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Croatia

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The Republic of Croatia is a constitutional parliamentary democracy with an independent presidency. The President, Stjepan Mesic (formerly of the Croatian People's Party, but now independent), serves as head of state and commander of the armed forces, and nominates the Prime Minister who leads the Government. The Organization for Security and Cooperation in Europe (OSCE) determined that the November 23 parliamentary elections generally met international standards; however, some issues of concern remained. The Constitution provides for an independent judiciary; however, the judiciary continued to suffer from political influence at the local level.

The Ministry of Interior (MUP) oversees the civilian national police, and the Ministry of Defense oversees the military and military police. The national police has 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. Some members of the security forces committed isolated human rights abuses.

The Government worked towards creating a market-based economy that was primarily industrial. The population of the country was approximately 4,437,000 and real gross domestic product increased by 4.6 percent. According to the International Labor Organization (ILO), the average unemployment rate for the first 6 months of the year was 14.1 percent.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. The Government continued to arrest, charge, and adjudicate persons for war crimes committed during the 1991-95 conflicts in Bosnia and Croatia; the State Prosecutor initiated investigations into several allegations involving Croatian forces and took steps to depoliticize cases against ethnic Serbs. Ethnic Serbs remained incarcerated after being convicted in nontransparent politicized trials in past years. The courts were subject to political influence and suffered from bureaucratic inefficiency, insufficient funding, and a severe backlog of cases. The Government made efforts to address changing of testimony by witnesses sometimes due to intimidation, an often-hostile local public, inadequate training of judges, prosecutors, and police, and shortcomings in the Criminal Procedure Code which had called into question the criminal justice systems ability to conduct fair and transparent war crimes trials; however, the slow pace of reform in the courts and prosecutor's offices resulted in few improvements in the functioning of the judiciary. Courts decreased the practice of convicting persons in mass and in absentia trials. At times, the Government infringed on privacy rights; restitution of occupied property to refugees (mostly ethnic Serb) returning to the country remained slow and problematic.

The Government did not interfere in the editorial decisions of the print media; however, electronic media was susceptible to political pressure. Governmental interference in the formation and operation of associations and nongovernmental organizations (NGOs) was limited; however, the creation and internal governance of foundations remained susceptible to government influence. Restitution of nationalized property remained a significant unresolved problem for 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. There were concerns over the level of cooperation with the International Tribunal for the former Yugoslavia (ICTY). Questions remained regarding the Government's ability to apprehend and deliver prominent Croats indicted for war crimes.

Violence and discrimination against women persisted. There were some incidents of violence and harassment of religious minorities. Occasional violence toward ethnic minorities, particularly Serbs and Roma, continued; some faced serious discrimination. While some progress was made, ethnic tensions in the war-affected areas remained high, and abuses, including ethnically motivated harassment and assaults, continued to occur. 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 the arbitrary or unlawful deprivation of life committed by the Government or its agents.

Domestic courts continued to adjudicate cases arising from the 1991-95 conflict in Croatia and Bosnia (see Section 1.e.).

Two persons were killed, one in Lika-Senj and one in Sibenik, in landmine incidents during the year.

b. Disappearance

There were no reports of politically motivated disappearances.

Government figures through June showed that 1,235 ethnic Croats and 607 ethnic Serbs remained missing in unresolved cases from the 1991-95 military conflict. The Government's Office of Missing Persons had information on 500 sites where missing Croatian Serbs might be located. Of the 3,924 victims that have been exhumed from mass and individual graves since the war 3,054 have been positively identified.

During the year, the bodies of 55 victims missing from the 1991-95 war were exhumed from mass and individual graves; the Government explained the relatively low number of exhumations by the fact that frequently partial remains were unearthed at one site only to discover that the actual bodies were moved to another yet undiscovered site. With the ICTY and international experts serving primarily as monitors, the Government handled all exhumations and identifications itself.

The International Commission on Missing Persons worked in the country on recovery, identification of remains, and assisting the families of missing persons. The Government Office for Missing initiated cooperation with counterpart agencies in Bosnia and Herzegovina (BiH) and Serbia and Montenegro, in collaboration with the International Red Cross and local Red Cross offices, for the purpose of data collection and information sharing designed to establish more precise figures on the missing.

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

The Constitution prohibits such practices, and there were no reports that government officials employed them.

NGOs and individuals reported sporadically about police abuse of or discriminatory treatment demonstrated toward minorities in and outside of the Danube Region. Senior police officials acknowledged poor police performance as an issue to be addressed when reviewing the police role during eviction proceedings and court-ordered actions (see Section 5).

Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers. Men and women were held separately, juveniles were held separately from adults, and pretrial detainees were held separately from convicted prisoners.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, the Government did not always observe these prohibitions in practice.

The 2000 Law on Police governs the structure and organization of police work. This law effectively de-militarized police structures which had remained from the country's war experiences following the break up of the former Yugoslavia. Following the adoption of this law, the Government completed a significant downsizing of the police force. The Government also separated intelligence services from the Ministry of Internal Affairs and created an independent oversight board to monitor the performance of the services.

Widespread ethnic tension between ethnic Serb and Croat police officers existed, particularly in the Danubian region, where some Croat officers were laid off in 2001 to maintain proportionality in the ethnic mix of the police force as required by the 1995 Erdut Agreement. The Government appeared to fulfill its obligation under the Agreement to maintain proportionality in the numbers of ethnic Serb and Croat police officers in Eastern Slavonia; however, minority representation in the police outside Eastern Slavonia remained negligible, and the Government had not fully implemented provisions in Constitutional Law on National Minorities that require the hiring of minorities. In October, the Government hired 278 new police recruits. Of these, 209 were male and 69 were female, 22 were minorities, including 16 ethnic Serbs.

International observers and human rights organizations generally praised the police for their integrity; however, corruption was believed to be a problem, particularly among border police and customs officers. The Ministry of Internal Affairs began to update and codify rules of ethical police conduct and improve the capabilities of the police internal control section. Reforms were needed in the Ministry of Finance to which the Customs Service reports, to improve ethical standards and internal control capabilities. NGOs working on anti-corruption programs reported that public officials, even when exposed through media coverage, were rarely investigated or prosecuted for corrupt practices.

Problems in the police force included poor investigative techniques, insensitivity to ethnic issues, indecisive middle management, and pressure from hard-line local politicians. These factors impeded development of local police capability. In April, the Ministry of Internal Affairs launched a comprehensive program of police reforms, in part, to extend community policing pilot programs to all regions of the country; initial assessments by the international community were positive, although considerable work remained. In October, the Police Academy accepted its first training class under a completely redesigned basic police school developed with international assistance. During the year, the Police Directorate of the Ministry of Internal Affairs launched the first programs in a regular series to provide in-service training for all active police officers; the goal of these programs was to ensure that every individual police officer received some form of advanced or refresher training at least once a year.

Police normally obtain arrest warrants by presenting evidence of probable cause to an investigative magistrate; however, it was not uncommon for police to make arrests without a warrant if they believed a suspect might flee, destroy evidence, or commit other crimes. 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. Detainees were also allowed visits by family members. 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 trial 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). Detainees may be released on their own recognizance pending further proceedings; however, most criminal suspects were held in custody pending trial. Detention was perceived to be necessary where the accused was considered a public danger, may influence witnesses, or a flight risk. There were several cases of suspects held in pretrial detention for several months on weak evidence.

The option of posting bail after an indictment is available but was not commonly exercised.

The inability of trial judges to issue written verdicts delayed the appeals process and was the major cause of extended detention. For example, in the Norac case (see Section 1.e.), the county court issued a verdict in March; however, because no written verdict had been issued,

the appeal process had not begun by year's end.

Arrests of ethnic Serbs for war crimes continued but decreased throughout the year. In some cases of arrest on war crimes charges, the subject was released a few days after charges were dropped; however, in other cases, persons were detained for long periods. In September, although an initial investigation produced no evidence of his direct involvement, Ilija Vorkapic, a resident of Lovas, was arrested and detained for 2 weeks for the attack and occupation of Lovas in 1991.

Over the last few years, several ethnic Serb defendants convicted in absentia or at nontransparent trials continued to be held in detention for extended periods while their appeals progressed slowly through the overburdened judicial system (see Section 1.e.).

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

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the judiciary continued to suffer from political influence, a backlog of nearly 1.4 million cases, and funding and training shortfalls.

A significant part of the backlog was attributable to outdated procedural codes and court rules; inexperienced judges and staff; and, primarily in civil cases, to verdicts that had not been executed. 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 remained a problem, as evidenced by an increasing number of decisions by the Constitutional Court to award damages to persons whose trial had continued for numerous years without a decision. Additionally, the Government at times ignored Constitutional Court decisions, particularly with regard to the privatization of property.

The judicial system consists of municipal and county courts, commercial and misdemeanor courts, an administrative court, and the Supreme Court as the highest court. The independent Constitutional Court determines the constitutionality of laws, governmental acts, and elections. 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 (which consists of 11 members, including 7 judges, who serve 8-year terms), which is independent of both the judiciary and the Ministry of Justice, is charged with the appointment and discipline, including removal, of judges. The Chief State Prosecutor is appointed by Parliament and he then appoints the Chief State Attorneys at the county and municipal level; Deputy Prosecutors were appointed and disciplined by the High Prosecutorial Council. The process of re-appointing court presidents was completed by year's end.

Judges are constitutionally prohibited from being members of political parties. Over the past 3 years, the judiciary was subject to far less political influence than previously, although there continued to be reports of political influence at the local level.

Judges appointed under the government of former President Franjo Tudjman, who at times made decisions in a nontransparent manner seemingly at odds with the evidence or the law, were a problem. For example, in September, Split County Court judge Slavko Lozina, sentenced a former special police commander to 4 years and 11 months for the 1996 murder of a young Croatian of Serbian ethnicity. The Judge failed to give a formal explanation of what all observers considered a lenient sentence. Media reports alleged that the sentence was structured in a way so that the defendant could avoid custody during the appeal process. No disciplinary action was taken against the Judge in the case, although the Ministry of Justice and Supreme Court both launched inquiries into his behavior during the trial.

The inexperience of newly appointed judges and areas without permanent judges, particularly in the war-affected regions, continued to be problems. In March, the Ministry of Justice opened a new Center for the Professional Development of Judges and Other Justice Officials. In July, the Government formally adopted an implementation plan for judicial reform. The plan addressed technical issues and was designed to improve the quality of judicial decision-making and reduce court processing times, but left many implementation issues unaddressed; implementation of

these judicial reforms was not completed by year's end.

In an election year, all election commissions from the national to the local level, are constituted on an ad hoc basis and staffed primarily by professional judges. The chair of 1 district commission, of which there were 10 total, reported that the November parliamentary election consumed 1 month for more than 30 judges. The OSCE recommended that a permanent electoral commission be established, at least in part to free judges from the additional task of conducting elections.

Domestic courts continued to adjudicate cases arising from the 1991-95 war. Despite the increased number of open war crime cases involving Croatian forces, questions remained about the criminal justice system's ability to conduct fair and transparent trials in these complex and emotionally charged cases. Observers blamed inadequate training, shortcomings in the legal code, chronic witness intimidation, and an often-hostile local public as hampering the war crimes process.

International observers continued to express concern about the justice system's ability to treat defendants equally without regard to ethnic identity. The OSCE reported that the outcomes of war crimes prosecutions appeared to be largely determined by the ethnic identity of both the defendant and the victim. For example, in 2002, there was a significantly different rate of conviction and acquittal depending on the ethnic identity of the defendant; 82 percent of all ethnic Serbs were found guilty, whereas only 18 percent of Croats were found guilty. Similar rates were found for the first part of the year. At all stages of proceedings, except for acquittals, ethnic Serbs constituted the large majority of defendants. In absentia proceedings, despite some efforts to curtail the practice, were applied almost exclusively to ethnic Serb defendants. The conclusion of the OSCE was that war crimes prosecutions continued to be motivated more by ethnic considerations than by the impartial administration of justice.

In October, the Parliament passed the Law on Application of the Statute of the International Criminal Court and the Prosecution of Criminal Acts Against International Military and Humanitarian Law. This new war crimes law allows the Chief State Prosecutor, with the approval of the President of the Supreme Court, to obtain a change of venue for any war crimes case to one of four country-level courts, requires trials to be conducted before a three-judge panel of experienced judges who are appointed to 4 year terms, and creates the office of a special prosecutor, under the Chief State Prosecutor, to prosecute war crimes.

During the year, the domestic prosecution of war crimes cases continued, primarily against ethnic Serbs, but increasingly against ethnic Croats. For example, during the year, the Chief State Prosecutor requested that investigations be opened into the killings of ethnic Serbs in Sisak, Osijek, and Pozega that took place over 10 years ago; however, due to problems with witness intimidation, many of the investigations have not led to indictments.

In August, the Gospić County Court convicted Svetozar Karan, a former member of the Serbian military police for the severe beating of prisoners of war in Korenica and Frkasić between 1991 and 1995. The written verdict contained inflammatory and derogatory remarks about ethnic Serbs, such as "the defendant and his (Serb) predecessors have been sitting on Croatia's back for the past 80 years," that called into question the court's ability to conduct a fair trial.

In February, the County Prosecutor in Split appealed the acquittal to the Supreme Court in the high-profile Lora war crimes case (eight Croatian soldiers were accused of torturing ethnic Serb prisoners) on grounds of wrongly and incompletely established facts and failure to admit crucial evidence. The appeal remained pending before the Supreme Court at year's end.

In March, the war crimes trial against five persons held at the County Court in Rijeka ended with convictions of Tihomir Orešković, former Croatian Army General Mirko Norac, and Stjepan Grandić, who were sentenced, respectively, to 15, 12 and 10 years in prison. This marked the first time that senior Croatian military officials have been convicted in a Croatian court for war crimes and, in contrast to the "Lora" trial, monitors considered the so-called Gospić trial fair and well conducted. The three defendants were found guilty of abduction and execution of at least 50 Serb and Croat civilians in the area of Gospić in 1991. Ivica Rozić was acquitted for lack of evidence, and charges were dropped against the fifth defendant, Milan Canić.

In June, trial proceedings began in the so-called Paulin Dvor case in Osijek County Court

against Nikola Ivankovic and Enes Viteskic, 2 lower-ranking army officers suspected of participation in the December 1991 killing of 19 ethnic Serb civilians. The victims were killed in Paulin Dvor in Eastern Slavonia and buried at a military warehouse, then in 1997 their remains were secretly transferred across Croatia to a mass grave near Gospic, where they were discovered by the ICTY and Government investigators. The case gained added prominence when testimony by a former Osijek-Baranja county prefect implicated the wartime defense leader of Osijek and current Member of Parliament (M.P.) for the area, Branimir Glavas, in a series of murders of ethnic Serbs and Croatian Army soldiers in Osijek between 1991-95. Revelations at trial prompted a local NGO to forward information on wartime criminal activities in Osijek to the prosecution (see Section 4).

The retrial of Mihajlo Hrastov, a former Croatian member of the Karlovac Police Special Forces, for the murder of 13 unarmed Yugoslav National Army prisoners of war near Karlovac in 1991, ended at the Karlovac County Court in an acquittal. The prosecution appealed the case to the Supreme Court in late 2002 but the Court had taken no action by year's end.

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

The appeal of Bosnian Fikret Abdic's 20-year prison sentence for the deaths of 121 civilian detainees and 3 military prisoners between 1993 and 1995 remained pending at year's end.

In 2001, the Constitutional Court ordered a retrial in the case of former Croatian policeman Antun Gudelj, who was convicted and then improperly amnestied in 1997 for the 1991 murder of Osijek police chief Josip Reihl-Kir. At year's end, bilateral legal discussions on the arrest and extradition from Australia continued.

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, although this practice declined and was under review by the Public Prosecutor.

Some courts continued the practice of convicting persons in mass and in absentia trials; however, in July 2002, the chief State Prosecutor initiated a case-by-case review of war crimes cases and sought to limit the use of in absentia proceedings. While 293 cases were dropped as a result of this review by the end of August, local prosecutors and courts continued to conduct in absentia proceedings, which were used almost exclusively against ethnic Serb defendants. In cases monitored by the OSCE during the year, 85 percent of all ethnic Serbs convicted for war crimes were convicted in absentia proceedings. No ethnic Croat has been a part of a group in absentia proceeding, nor has any ethnic Croat been convicted in such a proceeding. The practice of in absentia proceedings placed an added burden on the courts, since defendants convicted in absentia regularly made use of their guaranteed right for a re-trial.

In February, an in absentia trial held at the Zadar County Court, 2 Serbs were sentenced to 9 and 10 years in prison respectively for the 1991 shooting of an ethnic Serb in Perusic, whom they suspected of collaborating with Croatian authorities. In August, the Osijek County Court convicted eight Serbs in absentia for crimes against civilians in the village of Luc in Eastern Slavonia in 1990. In September, the Vukovar County Court began trial proceedings against 18 former members of a Serb paramilitary unit who were charged with genocide and war crimes in the 1991 attack and subsequent occupation of the town of Lovas in Eastern Slavonia. Only one of the accused was present during the trial.

At year's end, approximately 21 individuals remained incarcerated on war crimes or related charges based on politicized or nontransparent trials held under the previous regime. For those who had exhausted their appeal procedures, there was no mechanism to review their cases other than seeking pardons. There were no other reports of political prisoners.

In cases regarding property claims, the laws implicitly favor ethnic Croats over ethnic Serbs. Despite a 1998 Constitutional Court ruling that declared several elements of the Law on the Temporary Takeover of Specified Property unconstitutional, many thousands of ethnic Serb property owners, who fled homes that were later occupied by ethnic Croats, remained unable to access their property.

The Government completed a review in 2001 of housing units that were distributed for temporary occupancy by the previous regime; the data provided was intended to facilitate eventual returns and property restitution. However, at year's end, 3,509 of the 19,271 housing units remained occupied. Many of the occupants of these units were subject to immediate eviction; however, in practice, evictions have not occurred. Backlogs in the judicial system were a further impediment to timely resolution of housing disputes.

During the year, the Government did not implement its plan to facilitate the return of largely ethnic Serb refugees by making available state housing to those who previously enjoyed occupancy and tenancy rights outside war-affected areas in the former Socialist Republic of Croatia.

In 2000, the Constitutional Court struck down provisions of the Law on the Status of Displaced Persons and Refugees that prohibited evictions unless alternative accommodation is provided for the evictee. This practice reinforced the precedence of temporary occupants over that of property owners. The July 2002 amendments to the Laws on Areas of Special State Concern (LASSC) introduced measures designed to facilitate property repossession, but the law continues to subordinate the rights of private property owners to those of temporary users. The Government has not evicted occupiers of private property, even in the case of illegal or double occupants; physical repossession of a property by its rightful owner occurred, almost exclusively, only when the occupier decided that he or she no longer needed the property.

The State Attorney is responsible for conducting the eviction process against those who are illegally occupying houses; however, out of 718 existing cases of illegal/double occupancy, less than half have been referred to the State Prosecutor's office, and most repossessions took place only through extra judicial settlements. Despite orders from the national Government, prosecutors often did not initiate lawsuits against individuals who refused to vacate occupied premises.

The amended LASSC has not accelerated the process of legally resolving property restitution cases; it provides no guarantee to claimants that they can physically repossess their property, and there were no mechanisms to implement the new legal provisions. Additionally, the LASSC subordinates the rights of private property owners to those of temporary occupants by making property repossession conditional on provision of alternative accommodation for the temporary occupant and thus, violates the right to ownership as provided for in the Constitution.

The July 2002 amendments to the LASSC stipulated a timeframe for recipients of alternative housing assistance to complete construction or reconstruction and to vacate occupied properties. Under the amendments, illegal or double occupants were given up to 60 days after receipt of an administrative order to vacate or face eviction; however, in practice, the Government has not effectively enforced the law, and most cases remain self-solved.

The LASSC obligated the Office of Displaced Persons and Refugees to make administrative decisions on repossession. The amended law further obligates the Government to pay compensation to the legitimate owners if it fails to physically return their properties by December 31; however, only 657 owners out of 3,819 eligible owners received a compensation payment by year's end.

During the year, the Government significantly accelerated processing of claims by ethnic Serbs for reconstruction assistance.

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

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Police were often unwilling to intervene in housing disputes, which involved attack against property, looting, and arson, and were a frequent occurrence in war-affected areas (see Section 5). There were frequent allegations that the police did not always remain impartial and uphold the law when it came to housing disputes between ethnic Croats and ethnic Serbs.

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 these rights in practice. The constitutional provisions specifically include freedom of the press and other media, speech and public expression, and the free establishment of institutions of public communication.

The Government did not interfere in the editorial decisions of the print media; however, electronic media was susceptible to political pressure since most outlets were at least partially owned by local government.

In October, Parliament passed a new Media Law that creates preconditions for freedom of the media and journalism. Among the most important of these are regulations on the transparency of ownership, the operational activities of the media, and on measures to protect journalists from in-house and external pressures. Under the law, media outlets must make their ownership structure public, and publishers must send annual business reports to the Ministry of Culture. The new law also prevents monopolies by limiting media ownership to 40 percent of any given market.

The privately owned Tisak distributed approximately 75 percent of the print media. Foreign newspapers and journals were available in urban areas throughout the country; however, due to their high cost, they remained largely inaccessible to many persons.

In February, a new law on Croatian Radio and Television (HRT) was passed, that should provide for HRT's financial stability, political independence, and the presentation of objective information to the public. According to the OSCE, with the exception of provisions relating to the appointment of the HRT Broadcasting Council, the law represents a considerable improvement over the one previously in force. After a long delay, on October 17 Parliament approved 11 members of the HRT Broadcasting Council; the Council held its first meeting on November 14.

In April, the Croatian Helsinki Committee (HHO) reported that Croatian Television (HTV) was no longer under government influence, but its programming remained biased in its objectivity and quality of coverage. According to HHO, HTV paid insufficient attention to important post-war issues such as refugee return, war crimes, minority issues, and human rights.

In September, the Council for Radio and Television privatized HRT's third national television channel in an open and transparent process. HRT was no longer the sole beneficiary of revenue from government taxes on television users. The new Electronic Media Law allocated 3 percent of HRT's revenue from government taxes to local, private radio and television stations. In the past, being the sole recipient of government funding created advantages for HRT over independent radio and television stations.

Although HINA became a public institution in 2001, by year's end the Government still provided most of HINA's funding and a truly independent nationwide television news and entertainment station did not exist.

Over 60 percent of the population continued to rely on government-run HRT's evening Dnevnik program for television news. While privately owned Nova TV reached more than 75 percent of the population during the year, it was primarily an entertainment station with limited news programming. A network of independent local television stations produced a competing nightly news program Vijesti that reached 65 percent of the country's territory.

In early March, a bomb explosion destroyed a car that belonged to the Europa Press Holding publishing company while it was parked in front of the house of the founder and co-owner Ninoslav Pavic. There were no arrests in the case by year's end. In December, Ivan Caleta, one of the co-owners of Nova TV, was shot and injured in Zagreb. The OSCE issued a statement that "such threats...have a chilling effect on the media."

A 2001 Penal Code amendment decriminalized the offense of libel, resulting in a lower filing rate of such cases; however, an estimated 1,200 libel cases from previous years remained unresolved due to the slow and inefficient judicial system. In recent years, there have been no reports of biased verdicts in libel cases. Sections of the Penal Code that authorize prosecution

of journalists who publish "state secrets" remained in force; however, there were no reports of these laws being used during the year.

The Government did not restrict access to the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respected this right in practice.

The law permits assembly for registered demonstrations at approved locations; while the process for approving or denying the registration of an assembly is not transparent, 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 (see Section 6.b.).

The Constitution provides for the right of association, and the Government generally respected this right in practice.

Although the Law on Associations provides for these rights, the Law on Funds and Foundations, enacted in 1995, grants discretionary power to the Ministry of Justice over the establishment and internal governance of foundations. While the law was applied equally to all, the law itself is restrictive and controlling. According to the Ministry, registration of a foundation, takes up to 6 months provided that all submitted documents were in order. Only approximately 70 foundations have been registered (compared with 20,000 registered associations under the Law on Associations).

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. No formal restrictions were imposed on religious groups, and all religious communities were 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 enjoyed a historic relationship with the State that was not shared by other religious groups. Other religious groups also have agreements with the State which grant benefits similar to those enjoyed by the Catholic Church. State financing of salaries of religious workers; provision of spiritual counseling in state institutions such as the army, police, and prisons; and the recognition of religious marriages were among the main points of the agreements. The Government adopted a similar agreement with the Jewish community; however, its signing fell through over the key issue of return of nationalized property.

In January, the Government approved a regulation on the registration of religious communities, which required all religious communities to submit registration applications within 6 months in order to receive status as a legal person. Approximately 27 religious communities were registered during the year. In October, agreements were signed with the Croatian Old Catholic Church, the Bulgarian Orthodox Church, and the Macedonian Orthodox Church in Croatia.

The Government required that religious training be provided in schools, although attendance was optional. Given that 85 percent of the population was Roman Catholic, the Catholic catechism was the one predominantly offered. Under the 2002 Law on Religious Communities, Catholic religious education was introduced in kindergartens across the country; this prompted criticism from representatives of some other religious communities, particularly the Orthodox Church, and political parties. The Islamic community began training staff for the purpose of conducting religious education in kindergartens in 2004. As stipulated in all agreements signed with religious communities, schools that met the necessary quota of seven students of a minority faith per class offered separate religion classes for the students. In cases where there were not sufficient numbers of students of a minority faith to warrant separate classes, students could exercise the option to receive religious instruction through their religious community.

Restitution of nationalized property remained a problem for most major religious communities.

Restitution to the Catholic Church is regulated by a 1998 concordat with the Vatican and the December 2002 agreements with the Islamic community and Serbian Orthodox Church established joint commissions with the Government to resolve property, legal, educational, and cultural issues. The joint commissions met during the year, and religious communities reported that there were frequent and constructive discussions with the Government; however, the joint commissions lack authority to return property, which was the overarching issue of concern to religious communities. The Serbian Orthodox Church—the second largest claimant of property after the Catholic Church—has repossessed a significant amount of business property in Zagreb, as well as some property in Rijeka and Osijek; however, several buildings in Zagreb, Karlovac, and other towns had not been returned, nor had properties that belonged to monasteries, including forests and arable land. Similarly, the Jewish community has had only partial success in recovering its properties; long standing negotiations with the Government's Office for Property Repossession on three buildings in Zagreb, Ravna Gora, and Crikvenica were unsuccessful, and no property was returned during the year. At year's end, according to the Catholic Church, the Government made a proposal, but never initiated formal negotiations, to give the Catholic Church a 25 percent interest in the country's major insurance company, Croatia Osiguranje, as compensation for a part of its nationalized property.

The Islamic community reported delays with obtaining permits to build an Islamic Center on land owned by the community in the coastal city of Rijeka. In March, approximately 5,000 citizens signed a petition opposing construction in their neighborhood, but the city authorities accepted the plan; however, actual construction had not begun by year's end.

In January, the driver for the Metropolitan of the Serbian Orthodox Church was verbally abused in front of the main church in Zagreb. In September, an incident occurred involving verbal abuse against the Metropolitan and another member of the Serbian Orthodox clergy.

In March and again in May, fascist graffiti appeared on the church door, and obituaries were regularly torn off the billboard by the church entrance. Sometime between March and April, the Serbian Orthodox Church of St. Archangel Michael and Gabriel in Kostajnica was broken into. Windows were smashed and religious items, including four icons, were burned or badly damaged. In April, windows were broken at the Serbian Orthodox Church in Plaski, and similar incidents were reported in Ogulin in August and September. No arrests were made in any of the cases. According to the OSCE and other reporting, Serbian Orthodox churches and property in war-affected areas were attacked during the year. In April, tombstones in a cemetery in Vukovar were damaged—marking the eighth such incident at the cemetery. Serbian Orthodox Church leaders reported that in Knin the Church of St. Pokrov was frequently desecrated with fascist Ustasha symbols. Serbian Orthodox clergy reported good cooperation with the police, who promptly reacted to reported incidents, but complained about a lack of information on the results of investigations.

In June, insulting graffiti appeared on the walls and minaret of the Zagreb mosque. Police investigated, but no arrests were made.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

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

The Constitution provides for these rights, and the Government generally respected them in practice. All persons must register their residence with the local authorities and, 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." Freedom of movement continued to be constrained for returning refugees and internally displaced persons (IDPs), particularly in Eastern Slavonia, where those who lost tenancy rights experienced difficulties in regularizing their status because they had no permanent residence (domicile), which is a precondition for acquisition of a civilian ID.

International observers remained concerned that arrests of ethnic Serbs for war crimes, often based on weak evidence, dissuaded some refugees from returning.

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 regular reports of obstruction by some local officials. Many cases

existed in which Serb returnees experienced difficulties in obtaining identity cards and other forms of documentation that would allow them to verify their citizenship status. The municipal government in Gracac obstructed returns to Donji Srb and other municipalities under its jurisdiction while at the same time providing immediate assistance to ethnic Croat settlers from BiH.

During the year, the MUP conducted a review of 441 permanent residency documents of Croatian Serb returnees who were habitual residents of Croatia prior to 1991. Many were able to regularize their status, obtain identity documents, and apply for citizenship through naturalization; however, international monitors reported that the MUP followed different procedures and varied its interpretation of its own internal guidelines from case to case.

The new Law on Foreigners was scheduled to enter into force on January 1, 2004. The Law's transitional provisions are designed to enable former habitual residents to return and regularize their status. The law states that if they return within 12 months, they would be reinstated into their pre-war status of former habitual residents without any further requirements, such as meeting housing and financial criteria, and could subsequently apply for citizenship.

A significant number of IDPs remained in the country, although not all were under the Government's direct care (approximately 1,715 ethnic Serb IDPs in the Croatian Danube Region did not hold official IDP status). In December, U.N. High Commissioner for Refugees (UNHCR) reported that there were 12,566 IDPs in the country (75 percent of whom were ethnic Croats originating from the Danube region) and 4,195 refugees (mostly from BiH). These numbers did not fully reflect an additional 140,000 former refugees (nearly all ethnic Croats from BiH) who have become citizens and residents of Croatia.

President Mesic and the Prime Minister continued to make public statements encouraging the return and reintegration of all Croatian citizens to their prewar homes. However, despite an ongoing government program to reconstruct thousands of homes damaged in the 1991-95 war, government officials, NGOs, and international observers assessed that the returns process was nearing its completion with significant changes in the ethnic composition of most communities. The return of ethnic Croats to their prewar domiciles was virtually complete; however, the Serbian minority still faced significant obstacles to return. While ethnic tensions continued in the Danube region and parts of Dalmatia, the overall security situation was stable (see Section 5). The largest disincentive to returns in the Danube region was the poor state of the regional economy, the absence of a concrete solution that provides housing to former tenancy rights holders, and the very slow pace of repossession of private property.

The restitution of occupied private property to (mostly ethnic Serb) refugees returning to the country remained a problem (see Section 1.e.). The Government continued to give preference to the rights of temporary occupiers (mostly ethnic Croats) over those of the legal owners. In Kostajnica, for example, the Mayor obstructed the return of an ethnic Serb family to their home, which was currently occupied by a Bosnian Croat family that is related to the Mayor's wife. In June, a group of Bosnian Croats, allegedly organized by the Mayor, physically threatened the ethnic Serb owners when they attempted to visit their home. As a result of the incident, the Government suspended economic and infrastructure assistance to the municipality. Few property owners were able to recover their prewar dwellings and the issue of former-tenancy rights holders of socially-owned property remained largely unaddressed, preventing these persons (mostly ethnic Serbs) from returning to their prewar apartments.

The Government allowed free access to all displaced persons by domestic and international humanitarian organizations and permitted them to provide assistance.

The Government cooperated with the UNHCR and other humanitarian and international organizations in assisting refugees and returnees. By the end of December, in returns organized by the UNHCR and the Government, 9,280 persons who were refugees in the former Yugoslavia were repatriated to Croatia. According to the UNHCR, approximately 123,162 refugees (mostly ethnic Serbs) have returned to Croatia since 1995.

A new Law on Asylum, enacted in June, but not scheduled to enter into force until July 2004, provides for the granting of refugee status to persons who meet the definition of a refugee in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The MUP processed asylum seekers separately under the Law on Movement and Stay of Aliens and

applied the same procedures to all newly arrived asylum seekers, regardless of country of origin, including citizens of countries of the former Yugoslavia. During the year, the Government did not grant asylum status to any of approximately 63 asylum seekers, despite positive recommendations from the UNHCR in 2 cases. There were no reports of the forced return of persons to a country where they feared persecution.

Asylum seekers, who were rejected in the first instance and lodged appeals before the Administrative Court, were deported since the appeal had no power to suspend the deportation. However, in practice, the stay of rejected asylum seekers whose claims were dealt with by UNHCR in its mandate procedure were tolerated by the MUP until the procedure was completed. The UNHCR closely followed up on individual cases that were deported/returned by Croatian authorities to BiH and Serbia and Montenegro.

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 exercised this right in practice through periodic, free, and fair elections on the basis of universal suffrage; however, the OSCE expressed a few concerns regarding the November parliamentary elections, including the legislative framework for elections, the short timeframe available for election administration, the accessibility of out-of-country voting (particularly for refugees in Serbia and Montenegro and BiH), and the lack of transparency in campaign financing.

In May 2001, nationwide elections were held for local offices (town, municipal, and county level). OSCE monitors reported that the elections were generally free and fair although there were shortcomings, including hurried last-minute drafting of the election law, provisions on minority representation that did not clearly spell out procedures for achieving minority balance in local bodies, lack of a permanent state electoral commission, lack of transparency in parties' campaign expenditures, and lack of regulations for campaign financing.

In February 2000, President Stjepan Mesic was elected to a 5-year term. 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. At year's end, the law still had not been amended to rectify this problem and create equal citizenship conditions regardless of ethnicity.

There were no legal restrictions on participation in government or politics by women. There were 27 women elected to the 152-seat Parliament in the November elections. There were 4 women in the 15-seat cabinet, including the position of Minister of Justice. There were 4 women out of 13 Constitutional Court Justices and 19 women out of 39 Supreme Court Justices.

In April, the election law was amended to bring it in compliance with the Law on National Minorities adopted by the Parliament in 2002, which stipulates that ethnic minorities must be represented in local government bodies, provided the census shows that the minority group constitute at least a specified percentage of the local population; however, minority groups will remain under-represented in 79 municipalities and 9 counties until the next local-level elections are held in 2005.

There were no legal restrictions on participation in government or politics by minorities and the electoral law reserves up to eight parliamentary seats for ethnic minorities. There were 11 members of minorities in the 152-seat Parliament, of which 8 were elected as minority representatives.

In November's parliamentary elections, ethnic minorities elected a total of eight M.P.s, an increase from five in the previous parliament. Minority participation in the elections was mixed, but generally stronger than in 2000, as voters elected three M.P.s to represent the country's Serb minority, and one each for the Italian and Hungarian communities. Czechs and Slovaks will share a representative, as will the Albanian, Bosniak, Montenegrin, Macedonian, and Slovene minorities; 12 other smaller minorities will also share a representative. The OSCE and

NGOs argued in advance of the election that the number of polling stations in Serbia and Montenegro was insufficient for the number of potential voters among ethnic Serb refugees who still had not returned, but the Government did not open more polling stations.

In December, the three ethnic Serb members elected to parliament as representatives of the Independent Serb Democratic Party (SDSS) and Prime Minister-designate Ivo Sanader signed an agreement in which the SDSS pledged to support Sanader as Prime Minister in exchange for a commitment from the new Government on the full return of refugees, the restitution of illegally used Serb property within 6 months, and compensation for destroyed property outside of areas covered by the existing Reconstruction Act. The agreement also committed the Government to fulfill, within 3 months, provisions within the Constitutional Law on National Minorities that guarantee minority representation in local and regional government units.

In 2002, after extensive discussion with minority groups and political parties, Parliament passed a Constitutional Law on National Minorities with broad political support. However, implementation has been slow and in some aspects non-existent. The law assures minority representation in local government bodies, creates minority councils to advise elected officials on minority rights, promotes use of minority languages and symbols, and provides for the election of up to eight minority representatives in the parliament. Ethnic minority groups welcomed most of the law's provisions, but objected to the loss of generous affirmative action rights to elect representatives to parliament. In May, elections were held for the new local minority councils, but turnout was so low the elections were broadly judged to be a total failure. Reasons cited for the less than 10 percent turnout included short deadlines, an insufficient number of polling stations, and inadequate voter education.

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

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were often cooperative and responsive to their views.

The Law on Associations enhances the ability of NGOs to register and operate without undue government interference (see Section 2.b.). There were no reports of government harassment of NGOs. The Government's Office for Cooperation with NGOs and other Government ministries and offices were active in coordinating and promoting NGO and governmental efforts on human rights and civil society. In many municipalities, there was generally good cooperation between NGOs and local government officials.

Early in the year, the Center for Peace in Osijek, HHO, and other human rights NGOs provided information to the State Prosecutor on the killings of at least nine civilians in the town of Osijek in 1991.

International organizations, including the European Union Monitoring Mission, the OSCE, and the UNHCR operated freely.

The Government in general cooperated with the ICTY; however, in one high profile case the Government refused to fulfill its international obligations as the ICTY's agent in the arrest and transfer of indicted retired General Janko Bobetko. In April, Bobetko died in Zagreb. Also in April, the Government arrested Ivica Rajic, a former regional commander of Croatian Defense forces, who was indicted by the ICTY in 1995 for the murder of at least 16 Bosnian Muslim civilians in Stupni Do in 1993, and transferred him to The Hague in June. Questions continued about the Government's diligence in tracking down 2001 indictee former General Ante Gotovina. The lack of progress in locating Gotovina called into question the seriousness of the Government's efforts to fulfill its legal and political commitments to the ICTY.

The parliamentary Ombudsman for human rights received and acted on individual citizens' complaints; however, its authority to order compliance from government ministries was limited.

Aside from the Ombudsman's office, Parliament maintained an independent human rights committee tasked with human and minority rights and a separate gender equality committee. They met periodically throughout the year to discuss topics and legislation within their purview.

(see Section 5). The two committees, in cooperation with ministry and other experts, were effective in drafting and recommending laws, in establishing relevant committees at the local level, and in raising awareness of their issues.

The Government's Office for Human Rights is the primary office responsible for developing, coordinating, and implementing the Government's human rights policies. The Office was generally effective in cooperating with NGOs and the international community. The Government's Coordinating Body to address refugee returns and housing reconstruction in war-affected areas and representatives of the international community met several times during the year in working groups; however, in March, the international community suspended its participation due to a lack of Government commitment to resolve issues raised by the group.

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

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

In September, the parents of primary school children in Kutina, east of Zagreb, protested at the prospect that their children might attend classes with an HIV-infected orphan named Ela. The case drew national media attention beginning in 2002 when Ela encountered similar problems in another town. Prime Minister Racan and other senior Government officials made public statements in support of Ela, and the Government launched a media campaign with the message that HIV is not transmitted through social contact. The Ministry of Health and a Zagreb clinic for infectious diseases organized a lecture on HIV for approximately 100 residents of Kutina; however, only 3 other children enrolled in classes with Ela; the parents of the other students in Ela's grade sent their children to schools elsewhere.

In July, Law on Same Sex Relationships was adopted to prevent discrimination in inheritance, property rights and access to social benefits.

Women

Although the Government collected only limited statistics on domestic violence, credible NGO observers reported that domestic violence remained a widespread and underreported problem. Alcohol abuse, the psychological consequences of war, and poor economic circumstances were cited as contributing factors. During the last 5 years, there generally has been a greater awareness of the problem, improved cooperation and collaboration between NGOs and the Government, and better police handling of domestic violence cases. The police received training as part of the community policing program, and the MUP issued guidelines to police on how to handle domestic violence cases. The OSCE reported that they had not received any complaints regarding the police performance in handling domestic violence cases. There were four shelters for victims of domestic violence (one in Karlovac, and Caritas operated shelters in Rijeka, Osijek, and Sibenik). Additionally, there were hotlines, counseling, and legal assistance programs targeting victims of domestic violence.

The law provides that a domestic violence case may be initiated by persons other than the victim; for example, cases can be initiated by the police. The Law on Protection Against Family Violence, enacted in July, requires that witnesses or those with knowledge of domestic violence or child abuse—such as teachers, counselors, or health workers—report their suspicions to relevant authorities. The law also provides for measures to protect potential victims.

Rape and spousal rape are illegal under the Penal Code; however, NGOs reported that many women did not report rape or spousal rape.

Trafficking in women for the purposes of sexual exploitation remained a problem (see Sections 6.f.).

The Penal Code's section on abuse of power prohibits sexual harassment in the workplace and, in July, the labor law was amended to specifically prohibit sexual harassment. NGOs reported

that, in practice, women who were sexually harassed often did not resort to legal remedies 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 and reports from union officials in 2002 showed that, while women constituted an estimated 46 percent of the formally employed work force and up to 66 percent of the total workforce, they occupied few jobs at senior levels, even in areas such as education and administration where they were a clear majority of the work force.

In March, the Croatian State Institute for the Protection of the Family, Maternity, and Youth released a study that showed half the companies surveyed did not have a single woman in a senior managerial position, and less than 3 percent of companies had more than four women in such positions. Anecdotal evidence gathered by NGOs suggested that women held the preponderance of low-level clerical, labor, and shopkeeping positions. Women constituted a larger proportion of unemployed—54 percent—and pension statistics indicated that women's salaries averaged 26 percent less than those of their male counterparts. Women often were among the first to be laid off in times of corporate restructuring. The Labor Code authorizes 1 year of paid maternity leave and up to an additional 2 years of unpaid leave.

Government efforts to promote gender equality continued; in July, Parliament passed the Law on Gender Equality. The law creates, among other things, the position of a Gender Ombudsman, who is appointed by and reports to the Parliament. While NGOs have expressed some reservations about the new law, most observers expect the law to further empower women politically. In 2002, the Government Committee for Gender Equality initiated and secured financial support for regional gender equality bodies, which were established in several counties. The Labor Ministry office was responsible for implementing the 2001-05 National Action Plan on gender equality and coordination of tasks among ministries, parliamentary offices, unions, and the NGO community to promote gender equality. Parliament's Gender Equality Committee initiated changes to the Defense Law and to the Law on Armed Forces, which introduced a gender equality committee at the Ministry of Defense's Personnel Council and listed sexual harassment as a disciplinary violation.

The Croatian Women's NGO Network supports the activities of 50 NGOs from across the country. There were several NGOs that had an impact nationally on women's issues.

Children

The Government was generally committed to the rights and welfare of children. Education was free and mandatory through grade eight (generally age 14). The majority of students continue their education to the age of 18, with Roma being the only notable exception. Romani children faced serious obstacles in continuing their education, including discrimination in schools and a lack of family support. Schools provided free meals for children and subsidized daycare facilities were available in most communities even for infants. Medical care for children was free.

NGOs operating hotlines for sexual abuse victims reported numerous cases of child abuse, although there was no societal pattern of child abuse. A new clinic opened in Zagreb specifically for the treatment of abused children. In July, Parliament appointed the first Ombudsman for Children's Rights. According to the Ministry of Interior, from 2000 through 2002 there were 76 cases of criminal acts against children: 70 related to child abuse and pornography, 4 to slavery, and 2 to international prostitution.

Persons with Disabilities

The Constitution ensures "special care for the protection of disabled persons and their inclusion in social life"; however, while persons with disabilities face no openly discriminatory measures, job opportunities generally were limited and special education, particularly for young adults, was limited and poorly funded.

The Law on Social Welfare and the official regulations regarding architectural barriers specify access to public services and buildings for persons with disabilities; however, the regulations were not always enforced and did not mandate that facilities be retrofitted. As a result, access to

public facilities was limited.

National/Racial/Ethnic Minorities

While the Constitution specifically lists 10 "indigenous" ethnic minorities, the constitutional protections it contains are extended to all citizens, including minorities not listed (for example, Bosniaks, Roma, and Slovenes); however, in practice, a pattern of open and sometimes severe discrimination continued against ethnic Serbs and Roma. In 2002, a Constitutional Law on National Minorities was adopted that provides further legal protections for the rights of national minorities and, in November, eight ethnic minority representatives were elected to parliament. There was some discrimination against minorities in schools. For example, textbooks used derogatory adjectives in reference to minorities.

The OSCE reported on several ethnically related incidents where the perpetrators were charged with misdemeanor offenses, such as disturbing public order, rather than criminal offenses; in a majority of the cases, police and prosecutors were reluctant to identify the cases as ethnic discrimination.

Zagreb police pressed charges against seven minors and one adult suspected of involvement in three separate attacks in July and August against foreigners. The incidents involved an attack on an Egyptian student, an 11-year-old Egyptian boy, and an Austrian family of Pakistani origin. Government officials publicly condemned the allegedly racially motivated incidents.

Frequent reports of interethnic violence early in the year in schools in Vukovar culminated in March when approximately 30 Serbian and Croat students clashed in front of the Vukovar High School. The media reported that three injured students were hospitalized. Both ethnic Serb and Croat leaders cite the 50-80 percent unemployment in the region as significantly contributing to interethnic tensions.

In several areas, including in administration of justice, employment, housing, and freedom of movement ethnic Serbs were discriminated against. Ethnic Serbs in war-affected regions continued to be subject to harassment, intimidation, and occasional violence. Weapons left over from the war, including firearms and explosives, were readily available and were used in incidents of harassment during the year, particularly in the areas of return in central Dalmatia. 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.

In May, an ethnic Serb woman was verbally abused and attacked with a whip by her neighbor in the village of Ključar in Vojnić municipality. Police took the attacker into custody, and the woman sought medical treatment for head and back injuries. In June, a group of young men smashed the windows of a home owned by a Serbian woman in Daruvar. Police intervened and caught the perpetrators; however, the owner of the home complained that police treated her inappropriately during questioning. In Benkovac, in July, police intervened on behalf of an ethnic Serb returnee whose neighbor has verbally harassed and threatened him since his return in 1999; however, despite the fact of repeated instances of extremely provocative hate speech and an attempt to break into the returnee's home, the police said they would cite the offense only as a public disorder. In August, an ethnic Serb returnee was physically attacked by his neighbor in Pakrac and suffered injuries when he tried to re-connect his house to the local water supply. Although police investigated, the returnee expressed dissatisfaction with the security in the area and stated his intention to leave the country. Also in August, a Bosnian Croat settler who occupies a Serb house in Donji Lapac was alleged to have shouted abuse and attacked an ethnic Serb youth with an axe. The incident was reported to police, but no criminal charges were filed.

In September, the third war documentary in a series—"Neighbors"—was screened in Western Slavonia. As with the prior installments, the film appears to accurately depict historical events and facts surrounding activities of the Yugoslav People's Army and ethnic Serb paramilitary units during the 1991-95 war; however, the international community remained concerned that the overall promotion of the film by right-wing nationalist politicians and the film's use of derogatory language to describe ethnic Serbs stimulated ethnic tensions and complicated the process of return for ethnic Serb refugees.

An 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 1991-95 conflict. Implementation of the 1997 convalidation law to allow the recognition of documents issued by the rebel Serb para-state was undermined by Ministry of Labor and Social Welfare instructions that seriously limited eligibility. While the law itself does not include a deadline for filing applications, a decree issued by the previous regime established a 1999 filing deadline. Since more than half of the 108,000 Serbs who have returned to Croatia returned after 1999, the filing deadline effectively excludes most of those who otherwise would be beneficiaries. 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, and ability to establish work experience. Additionally, the state pension fund improperly denied some applications for recognition of working experience from ethnic Serbs.

In July, an association of Croat war veterans successfully banned a 14 year-old ethnic Serb from playing in a soccer tournament in Vukovar. The case drew national media coverage, and both President Mesic and Prime Minister Racan condemned the incident and spoke publicly in support of the need for tolerance and reconciliation.

Serbian leaders continued to express concern about discrimination in appointment of municipal judges and report that the Croatian State Judicial Council has either refused candidates or left positions vacant rather than appoint ethnic Serbs as judges. The Constitutional Law on National Minorities, adopted in December 2002, specifically guarantees minority representation in the state administration and judiciary. However, in the year since the law was passed, of the 66 new judges hired, 65 were ethnic Croats (the one minority hired was not an ethnic Serb); additionally, in the same period, all 23 state attorneys hired were ethnic Croats.

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, so long as they submit a written statement that they consider themselves Croatian citizens. Non-Croats must satisfy more stringent requirements to obtain citizenship through naturalization after 5 years of registered residence. Even those who previously were lawful residents of the former Socialist Republic of Croatia were compelled to provide proof of previous residence and citizenship not demanded of ethnic Croats. 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 on 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 registered 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.

Inter-ethnic incidents were also directed against ethnic Croats. In August, a series of incidents occurred in Eastern Slavonia, Karlovac, and Lika. Ethnic Croat returnee associations and local authorities accused some ethnic Serb leaders of encouraging ethnic hatred, but senior government officials downplayed the incidents. Serb nationalist graffiti appeared on traffic signs in Beli Manastir and in the village of Jagodnjak near Osijek. An investigation by the police led to the arrest of an underage ethnic Serb from Jagodnjak. In October, prosecutors at the Municipal Court in Vukovar issued an indictment against a person who allegedly poured paint over the bust of an ethnic Croat military commander. Police also investigated the desecration of a cross in Vukovar dedicated to ethnic Croat victims of the 1991-95 war in the center of this ethnically divided town. In the village of Donji Srb, a flag with Serb nationalist symbol was placed on the hilltop and Croatian children near by were harassed. In September, ethnic Serb members of the local government in Karlovac and in Vojnic publicly spoke out against Serb nationalist graffiti written on the World War II monument in the Petrova Gora memorial and the toppling of the Croatian flag in the nearby town of Turanj in August. In both cases, there were strong indications that these acts were the work of visiting refugees who are now living in Serbia and Montenegro.

Violence, harassment, and discrimination against Roma continued. The 2001 census counted

only 9,463 Roma in the country, but government officials and NGOs agreed that the true number may be between 30,000 and 40,000. In February, two masked assailants broke into a house just outside Zagreb and beat an entire Roma family, including a 9-year-old girl and her disabled father. In the same month, a group of young men physically attacked a Roma man in Zagreb and burned his automobile. Also in February, a home owned by Roma in the settlement of Trokut in Zagreb was burned to the ground after repeated threats by neighbors. Romani associations blamed skinheads and similar groups for most of the attacks and complained to authorities about insufficient police intervention.

Roma faced many obstacles, including language (many, particularly women, had only limited Croatian language skills), lack of education, lack of citizenship and identity documents, high unemployment, and widespread societal discrimination. Romani NGOs estimated 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. In October, the Government adopted a National Program for Roma that was developed during the year with significant input from both international and local NGOs. The program identifies educational, health, social, and employment measures that if taken would help the Roma to integrate better into the social and political life; however, at year's end, the program had not been implemented and questions remained about the Government's willingness to address Romani issues.

Romani children faced serious obstacles in continuing their education, 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 approximately 10 percent go on to secondary school.

International and local NGOs remained concerned about the practice of holding separate classes (allegedly of lower quality) for Romani students in northern Croatia. In May, the European Center for Roma Rights (ECRR) lodged a pre-application letter against Croatia with the European Court of Human Rights in Strasbourg related to the case of segregated classes in Medjimurje. In 2002, the Cakovec County Court confirmed a municipal court's verdict, which rejected a complaint by 15 parents of Romani students who charged the Ministry of Education, Medjimurje County, and four primary schools for operating segregated classes. ECRR filed the pre-application to bring the matter before the European Court should the Croatian Constitutional Court rule against their appeal.

In March, more than 100 residents of the village of Drzimurec-Strelec protested against the building of a new wing of a primary school for Romani children, who constitute a majority in the first four grades. County authorities said they would not give up the project and that construction, delayed for technical reasons, was scheduled to begin in 2004. A school in Medjimurje held both mixed and integrated classes; however, it fell short of the constitutionally guaranteed right of all citizens to equal education regardless of ethnicity.

Section 6 Worker Rights

a. The Right of Association

Workers are entitled by law to form or join unions of their own choosing, and workers exercised this right in practice. Approximately 64 percent of workers were members of unions. In general, unions were independent of the Government and political parties.

The Labor Code prohibits anti-union discrimination and expressly allows unions to challenge firings in court; however, in general, citizens' attempts to seek redress through the legal system were seriously hampered by the inefficiency of the court system, where cases often languished for months or years before reaching a final resolution (see Section 1.e.).

Unions may affiliate freely internationally and did so.

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.

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 may only strike at the end of a contract or in specific circumstances mentioned in the contract.

When negotiating a new contract, workers are required to go through mediation before they can strike over the new contract. Labor and management must jointly agree on a mediator if a dispute goes to mediation. The Labor Law provides for the Economic and Social Council (GSV) which typically met at least once a month on policies, procedures, and legislation relating to social protections, workers' and employers' interests, and the collective bargaining process. Local GSVs have been formed in most counties of the country.

The Government's Office for Social Partnership (OSP) provides administrative and expert support to the GSV and facilitates dialogue between the Government, employers, and trade unions. The OSP mediated approximately 97 labor disputes during the year. 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. During the year, the Ministry of Justice registered 34,697 new labor disputes, of which over 90 percent were financial claims, approximately 5 percent were dismissal claims, and less than 4 percent were classified as "other."

In March, approximately 200 laid off workers from the Borovo footwear company protested in front of Parliament. Representatives of the workers, the Minister of Economy, and the head of the OSP subsequently agreed to an amount and schedule for severance pay and further protests were cancelled. In June, mediation by the OSP helped settle a strike by workers at the Agro-Kombinate "Belje" who demanded payment of wage arrears. In August, workers at the troubled Viktor Linac shipyard went on a 7-day strike over non-payment of over 2 months' wages.

During the year, members of the national police force continued to protest layoffs that occurred in 2001 in which the criterion for dismissal was never released; however, on November 22, the day prior to national elections, the police put their 613 day-long protest on hold, and announced their intention to engage the new Government on a solution before resuming the protest.

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 always follow this agreement in practice. In June, four out of the five major unions conducted a referendum among members and the overwhelming majority of respondents voted in opposition to labor law amendments. Nonetheless, in July, the Government amended the labor law to reduce severance pay and advance notice of dismissal, and broaden the definition of a small employer.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor

The Constitution prohibits forced or bonded labor, including by children; however, trafficking in women was a problem (see Section 6.f.).

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

The Government has a National Action Program to address and prevent child labor and created a national ombudsman for children to ensure effective implementation of the program (see Section 5).

The minimum age for employment of children is 15 years, and it was enforced by the Ministry of Labor and Social Welfare. Workers under the age of 18 are prohibited from working overtime, at night, or under dangerous conditions.

In the period January 2002-April 2003, labor inspectors found four minors in bakeries and one transporting timber working under unlawful conditions (which includes heavy manual labor or night work). Employers were fined respectively \$1,500 (10,000 Kuna) and \$150 (1,000 Kuna)

and ordered to dismiss the minors. In the same period, labor inspectors cited 117 violations affecting 99 minors (65 female, 34 male) employed in hospitality businesses (restaurants and catering), trade, industry, and construction.

e. Acceptable Conditions of Work

The national minimum monthly net wage of \$276 (1,850 Kuna), which applies to all workers, did not provide a decent standard of living for a worker and family. For example, the average cost of living for a family of four was estimated, by various labor union calculations, to be \$770 to 1,040 (5,160 to 6,983 Kuna) per month. The average monthly wage as of September was about \$582 (3,899 Kuna).

Nonpayment and late payment of wages continued to be a serious problem. According to the Croatian Federation of Independent Trade Unions, in 2002, out of a workforce of 1.793 million, 48,400 employees did not get paid for their work, down from 165,000 in 1999.

The labor law provides for a standard workweek of 40 hours and workers are entitled to receive time-and-a-half pay for any hours worked beyond that. 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. The Labor Code stipulates conditions for overtime work, and limits overtime to 10 hours per week. The Government's Labor Inspectorate must be notified if overtime work for an individual employee continues for more than 4 consecutive weeks, or more than 12 weeks during 1 calendar year, or if the overtime work of all employees of a certain employer exceeds 10 percent of the total working hours in 1 particular month. Overtime by minors is prohibited. Pregnant women, a mother of a child under 3 years of age, and a single parent of a child under 6 years old, may work overtime only if he or she freely gives his or her consent in writing to perform such work.

Health and safety standards are set by the Government and were enforced by the Ministry of Health; however, in practice industries often do not meet the standards for worker protection. For example, it was common to find workers without hardhats on construction sites and safety devices removed from dangerous equipment. The State Inspectorate (an independent governmental inspection and compliance agency) has jurisdiction over enforcement of health and safety laws at the workplace and annually compiles data on injuries and health and safety code violations. As of October, the Inspectorate received 162 reports of employers violating work safety regulations. According to 2002 statistics, an average of 25,500 persons annually suffered injuries at work, of which 40 resulted in death. 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; however, according to the State Inspectorate, workers did not exercise this right in practice and normally only reported employers after they had left their job.

The July amendments to the labor law extended existing constitutional and labor law provisions barring discrimination; however, in practice, discrimination persisted against women and minorities. The labor law also specifically bars discrimination on the basis of sexual orientation.

f. Trafficking in Persons

The law does not specifically prohibit trafficking in persons, although existing laws may be used to prosecute traffickers; trafficking in women was a problem. Little statistical information on trafficking exists, although most observers and research indicated that the country was primarily a transit country for women trafficked to other parts of Europe for prostitution, as well as a lesser source and destination country for trafficked women.

Trafficking is prosecuted under the Penal Code's articles prohibiting slavery, the illegal transfer of persons across state borders, international prostitution, and procurement or pimping. According to the Office of the State Prosecutor, from 1998 through 2002, 8 criminal charges were filed under the law prohibiting slavery, 21 criminal charges were filed under the law prohibiting international prostitution, and 1,425 criminal charges were filed under the law prohibiting illegal crossing of the state border. Resulting convictions, through 2002, were 16 for international prostitution and 644 for illegal crossing of the state border. In December, the County Court in Split convicted Anđelko Zec to 3 years in prison for establishing slavery and international prostitution, which was the first time a defendant was convicted of establishing

slavery; the victim assisted the prosecution by testifying on two different occasions during the trial.

Police awareness of the problem was low; however, awareness raising activities have begun: Police, social welfare, and justice officials were trained, and a shelter and hotline was established. In October, a witness protection law was passed; however, it did not enter into force during the year. According to government officials, victims were encouraged to assist in the criminal investigation and prosecution of their traffickers.

Failure to identify trafficked women among illegal aliens smuggled into the country and shortcomings in the readmission agreement with BiH put police under pressure to process and repatriate illegal migrants within 72 hours after their initial arrest and 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 BiH and Serbia and Montenegro to the country, where some remained to work as prostitutes or were trafficked to other destinations. Women were transported through the country by truck or boat. In addition, women from Albania, BiH, Bulgaria, Hungary, Macedonia, Moldova, Romania, Slovenia, and Serbia and Montenegro 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, local groups, and travel/marriage agencies were responsible for trafficking.

Government officials, international missions, and NGOs collaborated to develop an anti-trafficking strategy. In 2002, the Government appointed a National Committee for Combating Trafficking in Persons consisting of 22 members, including representatives from the Government (including a representative from the State Prosecutor's Office), two NGO members, one member of the Croatian Office of the International Organization for Migration (IOM), and a journalist. The National Committee created a National Action Plan; however, a combination of limited resources, a weak organizational structure, and a lack of authority to enforce decisions, resulted in very slow implementation of the National Action Plan.

There were limited support services available for trafficking victims. Trafficking victims typically were detained for illegal entry or immigration violations in Zagreb for up to several weeks and then deported. In July, the Government in cooperation with the Ministry of Labor and Social Welfare established a second shelter for trafficked victims. Local NGOs and the IOM, in cooperation with the Ministry, provided services in the shelter. In addition, three reception centers were established, in cooperation with the Croatian Red Cross—in Western, Central, and Southern Croatia—to accommodate victims temporarily. The Government also assisted an NGO to operate a hotline.

