her as being at the camp, and at least one confirmed that her case was one of mistaken identity. However, the prosecutor refused to drop the charges and Jankovic remained in detention until June, when a judge threw out the case for lack of evidence. In March mass trials in the "Babska group" and "Tompojevci group" cases resulted in in absentia convictions for 11 and 10 ethnic Serbs respectively (see Sections 1.a. and 1.d.). In a long-standing pattern, armed activities that should have qualified for amnesty under the 1996 Law on General Amnesty were classified mistakenly and prosecuted as common crimes or war crimes. Particularly for those who previously exhausted their appeal procedures, there is no mechanism to review these cases.

Nevertheless, domestic courts continued to adjudicate war crimes cases arising from the 1991-95 conflicts in Bosnia and Croatia; courts opened and reopened several outstanding allegations involving Croatian forces and took steps to depoliticize cases against ethnic Serbs. For example, by midyear the chief State Prosecutor had initiated a case-by-case review of war crimes cases and sought to limit sharply the use of in absentia proceedings. Instructions were issued to county prosecutors not to initiate criminal proceedings or in absentia proceedings without consultation with the state prosecutor.

In the past, in cases where courts have made decisions on property claims, courts have overwhelmingly favored ethnic Croats over ethnic Serbs, particularly in the Danubian region (see Section 1.f.).

At year's end, approximately 69 individuals remained incarcerated on war crimes or related charges based on politicized or nontransparent trials held under the previous regime. There were no other reports of political prisoners.

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

The Constitution prohibits these actions; however, at times the Government infringed on these rights with respect to the restitution of property.

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 or prevent serious danger to life or property. The Constitution provides for the secrecy and safety of personal data, and this provision was respected in practice.

The restitution of occupied private property to (mostly ethnic Serb) refugees returning to the country remained a problem. The Government continued to give preference to the rights of temporary occupiers (mostly ethnic Croats) over those of the legal owners. Very few affected property owners were able to recover their prewar dwellings and the issue of former-tenancy rights holders of socially-owned property remained unaddressed, preventing these persons (mostly ethnic Serbs) from returning to their prewar apartments.

Despite a 1998 Constitutional Court ruling that declared several elements of the Law on the Temporary Takeover of Specified Property unconstitutional, the vast majority of the thousands of ethnic Serb property owners, who fled homes that were later occupied by ethnic Croats, remained unable to access their property. In July the Government completed a case-by-case review of housing units that were distributed for temporary occupancy by the previous regime (often homes of ethnic Serbs who fled the conflict that were allocated to Bosnian Croat settlers). This survey provided important data to facilitate eventual returns and property restitution, indicating that, of approximately 18,700 housing units, some 10,000 of these units remained occupied at year's end. Approximately 1,400 occupants of these units are subject to immediate eviction, either because they have received reconstruction assistance for their own houses or because they are multiple or illegal occupants; however, 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 and very few properties were actually restituted under this program because both national and local authorities declined to take steps to evict temporary occupants. Backlogs in the judicial system were a further impediment to timely resolution of housing disputes. Local housing commissions, to which the vast majority of cases were referred, often were purposefully dysfunctional and failed to resolve housing disputes, or when functional were powerless legally to implement their own decisions under an existing legal framework that remained unaddressed by the Government.

Governmental promises made in previous years to reform and streamline the housing commissions were unfulfilled at year's end. 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. 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. Many ethnic Serb returnees also were unable to move into looted and devastated homes that the Government defined as habitable.

Only a handful of claims by ethnic Serbs for reconstruction assistance have been fulfilled; however, during the year the Government took several positive administrative steps. Preliminary work was initiated to rebuild several hundred minority homes, the procedure to apply for reconstruction assistance was reopened, mechanisms were instituted to allow applications from refugees still outside of the country, and the Government mounted an effective information campaign to apprise refugees in Bosnia and Yugoslavia of these developments. The Government issued 1,400 letters threatening evictions, which resulted in the resolution of several hundred cases. In addition, some temporary occupiers left properties of their own accord.

An ongoing problem was the existence of "priority category" citizens, i.e., active or former members of the military and widows and orphans, whom courts and housing commissions were unwilling to evict. By contrast ethnic Croat homeowners wishing to return to their property in the Danubian region generally were able to recover their homes by evicting the ethnic Serbs occupying them.

The Government has taken no steps to address the issue of former tenancy rights holders. These persons typically resided in socially-owned apartment units under the pre-1991 communist system and paid contributions into the social property fund, often for many years. Thousands of persons who fled during the conflict lost their claims to their apartments due to their temporary absence. Ethnic Serbs were affected

disproportionately because no mechanism existed by which they could return to the country in order to reclaim their tenancy rights or because they had lived in parts of the country occupied by the rebel Serb para-state and missed the chance to purchase their prewar apartments.

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

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press, and the Government generally respected this right in practice, although a few 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. Unlike the previous regime, the Government does not interfere politically in the editorial decisions of the media; however, at the local level, political pressure on the media continued, ranging from verbal threats to editors and reporters to attempts to financially compromise the existence of a newspaper or radio station because of its critical reporting. The previous government's campaign of harassment of independent media through the use of libel suits stopped, and the law was changed in May so that libel is no longer a criminal offense; however, an estimated 1,200 libel cases from previous years (including 70 lawsuits filed against the satirical weekly *Feral Tribune*) have not concluded due to a slow and inefficient judicial system. Those cases that reached a verdict during the year were decided fairly and were not unduly prejudicial to journalists or publishers. The Government failed to amend the Penal Code sections authorizing prosecution of journalists who publish "state secrets," sections that were abused in the past; however, there were no reports of these laws being used abusively during the year.

Tisak, a once-profitable monopoly with 1,700 news kiosks, continued to control nearly all distribution of print media. Due to mismanagement, Tisak faced bankruptcy proceedings and was administered by the Government's Privatization Fund during the year. In December the proceedings were completed and the Privatization Fund ceased to administer Tisak; Tisak's creditors received equity in the company corresponding to the debts they were owed. As a result, three firms—Europa Press Holding, Tvornica Duhana Rovinj, and Austria's Styria corporation—became primary shareholders with approximately 25 percent ownership each. The case against former Tisak chief Miroslav Kutle for forgery and abuse of power in the firm's collapse was ongoing at year's end. In May Kutle was released from jail after 15 months of detention. In October a Zagreb judge ordered a new trial before a different judge. Foreign newspapers and journals were available in urban areas throughout the country; however, due their high cost they remained largely inaccessible to many persons.

In February the Government passed legislation reforming government-owned Croatian radio and television (HRT). The law modified the subscription fee structure and reformed the HRT council, so that members are nominated by various professional associations based on merit rather than political affiliation. In line with this legislation, the new HRT council was selected in May. The HRT council may recommend candidates for HRT director, approves radio and television programming, and selects editors-in-chief for radio and television. The council must report annually to the Parliament, and Parliament retains considerable influence over key management decisions at HRT. The February reforms also created an HRT supervisory board, selected by Parliament, which is separate from the HRT council. The supervisory board appoints the HRT director and is responsible for the financial management of the corporation. However, the new supervisory board did not replace the HRT director, prompting the HRT council president to resign in protest in October. Internal management reforms continued to be slow, primarily due to difficulties in reducing the bloated workforce. The telecommunications council (the radio and television licensing body) was reformed similarly, although it has decided not to review decisions made under the previous regime. The HRT continued to use transmitters free of charge. The Government continued to retain control over licensing and the regulatory framework.

In the autumn, Parliament debated legislation on a third HRT channel; the legislation was designed to resolve the issue of selling or leasing the third channel. In October Parliament passed legislation transforming HINA, the government-owned news agency, into a public institution. The law enables HINA to operate independently and mandates that it be funded through user contracts rather than from the national budget. The media law, also passed in October, obliges all media to make public their ownership structures by January 2002. In spite of these reforms, a truly independent nationwide television station did not exist by year's end.

Over 80 percent of the population continued to rely on government-run HRT's evening *Dnevnik* program for news. While privately owned TV Nova reached an estimated 75 percent of the population during the year, it was primarily an entertainment station and carried little news programming. A network of independent local television stations produced *Vijesti*, a competing nightly news program that reached 65 percent of the country's territory. The HRT continued to enjoy an overwhelming advantage as the recipient of the bulk of advertising revenues and increased subsidies from government taxes on television users. These subsidies created an unfair advantage over independent television stations whose financial resources and ability to purchase programming was limited. Similar problems existed in radio broadcasting. The Catholic Church operates one of the few private national radio stations.

Access to the Internet was available and unrestricted.

Academic freedom was respected.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the rights of peaceful assembly and association, and the Government generally respected these rights in practice.

The law permits assembly for registered demonstrations at approved locations, and, while the law does not make transparent the process for approving or denying the registration of an assembly, there were no reports that it was used discriminatorily. During the year, there were several peaceful demonstrations and marches throughout the country organized by labor groups, farmers, and war veterans' groups opposed to government policies.

The Constitution provides for the right of association, and the Government generally respected this right in practice. In October Parliament passed new legislation regulating associations and NGO's, in accordance with a Constitutional Court ruling in 2000 striking down restrictive provisions of the 1997 Law on Associations. Observers report that the new legislation has eased the registration process, minimized governmental interference, and eliminated unequal treatment of international and domestic associations. The new law also encourages private funding of NGO's by granting tax exemptions to donors. The Ministry of Justice was developing an NGO registry at year's end, and the new procedures are scheduled to enter into force fully in January 2002.

c. Freedom of Religion

The Constitution provides for freedom of conscience and religion and free public profession of religious conviction, and the Government generally 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.

There is no official state religion; however, the Roman Catholic Church enjoys a historic relationship with the State not shared by other denominations, and receives some state support. The Catholic Church receives direct subsidies, as well as state financing for some salaries and pensions for priests and nuns through the government-managed pension and health fund. Other religious communities 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).

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 was no resolution by year's end.

The Ministry of Defense employed 17 full-time and 6 part-time Catholic priests to tend to Catholics in the military; however, no clerics of other denominations, including Orthodox nor Muslim clerics, were employed as chaplains.

Restitution of nationalized property remained a problem. Restitution to the Catholic Church is regulated by a 1998 concordat with the Vatican. Some progress has been made with some returnable properties being restituted to the Catholic Church, but there has been no compensation to date for nonreturnable properties. No such agreements exist between the Government and other religious communities. The Orthodox Church has filed several requests for the return of seized properties, and some cases have been resolved successfully, but several buildings in Zagreb have not been returned, nor have properties that belonged to monasteries, such as arable land and forests. Similarly the Jewish community has had only partial success in recovering its properties. The Government failed to meet a court-mandated July 15 deadline to amend discriminatory clauses of the Law on Compensation for Property Taken During Yugoslav Communist Rule that were struck down by the Constitutional Court in 1999. The amendments were in the parliamentary process at year's end. The new amendments are expected to extend compensation to Jews whose property was confiscated between 1941 and 1945 as well as to foreigners.

The Government requires that religious training be provided in schools with optional attendance; however, in general, the lack of resources and qualified teachers impeded instruction in minority faiths. The Catholic catechism was the one predominantly offered, particularly in classes not meeting the minimum of seven minority students that would qualify for separate instruction.

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

The Constitution provides for these rights, and the Government generally respected these rights in practice. 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." All persons must register their residence with the local authorities; however, no problems were reported with registration.

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 during the year; however, there were periodic reports of obstruction by some local officials. During the year, over 11,800 persons who were refugees in Yugoslavia and Bosnia-Herzegovina returned to Croatia in returns organized by the U.N. High Commissioner for Refugees (UNHCR) or the Government. According to the UNHCR, approximately 104,000 refugees (mostly ethnic Serbs) have returned to Croatia (mostly from Bosnia-Herzegovina and Yugoslavia) since 1995, and as many as 80,000 more may eventually wish to return. Ethnic Serbs requiring personal documentation to return or

regularize their status continued to experience delays and contradictory requests from local officials.

Improvements in the refugee clearance process instituted in 2000 successfully eliminated arrests of those returnees who were advised beforehand by the Interior Ministry that they had no outstanding legal processes. However, the UNHCR remained concerned that arrests of ethnic Serbs for war crimes, often based on weak evidence (see Section 1.d.), particularly of those who have newly returned, dissuaded some refugees considering the possibility of return.

A significant number of internally displaced persons remained in the country, although not all are under the Government's direct care. In October the Government reported that there were 23,000 internally displaced persons in the country (75 percent from the Danubian region) and 20,000 refugees (93 percent from Bosnia-Herzegovina). These numbers do not reflect fully an additional 140,000 former refugees (nearly all ethnic Croats from Bosnia-Herzegovina) who have become citizens and residents of Croatia.

Despite an ongoing government program to repair thousands of damaged homes in the Danubian region, government officials, NGO's, and international observers assessed that the returns process is nearing its completion in that region without most communities reaching their prewar population levels. While ethnic tensions continued in the Danubian region, the overall security situation was stable (see Section 5). The largest disincentive to returns was the poor state of the regional economy.

President Mesic and Prime Minister Racan continued to make 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 approved a set of policies (the "Knin Conclusions") to address social and economic problems in the war-affected areas; however, few of the policies had been implemented by year's end. In May the Government's "Coordination Body," established the previous year to address issues in the war-affected areas, convened and formed joint working groups with representatives of the international community to address legislative and economic issues to facilitate returns. The working groups met frequently during the year, but their substantive progress was slow. There has been little significant administrative or legislative progress on restitution of property (see Section 1.f.). 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 2000, 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. Despite this decision, courts and local housing commissions continued to rely on the quasi-legal 1998 Program on Return for guidance on eviction decisions. As a result, this 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 provisions, 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.

The Government has implemented some, but not all, provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. At year's end, a new Law on Asylum that would implement fully the U.N. standards, drafted with the support of the UNHCR, was moving slowly through the legislative process, but had not been adopted. The Government cooperated with the UNHCR and other humanitarian and international organizations in assisting refugees. The Interior Ministry processes asylum seekers separately under the Law on Movement and Stay of Aliens, and persons seeking refuge are given "temporary protection" rather than refugee status. This status does not include all of the protections afforded to a refugee. For example, a person with temporary protection status does not have the right to work, although many are provided with emergency health care and temporary accommodation. During the year, the Government did not grant asylum status to any of approximately 80 asylum seekers, despite several recommendations from the UNHCR in individual cases. These individuals were permitted to remain in the country only until their asylum claims were rejected, at which time they were ordered to depart the country, although none were deported or forcibly returned to a country where they feared persecution. Approximately 125 ethnic-Albanian Macedonian citizens were granted "temporary protection" status during the year; however, according to UNHCR officials, the Interior Ministry failed to advise border officials that such persons were to be received.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections; however, there were a few irregularities in the 2000 presidential and parliamentary elections. Citizens over 18 years of age have the right to vote by secret ballot. The Constitution limits the president to two 5-year terms. President Stjepan Mesic was elected in February 2000 to a 5-year term to replace Franjo Tudjman, who died in office in December 1999. The elections were well-conducted, and irregularities during the first round were addressed during the second round. OSCE monitors characterized the elections as "calm and orderly," noting that "voters were able to express their political will freely;" however, there were problems. The Citizenship Law and electoral legislation grant citizenship, and thereby the right to vote, on purely ethnic grounds to ethnic Croats abroad with no genuine link to the country. However, in 2000 the Government failed to ensure that many Croatian Serbs, who

fled in 1995 and who wished to assume the responsibilities of Croatian citizenship, could document their Croatian citizenship in order to vote and ultimately to return.

In March constitutional amendments abolished the upper house of Parliament (the House of Counties), although there was little practical effect since the upper house had few real responsibilities. This left the Parliament comprising only the House of Representatives with 151 members. In January 2000 parliamentary elections, an opposition coalition led by the Social Democratic Party (SDP) won a parliamentary majority, ending 9 years of HDZ party rule. OSCE monitors characterized the voting as having made "marked progress" toward meeting OSCE standards. However, some concerns about the electoral process remained, including the underrepresentation of ethnic minorities.

In May nationwide elections were held for local offices (town, municipal, and county level). OSCE monitors assessed that the elections "were conducted generally in accordance with OSCE commitments," noting that "this assessment confirms the improvements noted during the 2000 elections. However, shortcomings remain." Observers reported participation by a broad spectrum of parties, the generally balanced media coverage, and the calm atmosphere on election day. Outstanding concerns included the hurried last-minute drafting of the election law, provisions on minority representation that do not clearly spell out procedures for achieving minority balance in local bodies (and that still await data from the April 2001 census), the lack of a permanent state electoral commission, the lack of transparency in parties' campaign expenditures, and the lack of regulations for campaign financing. In addition the 1991 Citizenship Law, which is disadvantageous to non-ethnic Croats, still has not been amended to create equal citizenship conditions regardless of ethnicity. In Vojnic ethnic Croat nationalist demonstrators tried to keep elected Croatian Serbs from taking office; police intervention was required (see Section 5).

The percentage of women in government or politics does not correspond to their percentage of the population. Although there were no legal restrictions on participation in government or politics by women, women held 34 of 151 parliamentary seats. Women held 3 of 23 cabinet positions (a fourth, the Minister of Health, resigned her position in October). In the judiciary, 3 of 13 Constitutional Court and 15 of 31 Supreme Court justices were female.

The percentage of ethnic minorities in government or politics does not correspond to their percentage of the population. Although there are no legal restrictions on participation in government or politics by minorities, minorities held 11 out of 151 parliamentary seats. The 1999 electoral law reduced the number of seats reserved for ethnic minorities from seven to five (although minorities make up approximately 15 percent of the population). Previous legislation more closely matched the minority representation to the size of the minority population, and the reduction in minority seats was especially disadvantageous to ethnic Serbs. On the local level, in the May elections, several ethnic Serbs were elected mayors of towns in the war-affected areas, particularly in those towns experiencing the greatest number of refugee returns and consequent demographic shifts. Overall ethnic Serb candidates from various parties (including the ethnically-based Independent Serb Democratic Party (SDSS) and Serbian People's Party (SNS) parties, as well as the SDP) won 264 seats at the town, municipal, and county levels in the May elections, and ethnic Serbs joined the governing coalitions in at least 13 towns.

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 in general operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are generally cooperative and responsive to their views. For example, the Croatian Helsinki Committee (HHO) published a series of reports documenting war crimes and abuses committed during the 1995 military operations "Flash" and "Storm." HHO also supported a controversial television program screened in October, "Storm Over Krajina," documenting war crimes allegedly committed by Croatian forces during and after Operation Storm. The Dalmatian Committee for Human Rights, an NGO in Split, was instrumental in encouraging the reopening of the investigation of war crimes committed at the Lora naval stockade in Split. Seven of eight suspects were detained in the Lora case at year's end.

A new Law on Associations, passed in October, greatly enhanced the ability of NGO's to register and operate without undue government interference (see Section 2.b.). NGO representatives reported that the new law was drafted with significant input from the NGO community. There were no reports of government harassment of NGO's, and the Government's office for cooperation with NGO's, while operating with limited resources, was active in coordinating and promoting NGO and governmental efforts on human rights and civil society. In many municipalities, there was excellent cooperation between NGO's and local government officials; however, a lack of follow-through on central government commitments by local authorities continued to be a problem in some municipalities.

International organizations, including the European Union Monitoring Mission, OSCE, UNHCR, and the U.N. High Commission for Human Rights, operated freely.

The Government's record of cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) improved during the year; however, some problems remained. In January ICTY chief prosecutor Carla Del Ponte's visit to Zagreb set a positive tone for cooperation that continued throughout the year. In February Del Ponte decided not to pursue an indictment of former Croatian general Mirko Norac after a Croatian court indicted him for war crimes in the 1991 Gospić massacre. This decision by Del Ponte was seen by observers as a vote of confidence in the Government's ability to conduct an impartial trial in difficult war crimes cases; the trial began in June in the Rijeka county court, and had proceeded through several brief sessions by year's end, with each session ending in a recess to consider defense motions. During the year, the Government

cooperated in producing many documents requested by the tribunal and in facilitating access to some witnesses, including chief of the defense staff General Petar Stipetic; however, in her November report to the U.N. Security Council, Del Ponte noted, "in some areas we managed to make advances together with the Croatian Government, but there are still areas where progress is very slow (especially with productions of documents)".

In the spring, ICTY investigators exhumed 380 bodies from a cemetery in Knin. Government forensic, judicial, and police officials provided excellent cooperation to the ICTY investigators. In July after deciding to accept ICTY indictments and execute arrest warrants of two generals (Ademi and Gotovina), the Government successfully resisted right-wing opposition and won a no-confidence vote in Parliament. Ademi voluntarily surrendered to the ICTY in July; however, Gotovina remained a fugitive at year's end.

The parliamentary Ombudsman for human rights received and acted on individual citizens' complaints. Because it is a parliamentary rather than governmental office, the Ombudsman's authority to order compliance from government ministries is limited.

Aside from the Ombudsman's office, Parliament maintained an independent human rights committee tasked specifically with human and minority rights as well as an independent gender equality committee that met periodically throughout the year to discuss topics and legislation within their purview (see Section 5).

In September the Government established a human rights office, responsible to Deputy Prime Minister Zeljka Antunovic, to develop, coordinate, and implement the Government's human rights activities; the office was inaugurated officially in December. The Government's Coordinating Body to address refugee returns and housing reconstruction in war-affected areas formed working groups with representatives of the international community that met several times during the year; however, substantive progress was slow.

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, discrimination against women, and against Serbs and Roma continued.

Women

Although the Government collected only limited statistics on the problem, credible NGO observers have reported that violence against women, including spousal abuse, remained a widespread and underreported problem. Alcohol abuse and poor economic circumstances 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. There is only one women's shelter, in Zagreb.

In 2000 the Government revoked 1997 Penal Code amendments that removed domestic violence from the categories of crimes to be prosecuted automatically by the state attorney. As a result, a domestic violence case can be initiated by persons other than the victim; for example, cases can be initiated on the basis of suspicions of health care workers or police rather than requiring the victim to press charges. Legislation passed in autumn 2000 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 being punished, be placed under supervision and receive psychiatric treatment. Amendments to the Law on Misdemeanors passed in 2000 are designed to protect victims by extending detention (for up to 30 days) of perpetrators of family violence, even during the defendant's appeal.

The country is a transit route as well as a lesser country of origin 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 who were sexually harassed often did not resort to the Penal Code for relief for fear of losing their jobs.

The labor law prohibits gender discrimination; however, in practice women generally held lower paying positions in the work force. Government statistics from previous years showed that, while women constituted an estimated 48 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 gathered by NGO's suggested that women hold the preponderance of low-level clerical, labor, and shopkeeping positions. Women in these positions often are among the first to be laid off in times of corporate restructuring. NGO's and labor organizations continued to report 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. This practice has become less common since 1999 legislation limited the use of short-term work contracts to a maximum of 3 years. The Labor Code authorizes 1 full year of maternity leave, although changes enacted in October reduced the 3-years' leave for multiple births to 1 year.

Government efforts on gender equality improved during the year. In March the Parliament created a Committee for Gender Equality, chaired by Gordana Sobol (SDP). The committee met several times during

the year to review pending legislation for compliance with gender equality criteria, and to offer amendments and modifications. In September the Government established a new human rights office (see Section 4); an existing office on gender equality within the Labor Ministry was upgraded and attached to this human rights office. Among its ongoing tasks were the implementation of the 2001-05 National Action Plan on gender equality and the coordination of tasks among ministries, parliamentary offices, unions, and the NGO community to promote gender equality.

The Government ratified the U.N. "Convention on the Elimination of All Forms of Discrimination Against Women" (CEDAW) in 1991, and in March the Government ratified the "Optional Protocol" to the convention. This ratification represents implementation of the final element of the previous year's "Beijing Plus Five" platform on international legal instruments on women.

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.

Children

The Government is generally committed to the welfare of children. Education is free and mandatory through grade 8 (generally age 14). Schools provide free meals for children. The majority of students continue their education to the age of 18, with Roma being the only notable exception. Romani children face serious obstacles in continuing their schooling, including discrimination in schools and a lack of family support. 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. Nearly all Roma children drop out of school by grade 8. In Medjugorje County, local officials operate segregated classrooms for Romani children, reportedly with less-qualified staff and fewer resources. Subsidized daycare facilities are available in most communities even for infants. Medical care for children is free.

While there is no societal pattern of abuse of children, NGO's operating hotlines for sexual abuse victims reported numerous cases of abuse of children.

Persons with Disabilities

The Constitution ensures "special care for the protection of disabled persons and their inclusion in social life." While persons with disabilities face no openly discriminatory measures, job opportunities generally are limited. Special education also is limited and poorly funded.

The Law on Social Welfare and the Law on Construction specify access to public services and buildings for persons with disabilities; however, the construction rules are not always enforced and they do not mandate that facilities be retro-fitted. As a result, access to public facilities often is difficult.

Religious Minorities

Religion and ethnicity are closely linked in society, and religion often 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. Nevertheless, the close identification of religion with ethnicity periodically caused religious institutions to be targets of violence (see section 2.c.), and there continued to be occasional reports of vandalism to Serb Orthodox cemeteries and structures. These incidents were most common in the Danubian region.

OSCE monitors recorded 21 incidents of harassment or violence towards religious persons or sites during the year; 17 of these were directed against the Serb Orthodox community, including several incidents of disruption of religious services, harassment of Orthodox clergy, and damage to cemeteries. In February the Orthodox church in Darda, in the Danubian region, was vandalized for the fifth time in 18 months when windows and a door were damaged. In addition, the Orthodox church reported that the bishop of Sibenik was unable to appear in public in his clerical garments due to constant harassment. In March 16 tombstones at an Orthodox cemetery in Bogdanovci were damaged for the second time in 2 years. In June 13 tombstones were damaged at an ethnic-Serb military cemetery in Vukovar; and in September, 11 tombstones at the same cemetery were damaged—marking the seventh such incident at that cemetery. In August fascist Ustasha symbols were painted on the Serb Orthodox church in the Dalmatian city of Split. Local observers believed the incident was related to the reopening of a nearby Orthodox chapel, reconstructed after 65 years. There were no arrests made for any of these incidents.

In September six Muslim tombstones in the old cemetery in Osijek were damaged. Two juveniles were arrested.

Unlike the previous year, Jewish leaders reported no serious discriminatory incidents during the year. However, anti-Semitic letters were mailed to the Jewish Center in Zagreb in April and May and were turned over to the police; no arrests were made. A series of harsh anonymous telephone calls to the Center ceased after police began an investigation.

National/Racial/Ethnic minorities

Ethnic minorities enjoy the same constitutional protections as other self-identified ethnic and religious groups; however, in practice a pattern of open and sometimes severe discrimination continued against ethnic Serbs in several areas, including in the administration of justice, employment, housing, and freedom of movement. A pattern of persistent harassment and intimidation, including occasional violence, against ethnic Serbs in the war-affected regions continued to be a serious problem.

Intimidation and violence against Serbs continued in war-affected areas during the year. An ongoing problem was the availability of weapons left over from the war, including firearms and explosives, which were used in incidents of harassment during the year. In February a hand grenade was thrown into the yard of an ethnic Serb family near Drnis in the Dalmatia region; no arrests were made. In May an unknown assailant fired a machine gun at the home of an ethnic Serb returnee near Zadar; there were no injuries and no arrests. In August and October, near the town of Vojnic, there were three incidents of landmines being planted on the property of ethnic Serb returnees, in areas not mined during the war. A total of seven persons were injured in these incidents, including two police officers responding to the third incident. OSCE monitors assessed the local police response as appropriate, although there were no arrests by year's end. Property destruction and other forms of harassment often arose from disputes between home occupiers of one ethnicity and returning homeowners of another. Verbal and legal harassment, forcible evictions, and assaults continued to occur regularly (see Section 2.d.). Unlike in the previous year, there were no reports of ethnically-motivated killings during the year.

In the Danubian region (Eastern Slavonia), senior Interior Ministry authorities removed several police commanders who were responsible for fomenting tensions between ethnic Serb and ethnic Croat police officers as well as for discouraging ethnic Serbs from reporting incidents to police. In the wake of the autumn 2000 termination of the OSCE police monitoring group in the Danubian region (and its replacement with a smaller civilian unit), the police continued to respond appropriately to law and order issues, although some NGO's continued to express concern that ethnic Serbs were reluctant to report ethnically-motivated incidents to authorities.

In July the town council in Vojnic (in the Banovina region south of Zagreb) was constituted after the May local elections. On two previous occasions, the assembly was blocked by a crowd of right-wing ethnic Croats who opposed the election of an ethnic Serb as mayor. International observers assessed that the police responded appropriately, maintaining peace and ultimately allowing access to the municipal building. After being constituted, the Vojnic government was observed to be operating normally. In August the deputy mayor of the town of Petrinja, a member of the far-right Croatian Party of Rights (HSP), who had made virulent anti-Serb comments during the local election campaign in May, was ordered to leave a meeting of the town council by Minister of Reconstruction Radimir Cacic. Prime Minister Racan also condemned her comments.

There were periodic reports of tensions between ethnic Serb and Croat officers. In addition, the Government has not addressed the issues of recruitment, training, and retention of adequate minority representation in police forces throughout the country. For example, outside of Eastern Slavonia, many majority Serb communities continued to be policed by forces that are 100 percent ethnic Croat.

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) remained 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.

Ethnic Serb property owners remained largely unable to access their property or to obtain reconstruction assistance for damaged or destroyed housing (see Sections 1.f. and 2.d.).

Discrimination and violence against Roma continued. The 1991 Yugoslav census counted only 6,700 Roma in Croatia, but government officials and NGO's agreed that this was a serious undercount and that the true number may be between 30,000 and 40,000. At year's end, data were not yet available from the census conducted in April. 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, societal discrimination, and lack of government will to address such issues. Romani NGO's estimate that 25 percent of Roma do not have citizenship documents, and thus cannot obtain papers necessary to acquire social benefits, employment, voting rights, and property resolution. Public servants sometimes used anti-Romani hate speech.

In February a Romani newborn died during childbirth after the Cakovec outpatient clinic (in Medjumorje county, where 7 percent of the population is Roma) failed to send an ambulance in response to the mother's calls. The mother later was transported to the county hospital, where the newborn was pronounced dead. Two clinic staff members were disciplined. In May the parliamentary Ombudsman for human rights reported on these and other instances of discrimination against Roma in Medjumorje County. In March two incidents of skinhead violence against Roma were reported: in Split, four skinheads assaulted a 9-year-old boy; in Zagreb, a group

of approximately 20 skinheads beat three teenage Romani boys outside a discotheque. In April a gang of skinheads beat a teenage Romani boy at Zagreb's main railway station. In late April, a group of approximately 30 non-Romani villagers reportedly harassed and beat five Roma with bludgeons in a town in Eastern Slavonia. Police in Osijek pressed charges against nine of the assailants, but also charged the five Roma with disturbing the peace. No further information was available on the case. In May skinheads in Zagreb attacked a teenage Romani girl with knives and slightly wounded her. In July a skinhead assaulted two Romani boys (aged 4 and 7) in a Zagreb mall; the skinhead was arrested immediately. Shortly afterward another skinhead punched a girl he believed to be Roma; he also was arrested immediately.

The OSCE reported concerns regarding the practice of holding separate classes (of allegedly lower quality) for Roma students in northern Croatia.

In July twenty Roma associations came together to form the "Board of Romani Unions of Croatia" (VRUH), the first Roma umbrella group in the country. VRUH stated that it seeks to protect the Roma ethnic and cultural heritage and promote Roma human rights.

In May 2000, 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.

There was some discrimination against minorities in schools. For example, textbooks have used derogatory adjectives in reference to minorities. Government pledges to provide more balanced textbooks went unfulfilled.

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. Non-Croats must satisfy more stringent requirements through naturalization 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 that local officials applied this legal double standard. These obstacles to ethnic Serbs' documenting 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). The Interior Ministry recognizes the period that mostly ethnic Serbs spent outside the country as refugees as applicable to the 5-year residency requirement.

Section 6 Worker Rights

a. The Right of Association

Workers are entitled by law to form or join unions of their own choosing without prior authorization, and workers exercise this right in practice. There is an active labor movement with one major and four minor national labor federations and an independent association 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.

During the year, labor unions protested the Government's drafting of a new labor law without input from labor organizations; a new drafting process was underway at year's end to include union participation.

The Constitution provides for the right to strike with some limitations. Members of the armed forces, police, government administration, and public services are not permitted to strike. 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; however, amendments to the labor law, adopted in March, specifically addressed this ruling and entitle workers to strike for nonpayment of wages.

When negotiating a new contract, workers are required to go through mediation before they can strike. Mediation is not required if the strike is not over a new contract. However, postal employees successfully held a strike in December over their new contract without resorting to mediation and obtained commitments from the Government to continue working on their collective bargaining agreement. Labor and management choose the mediator together. If they cannot agree, the Labor Law calls for the "Economic and Social Council" (GSV) represented by the Government, labor, and private sectors, and headed by a labor professional, to appoint one. The GSV met 4 times during the year regarding labor disputes, and its independent mediators successfully mediated in 20 labor disputes. In October the Government established an "Office for Social Partnership" to support the work of the GSV, which also fosters dialog on issues of interest to the three participating parties. Only after submitting to mediation and formally declaring that negotiations are at an impasse is a strike legal. If a strike is found to be illegal, any participant may be dismissed and the union held liable for damages. No strikes were found to be illegal during the year. The law prohibits retaliation against

strikers participating in legal strikes.

During the year, authorities permitted labor demonstrations both in Zagreb's main square and in front of the Parliament. Farmers in Eastern Slavonia staged several demonstrations over nonpayment for their produce. In June nearly 10,000 public sector workers in Zagreb protested new wage scales implemented by the Government without consulting the union. In July steelworkers in Sisak held a 6-week strike to protest nonpayment of wages. In August the Government announced a series of layoffs in the national police force that prompted scattered protests across the country, especially in areas of high unemployment such as Karlovac and Bjelovar.

Unions may affiliate freely internationally. For example, the Union of Autonomous Trade Unions of Croatia is a member of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively

Collective bargaining is protected by law. 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. However, during the year, the Government acted to block the signing of already-negotiated collective agreements for state-owned companies and to halt negotiations on such agreements where they were in progress. Negotiations were in progress between management of the Croatian Electrical Company (HEP) and the Croatian Post Office (HP) when the Government issued instructions to management to suspend talks, allegedly in order to wait for the conclusion of agreements with all public employees, and with the expectation of a substantial reduction of their salaries. After the public sector negotiations were completed, the Government instructed HEP and HP managements to resume negotiations. In the HP case, employees went on strike in December and won the right to sign the agreement that was under discussion when the Government ordered talks suspended. The HEP negotiations had not resumed by year's end.

The nonpayment of wages continued to be a serious problem; over 80,000 workers (6 percent of the work force) failed to receive their salaries on time. When salaries were not paid, associated contributions into the social welfare system also lagged, and unpaid workers were denied health coverage. In June the Constitutional Court ruled that workers and their families could not be refused medical benefits, even if employers failed to pay their contributions into the health system.

Under a 1999 agreement, the Agreement for a More Just Croatia, the Government is obliged to consult with labor unions before announcing economic reforms that would result in changes in worker benefits and layoffs; however, unions complained that the Government did not follow this agreement in practice.

The Labor Code prohibits anti-union discrimination, and it expressly allows unions to challenge firings in court. Unlike in previous years, there were no reports of systematic firings on grounds of ethnicity during the year. Unions reached an out-of-court settlement on severance pay and back wages on the 2000 Magma case, in which workers continued to protest the firing of the union president, executive board, and three union organizers from the company by its co-owners, a U.K based investment company and the Minister of Economy and his wife. 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.). Vladimir Harjac, who was fired in 2000 for union activities, was reinstated during the year; however, Dragutin Varga's case remained unresolved at year's end.

There were no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor; however trafficking in women for prostitution was a problem (see Section 6.f.). The Ministry of Labor and Social Welfare is responsible for enforcing the ban on coerced or forced labor.

The Constitution does not specifically prohibit forced or compulsory labor by children; however, there were no reports that such practices occurred.

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

In July the Croatian Parliament ratified ILO convention 182 prohibiting the worst forms of child labor. The minimum age for employment of children is 15 years, 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. Workers under the age of 18 are entitled to special protection at work and are prohibited from heavy manual labor and night shifts. There is no reported pattern of the abuse of child labor laws.

The Constitution does not specifically prohibit forced or compulsory labor by children; however, there were no reports that such practices occurred.

e. Acceptable Conditions of Work

In 1999 the Government signed a collective bargaining agreement establishing a minimum wage of approximately \$210 (1,700 kuna) per month; the minimum wage is not sufficient to provide a decent standard of living for a worker and family. In May the government Bureau of Statistics estimated that the average monthly net wage was approximately \$418 (3,500 kuna). In April the Government unilaterally implemented new wage scales for public sector workers without consulting unions.

In June the Labor Law was amended to shorten the workweek to 40 hours from 42 hours. Workers are entitled to 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 are entitled to receive time-and-a-half pay for any hours worked beyond 40 per week.

Health and safety standards are set by the Government and are enforced by the Ministry of Health. The law allows unions to appoint health and safety stewards in companies, but their activities are not regulated by collective agreements. In practice industries are not diligent in meeting standards for worker protection. For example, it is common to find workers without hardhats on construction sites and for workers to remove safety devices from dangerous equipment. Under the law, workers may remove themselves from hazardous conditions at work and have recourse through the courts if they believe that they have been dismissed wrongfully for doing so. There were no reports of wrongful dismissal complaints over workplace safety during the year.

f. Trafficking in Persons

The law does not specifically prohibit trafficking in persons, although other existing laws may be used to prosecute traffickers; trafficking in women was a problem. Little statistical information on trafficking exists, although U.N. officials tracking the issue regionally and local research indicate that Croatia is primarily a transit country for women trafficked to other parts of Europe for prostitution, as well as a lesser country of origin and destination country for trafficked women (see Sections 5 and 6.c.).

Police failure to identify trafficked women among illegal aliens smuggled into the country and shortcomings in the readmission agreement with Bosnia, which puts police under pressure to process and repatriate illegal migrants within 72 hours after their initial arrest, resulted in a significant underestimation of the trafficking problem in the country. Women from Hungary, Ukraine, Romania, Bulgaria, Slovakia, and other countries reportedly were trafficked through Bosnia-Herzegovina and Yugoslavia to Croatia, where some remained to work as prostitutes or were trafficked to other destinations. Women are transported through the country by truck or boat. In addition women from Albania, Bosnia, Bulgaria, Hungary, Macedonia, Moldova, Romania, Slovenia, and Yugoslavia were detained in incidents of illegal entry into the country; some of these women were believed to be victims of trafficking. Anecdotal information indicates that international organized crime groups are responsible for trafficking.

Although there is no law specifically prohibiting trafficking in persons, trafficking can be prosecuted under laws prohibiting slavery, the illegal transfer of persons across state borders, international prostitution, or procurement or pimping. However, police awareness of the problem is low, and the police are not trained or encouraged to identify and document possible cases of trafficking. Police are reluctant to acknowledge that trafficking in persons might occur in the country. Victims are not encouraged to take legal action against their traffickers. According to the Ministry of the Interior, from 1998-2000 the Government prosecuted 5 persons under the law prohibiting slavery and 21 persons under the law prohibiting international prostitution. However, no data is available regarding the final disposition of the cases.

Public awareness of trafficking is low, and there were no government or NGO programs to deal with the prevention of trafficking during the year. There have been no trafficking awareness campaigns in the country. While government officials, international missions, and NGO's are working to develop an antitrafficking strategy, progress has been slow. The Government appointed an official from the Interior Ministry as the national coordinator for trafficking issues, who was engaged in the issue by year's end. In November the Government hosted a ministerial-level conference for Stability Pact participants to coordinate regional antitrafficking approaches; however, there was little publicity for the event and no broad substantive discussion of the problem occurred during the brief conference.

There were no support services available for trafficking victims. Trafficking victims typically are detained for illegal entry and voluntarily deported. Victims generally are detained at a Zagreb detention facility on immigration violations. Detention may last several days or several weeks. Foreign embassies usually do not organize repatriation for its citizens, and victims typically are returned to their countries of origin by train organized by the Croatian Government. There is one women's shelter that occasionally helps trafficked women.

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