

EN | DE

- **Source:**
USDOS - US Department of State
- **Title:**
Country Report on Human Rights Practices 2014 - Croatia
- **Publication date:**
25 June 2015
- **ecoinet summary:** Annual report on human rights in 2014 [ID 306352]
- **Countries:**
Croatia
- **Original link** <http://www.state.gov/j/drl/rls/hrrpt/2014/eur/236510.htm>

Recommended citation:

USDOS - US Department of State: Country Report on Human Rights Practices 2014 - Croatia, 25 June 2015 (available at ecoinet)

http://www.ecoi.net/local_link/306352/429735_en.html (accessed 14 September 2015)



Country Report on Human Rights Practices 2014 - Croatia

EXECUTIVE SUMMARY

The Republic of Croatia is a constitutional parliamentary democracy. Legislative authority is vested in the unicameral parliament (Sabor). The president serves as head of state and nominates the prime minister, who leads the government. Domestic and international observers stated parliamentary elections held in 2011 were in accordance with international standards. Civilian authorities maintained effective control over the security forces.

The most important human rights problems in the country were social discrimination and instances of violence directed against members of ethnic minorities, particularly ethnic Serbs, Roma, and women. Sporadic violence directed at lesbian, gay, bisexual, and transgender (LGBT) persons continued. Corruption remained a problem.

Other human rights problems included prison overcrowding; judicial delays; unresolved property restitution claims stemming from World War II, the communist era, and the 1991-1995 conflict; isolated public displays of pro-fascist sentiments and vandalism of Holocaust memorials; and human trafficking.

The government took significant steps to prosecute and punish individuals who committed abuses of 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 the government or its agents committed arbitrary or unlawful killings. In October 2013 the Zagreb court confirmed the indictment of 93-year-old former interior minister Josip Boljkovac for his participation in the 1945 killing of 21 civilian prisoners while serving as a secret police officer in partisan forces resisting the fascist occupation. On May 22, the Zagreb County Court acquitted him, and on September 11, prosecutors appealed the ruling. On November 10, Boljkovac died, and as a result the case was closed.

b. Disappearance

During the year there were no reports of politically motivated disappearances, abductions, or kidnappings.

The government reported 1,628 persons remained missing from the 1991-1995 conflict. Resolving outstanding missing-persons cases remained a priority, and the country sought cooperation from neighboring states to confirm the location of mass and individual graves. Nevertheless, little progress was made during the year due to a lack of new information.

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

The constitution and law prohibit such practices, and there were no reports the government employed them.

In March the Council of Europe's Committee for the Prevention of Torture (CPT) released a report on its 2012 visit to eight detention centers, three prisons, the Zagreb prison hospital, the Rab psychiatric hospital, and two institutions under the Ministry of Social Policy and Youth. The report noted the majority of detainees interviewed indicated police had treated them properly, but a few claimed law enforcement officers physically mistreated them at the time of arrest, even after subduing or bringing them to police stations for questioning. The CPT documented allegations of physical mistreatment of prisoners by prison officers, consisting primarily of slaps and punches to various parts of the body. The CPT reported the practice appeared to be more prevalent at the Zagreb County Prison than other prisons, but the delegation also received several reports of such mistreatment at the Glina State Prison from prisoners who had committed acts of self-injury or refused to undergo urine drug tests.

Prison and Detention Center Conditions

In 2013 the ombudsman (appointed by parliament and charged with protecting citizens' legal rights) reported the treatment of prisoners was generally humane. According to the ombudsman's 2013 report, prison overcrowding remained an acute problem.

Physical Conditions: According to the Ministry of Justice, as of late December 2013 the prison system held 4,352 prisoners, including 99 minors. The maximum legal capacity of the system was 3,893 adult and minor prisoners. Of the total prison population, 194 were women, including six minors in a juvenile correction and education institution. During 2013 there were 16 deaths due to natural causes, 10 cases of attempted suicides, and no recorded suicides. In its March report the CPT maintained it had heard allegations of prisoner-on-prisoner violence and intimidation at the Glina State and Zagreb County prisons, and to a lesser extent at the Sisak County Prison. Intimidation among prisoners appeared to be particularly prevalent in module four of the Glina State Prison.

Authorities provided sufficient food and regular access to potable water to prisoners, although the CPT noted persons who had been held in various police stations complained they received no food, despite having been detained for several hours. In its March report the CPT stated material conditions of detention in prisons overall were good but noted cells were in a poor state of repair and lacked adequate access to natural light at the Glina State Prison; cells in modules one, four, and seven of the Zagreb County Prison lacked access to natural light; and cells at the Sisak County Prison had extremely limited access to natural light. At the Zagreb County Prison, sanitary annexes in most cells were only semipartitioned, and inmates complained about lack of privacy and hygienic conditions. At the Zagreb County Prison, the CPT found authorities did not offer the three juvenile offenders meaningful activities and spent 22 hours a day locked in their cell, which the CPT deemed "unacceptable."

The CPT also identified poor ventilation as a problem in cells in the special security and disciplinary department at the Glina State Prison. With regard to police detention facilities, the CPT cited limited access to natural light and poor artificial lighting as well as inadequate ventilation at several police stations. At the Zagreb VIII and Pertinja police stations, the CPT found temporary detention cells were inadequate in size for overnight accommodation, although custody registers indicated individuals were occasionally held overnight in such cells.

Administration: Recordkeeping on prisoners was generally adequate, although the CPT found when injuries were recorded in a prisoner's medical file, there was no accompanying prisoner's or attending physician's statement. In addition the CPT found none of the prisons it visited maintained a register of traumatic prisoner injuries.

Authorities used alternatives to incarceration for nonviolent offenders, the ombudsman was available to respond to complaints, and prisoners and detainees had access to visitors. Authorities permitted prisoners religious

services. Prisoners could generally submit complaints to judicial authorities without censorship. In its March report, the CPT stated it received several allegations prison officers had read confidential complaints and prisoners' claims and quoted back the content of their correspondence in a threatening tone. At the Sisak Country Prison, the CPT found a register of "at risk prisoners" in which authorities categorized one inmate as dangerous for "filing complaints to external institutions." Authorities investigated credible allegations of inhuman conditions as well as allegations of violations of sentencing law. The ombudsman can intervene in cases involving human rights violations and violations of prisoners' constitutional rights and can regularly inspect prisons.

Independent Monitoring: The government permitted monitoring by independent nongovernmental observers, although no monitoring missions took place during the year.

d. Arbitrary Arrest or Detention

The constitution and the law prohibit arbitrary arrest and detention, and the government observed these prohibitions.

Role of the Police and Security Apparatus

The national police, under the control of the Ministry of Interior, have primary responsibility for domestic security. In times of disorder, the prime minister and the president may call upon the military to provide security. The intelligence service is under the authority of the prime minister and the president. An independent oversight board monitored intelligence service activities. Civilian authorities, including the Ministry of Interior, Ministry of Defense, and intelligence service, maintained effective control over the security forces. The government had effective mechanisms to investigate and punish abuse and corruption. There were some allegations of impunity involving the security forces during the year, but investigations by the Parliamentary Committee on National Security found no evidence to support the allegations.

Arrest Procedures and Treatment of Detainees

There were no arbitrary, secret, or warrantless arrests. By law, government prosecutors may hold suspects for up to 48 hours. In all cases an investigative judge must decide within 12 hours whether to extend the detention for further investigation. Authorities informed detainees promptly of charges against them, and there was a functioning bail system. The courts may release detainees on their own recognizance. Authorities generally allowed detainees prompt access to a lawyer of their choice or, if indigent, to one provided by the government. In its March report, however, the CPT noted in "talks" at a police station in response to a police summons, some detainees were not offered the opportunity to contact a lawyer before they were officially charged. The CPT also received allegations detainees had not been able to contact their preferred lawyer, as police considered their only duty was to contact lawyers from a standard list.

Authorities generally did not detain suspects incommunicado or keep them under house arrest. The CPT noted, however, a few persons alleged officers at the Sisak Police Station had indicated notification of custody to a person of their choice was conditional upon a suspect's cooperation with police. In addition some individuals stated to the CPT police offered them the choice of either notifying a lawyer or a designated person of their detention.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence. The judiciary continued to suffer from a heavy backlog of cases. The Ministry of Justice reported 664,734 unresolved cases remained before the courts as of June 30.

Trial Procedures

Defendants enjoy the presumption of innocence. Defendants must be informed promptly and in detail of the charges against them (with free interpretation as necessary). The accused have the right to a fair and public trial without undue delay, and an independent judiciary generally enforced this right. To hear cases, the legal system used a judge or panel of judges which in some instances included the assistance of lay judges. Defendants have the right to communicate with an attorney of their choice or to have one provided at public expense. Defendants enjoy the right to adequate time and facilities to prepare a defense and have access to government-held evidence relevant to their cases. Defendants have the right to question witnesses against them and present witnesses and evidence on their behalf. Defendants may not be compelled to testify or confess guilt. Defendants and prosecutors may file an appeal before a verdict becomes final.

On January 1, a new legal assistance law supported by human rights nongovernmental organizations (NGOs), including the Center for Peace and Nonviolence in Osijek, came into force. The law expands eligibility for free legal aid and eases the process for obtaining primary legal assistance. Notwithstanding these provisions concerning free legal aid, several NGOs noted funds were not available for full implementation of the law.

In July 2013 the Ministry of Justice, in cooperation with the NGO Victim and Witness Support Service Croatia, expanded support for victims by opening a toll-free hotline to provide professional assistance in Croatian and English. The Ministry of Justice reported the hotline received 2,407 telephone calls regarding 1,387 cases over the year starting in mid-July 2013. The government continued to prevent witness intimidation in war-crimes cases. NGOs reported victim and witness support was inconsistent across various jurisdictions.

County courts in Osijek, Rijeka, Split, and Zagreb continued to exercise exclusive jurisdiction over new war-crimes cases. Cases already in progress in 11 county courts remained in those jurisdictions. Since the onset of the 2008 action plan providing for a review of all war crime indictments, 130 cases were reopened. As of July, 108 cases were closed with seven convictions; 22 cases were still pending.

In December 2013 the Osijek County Court convicted Vladimir (Vlado) Milankovic, the wartime deputy chief of the Sisak police, of war crimes committed in Sisak against ethnic Serbs in 1991-1992 and sentenced him to eight years in prison. Reserve police officer Drago Bosnjak was acquitted of war-crimes charges in the same case. On June 10, the supreme court upheld the verdict for Milankovic, sentencing him to 10 years imprisonment, and confirmed the acquittal of Bosnjak. This verdict was final.

In June 2013 the Split County Court found Bozo Bacelic guilty of killing an elderly couple in Prokljan and burning their bodies in a war-crimes case stemming from the 1995 Operation Storm, a military offensive to regain control of the remainder of eastern Croatia, which concluded the country's 1991-1995 war. The court acquitted other defendants due to lack of evidence or for procedural reasons. On March 27, the supreme court confirmed the Split County Court's verdict and sentenced Bacelic to seven years in prison. The prosecutor's war-crimes database listed 24 war-crimes cases related to Operation Storm in which perpetrators were still not identified. Police reportedly submitted criminal reports to prosecutors' offices against unknown perpetrators in three of these cases.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals may seek damages for, or cessation of, an alleged human rights violation and may appeal decisions to the European Court of Human Rights (ECHR) after all domestic legal remedies have been exhausted or after a case has been pending for an excessive period. Continuing case backlogs raised concerns about judicial effectiveness and efficiency. Administrative remedies are also available for alleged wrongs.

Regional Human Rights Court Decisions

The country is subject to the jurisdiction of the ECHR. The government complied with its rulings.

Property Restitution

Several individuals remained defendants in "unsolicited investment" cases, in which legal owners of property were subject to claims against their homes for property improvements made by prior unlawful occupants during and after the 1991-1995 conflict. Legislation passed on June 13 relieved owners of the obligation to compensate the temporary occupants for these "unsolicited investments." As of October 30, there were 11 unsolicited investment cases pending, wherein the plaintiff sought compensation from the government rather than the property owner.

Cases involving the restitution of property seized during World War II and the communist era remained a problem. The law permits the restitution of property only to individuals who were citizens in 1996 when parliament passed the restitution law. Consequently, the law does not apply to persons whose property was expropriated but who left the country and became citizens of other countries.

Restitution of communal property remained a problem for the Serbian Orthodox Church and the Coordination of Jewish Communities in Croatia, the umbrella organization representing the Jewish community of Zagreb and nine smaller communities throughout the country. The government took preliminary steps to make restitution for the Yugoslav-era nationalization of the Jewish community's "Chevra Kadisha" property, issuing a decision in July to provide the community another property as compensation.

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

The constitution and law prohibit such actions, and there were no reports the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and press, and the government generally respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of speech and of the press.

Freedom of Speech: While the constitution provides for freedom of speech, the criminal code sanctions individuals who act "with the goal of spreading racial, religious, sexual, national, ethnic hatred or hatred based on the color of skin or sexual orientation or other characteristics." The law provides for six months to five years imprisonment for hate speech. Hate speech committed over the internet is punishable by six months to three years imprisonment.

During the year police reported 13 cases involving hate speech, of which unknown perpetrators committed eight. This represented a decline in comparison with previous years. Six additional cases were referred for additional investigation to determine if a hate crime had occurred.

Press Freedoms: Restrictions on material deemed to constitute hate speech applied to print media as well. While many private newspapers and magazines were published without government interference, observers cited lack of transparency in media ownership as a challenge to media and government accountability. Publicly available information frequently did not clearly indicate who actually owned several local media outlets.

There were no reports of government interference in media outlets. Local governments partially or fully owned approximately 70 percent of the local broadcast media, making them particularly vulnerable to political pressure. Approximately 46 percent of local radio stations depended on local authorities for financial support.

Censorship or Content Restrictions: A number of journalists reported publishers and media owners feared losing advertisers and frequently practiced self-censorship in reporting on advertisers or those linked politically to them.

Libel Laws/National Security: Libel and defamation are criminal offenses. During the year there were no reports of new politically motivated libel cases. A large number of earlier libel cases remained unresolved due to the judicial backlog. Courts may fine, but not imprison, persons convicted of slander and libel. In April the Croatian Journalists' Association (HND) asked the government to amend the penal code to decriminalize defamation.

In March journalist Slavica Lukic was found guilty (appeal pending) of defaming Ivanka Trstenjak Rajkovic in Lukic's investigative reporting of suspect transactions between Rajkovic's clinic and the country's health insurance system. This was the first defamation sentence under legislation that took effect in January 2013. In July the prior verdict against Lukic was annulled and the case sent for retrial by the Zagreb County Court. As of April 1, the courts were handling an additional 42 defamation suits. The HND claimed defamation legislation was intended to eliminate independent, investigative, and critical journalism.

On April 8 the representative for freedom of the media of the Organization for Security and Cooperation in Europe, Dunja Mijatovic, expressed concerns about recent convictions and pending charges against journalists for criminal defamation.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. According to 2012 statistics from Internet World Stats, approximately 3.2 million persons, representing 71 percent of the population, used the internet.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

The constitution and law provide for the freedoms of assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

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

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

The State Office for Reconstruction and Housing Care (SORHC) oversees problems related to refugees, returnees, and internally displaced persons (IDPs) in relation to their legal status and housing claims. New legislation effective in July further improved legal options for refugees, returnees, and IDPs seeking legal status and housing solutions. The legislation addressed longstanding problems related to processing of housing and veterans benefits. The government registered 354,685 returnees since 1995. As of 2013, 133,242 returnees were identified as ethnic Serbs.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status. According to the Ministry of Interior, 229 persons applied for asylum in the first half of the year, a decrease from 721 during the same period in 2013. The UNHCR reported a total recognition rate (the number of asylum seekers granted formal refugee status and complementary form of protection divided by the total number of cases) of approximately 19 percent during first half of the year. In the same period, 11 persons were granted international protection, four of whom were granted refugee status and seven were granted subsidiary protection. Croatia continued to be regarded as a transit country, with a majority of asylum seekers (approximately 85 percent) traveling onward to other EU states. The UNHCR reported the asylum system was generally fair and effective, but with several shortcomings, including a lack of Croatian language courses for beneficiaries of international protection. In 2013 a total of 49 unaccompanied and separated children applied for asylum. There were four such applicants in the first six months of the year. The government rejected most asylum applications by unaccompanied minors. Since 2004 it has granted protection to 10 unaccompanied minors, and to only one since 2013.

The country had a well-developed asylum system, and refugee status determination was conducted for all applicants. Following the December 2013 passage of asylum legislation, the country was generally in alignment with EU asylum practices. According to the UNHCR, reception capacity reached 700 asylum seekers following the re-opening of the reception center in Kutina (in addition to the existing center in Zagreb). Services available in the centers included accommodation, basic health care, education, psychological counseling, and employment assistance.

Durable Solutions: The government continued to participate in a five-year joint regional housing program (RHP) with the governments of Bosnia and Herzegovina, Montenegro, and Serbia to help provide durable integration or return solutions (local integration or voluntary return) for 73,592 refugees and IDPs in the region. According to the UNHCR, an estimated 39,732 Croatian Serbs still had refugee status in the Balkan region, 32,372 of whom resided in Serbia. Most of these potential returnees were particularly vulnerable (often elderly or unemployed) while awaiting durable housing solutions.

In December 2013 the National Housing Care Coordinator signed a framework agreement with the Council of Europe Development Bank, which managed the RHP fund. The agreement opened access to RHP grant money to the government. A total of 119.7 million euros (\$150 million) was intended for the country's portion of the RHP, of which the government's contribution was 25 percent or 29.9 million euros (\$37.4 million). The SORHC closely coordinated with the UNHCR to select the most vulnerable beneficiaries. The groundbreaking ceremony was held in June in Karenina, where the first 29 RHP housing units were to be built. Construction of these units was scheduled within the year.

During the year the government continued to resolve claims of persons (mainly ethnic Serbs) who held lost tenancy rights to socially owned apartments during or just after the war. Of 17,820 requests, 12,839 Housing Care Program applications were resolved (9,402 positively). Another 4,621 requests were forwarded to the competent regional offices having jurisdiction to review such requests.

Authority to grant returnee status (which activated social welfare benefits) was transferred to regional administrative offices within the country. The UNHCR assessed the benefits application process as functioning well.

Stateless Persons

Citizenship is acquired by origin, by naturalization, or in a very limited number of cases, by birth (for children who would otherwise be stateless). The UNHCR estimated 2,886 persons were stateless or at risk of statelessness, many of whom were Roma from other parts of the former Yugoslavia who had difficulty providing documents needed to determine legal residency or citizenship. According to several NGOs, stateless Roma continued to have problems accessing government services.

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

The constitution and law provide citizens the ability to change their government through free and fair elections, which they exercised through elections based on universal suffrage.

Elections and Political Participation

Recent Elections: National parliamentary elections held in 2011, local government elections in 2013, and European parliamentary elections on May 25 took place in a pluralistic environment and were administered in a professional and transparent manner.

Participation of Women and Minorities: There were 38 women in the 151-seat parliament and four women in the 21-seat cabinet, including the first deputy prime minister who was also the foreign minister, a deputy prime minister, and two other ministers. Five of the country's 11 European parliamentarians were women. There were four women among the 12 constitutional court justices, including the president and deputy president of the court. There were 17 women among the 38 supreme court justices, including the court's vice president and the president of the court's criminal division.

Political parties have a legal obligation to maintain a balance of at least 40 percent for each gender on their candidate lists for local and national elections as well as in elections for seats in the European Parliament. The law stipulates fines for violating this provision. Local NGOs criticized the law on the grounds the fines were too small to be a deterrent and the government rarely enforced these provisions.

The law reserves three parliamentary seats for ethnic-Serb representatives and five additional seats for the 21 other recognized national minority groups. All national minority voters may choose between voting in the general parliamentary elections and voting for candidates on their declared national minority slate. Ethnic Serbs and other ethnic minorities may in principle win additional seats under this system if candidates from their minority group obtain sufficient votes in one or more of the regular voting districts. The government included a number of ethnic-Serb ministers, including deputy prime ministers.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, and prosecutors and police continued to implement these provisions effectively. Corruption continued to be a problem, with several reports of government corruption during the year.

Corruption: The former prime minister, Ivo Sanader, was indicted for the sixth time in September 2013 for using his authority as prime minister to compel the president of the management board of the state-owned National Electricity Company to sign contracts to sell electricity to a company in Bosnia and Herzegovina at a loss of 649.6 million kunas (\$105.5 million). Sanader remained incarcerated following his final conviction on June 13 for corruption and profiteering, crimes associated with his actions related to the sale of the oil and gas company INA, and bribes paid by Hypo Alpe Adria Bank, for which he was sentenced to eight and a half years in prison.

On March 11, the Zagreb County Court convicted the leading opposition party, the Croatian Democratic Union (HDZ), as a legal entity of funneling money from public companies to its own funds during its years in power from 2003 to 2009. The court also convicted several former HDZ members, including Ivo Sanader, of diverting 70 million kunas (\$11.3 million) from government institutions to private and party-affiliated accounts. The HDZ appealed the verdict, which was pending confirmation by the Supreme Court at year's end.

The Office for the Suppression of Corruption and Organized Crime (USKOK) is the country's main body responsible for investigation and prosecution of corruption and organized crime cases. USKOK operated effectively and independently and had sufficient resources to carry out its work. USKOK actively collaborated with civil society. Specialized departments in the country's four largest county courts heard organized crime and corruption cases. The Ministry of Justice's anticorruption sector, an interagency Committee for Monitoring Anticorruption Measures, and parliament's National Council for the Monitoring of the Anticorruption Strategy monitored the implementation of anticorruption measures. These bodies cooperated with civil society and were effective, independent, and adequately funded.

Financial Disclosure: The law requires public officials to declare their assets, and most government officials complied. The Commission for the Review of Conflict of Interest enforced these disclosure requirements. The commission became operational in February 2013 and subsequently held 59 sessions. The law requires public officials to report potential conflicts of interest, including ownership shares in property and businesses, within 30 days of taking office. The commission issued fines in more than 100 cases, including to several ministers, deputy ministers, and members of parliament. Officials may not keep symbolic gifts with a value greater than 500 kunas (\$81). There were administrative sanctions for noncompliance.

Public Access to Information: The law provides for public access to information held by many public institutions and a narrow list of exceptions outlining the grounds for nondisclosure. There is a reasonably short timeline for the relevant authority to disclose or respond, reasonable processing fees, administrative or criminal sanctions for noncompliance, and an appeal mechanism for review of disclosure denials before a newly established information commissioner. An administrative court exercised judicial control. According to Transparency International, however, an effective outreach campaign was lacking, and public institutions required additional training on the law. The information commissioner's office lack of resources, with only four employees and minimal funding, undermined the law's goal of promoting access to information.

Section 5. 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 regularly met with human rights NGOs and often were cooperative and responsive to their views.

Government Human Rights Bodies: The country had an active Office of the Ombudsman that investigated complaints of human rights abuses. The law authorizes the ombudsman to initiate shortened procedures in cases where there was sufficient evidence constitutional and legal rights were violated. Lengthy administrative procedures, including at the administrative court, represented a widespread problem.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, sexual orientation, gender orientation, or social status, and the government generally enforced these prohibitions.

Women

Rape and Domestic Violence: Rape, including spousal rape, is a crime punishable by one to 10 years imprisonment. In cases of rape under aggravated circumstances resulting in death or pregnancy, or if the survivor is a minor, sentences may be between three and 15 years. The law criminalizes domestic violence. The Office of the Ombudsman for Gender Equality reported prosecutors and courts remained reluctant to propose and institute protective measures, particularly restraining orders. The ombudsman stated police continued to lack gender sensitivity and filed misdemeanor reports allowed by law against both the perpetrator

and victim in cases of domestic violence. The Office of the Ombudsman for Gender Equality reported 75 rapes committed in 2013. NGOs estimated for every rape reported, 15 cases were unreported.

Violence against women, including spousal abuse, remained a problem. There were 41 reported killings in 2013, of which a family member committed 15. The ombudsman for gender equality reported in 11 of 15 cases, the victim was a woman. The ombudsman stated police too frequently failed to exhibit gender awareness in cases of domestic violence. Support for safe houses, vocational training, and financial stipends for domestic violence victims remained limited. NGOs and local governments operated 17 shelters. Although the government financed most services, NGOs overseeing shelters claimed funding was often insufficient and irregular. Hotlines, counseling, and legal assistance were available for victims of domestic violence.

Female Genital Mutilation/Cutting (FGM/C): FGM/C is illegal. There were no reported instances of FGM/C in the country during the year.

Sexual Harassment: Legislation criminalizing sexual harassment provides a maximum prison sentence of one year for violations. The ombudsman for gender equality expressed concern sexual harassment complaints were often dropped due to the fear of reprisal.

Reproductive Rights: The government respected the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so. They have the right to attain the highest standard of reproductive health, free from discrimination, coercion, or violence.

Discrimination: Women enjoy the same legal status and rights as men, including under family law, labor law, property law, inheritance law, and in the judicial system. The law requires equal pay for equal work. According to the ombudsperson for gender equality, women continued to experience discrimination in employment, including in pay and promotion to managerial and executive positions (see section 7.d.). Women generally held lower paying positions in the work force. The gender ombudsman's 2013 report noted the salary gap between men and women remained high and political steps were necessary to address this problem. The government initiated several programs during the year to increase opportunities for women in the workplace, including preference for women-owned companies to obtain business loans from the government. In addition the armed forces also increased opportunities for female soldiers to participate in overseas peacekeeping operations.

The ombudsman also reported women, regardless of education level, were more likely to lose their jobs. According to the ombudsman, government inspections were ineffective in uncovering violations and sanctioning employers. The ombudsman further noted most individual complaints were related to labor and social discrimination, followed by family violence and complaints against the judiciary. These complaints, filed mostly by women, were primarily directed against state institutions and other legal persons rather than individuals.

Children

Birth Registration: Citizenship is derived by birth in the country's territory or from one of the parents. Authorities registered all births at the time of birth within the country or abroad. Children born in the country are eligible for citizenship if they would otherwise be born stateless.

Education: While ethnic minorities have the right to establish schools, eight ethnic Serb elementary schools in Vukovar continued to pursue registration without resolution. Although most of the country's schools were integrated, some schools in Vukovar remained segregated, due to the request of ethnic Serbs to exercise their legal rights to follow their own curriculum. The Center for Peace Osijek asserted in September while such schools preserved minority culture and language, segregated schools also contributed to lasting marginalization and migration of students to Serbia to further their education.

Child Abuse: Child abuse, including sexual abuse, was a problem. The majority of child abuse complaints during the year related to personal rights, such as the rights to live with their parents, receive parental care, and receive protection against violence and neglect.

Early and Forced Marriage: While statistics were unavailable, Romani NGOs cited early and forced marriage as a problem in the Romani community. Common law marriages between minors who were 16 years of age and older were customary and often prompted by pregnancies. In some instances these marriages were made official when the partners reached adulthood.

Female Genital Mutilation/Cutting (FGM/C): FGM/C is illegal. There were no reported instances of FGM/C in the country during the year.

Sexual Exploitation of Children: The minimum age for consensual sex is 15, with penalties for statutory rape of between one and 10 years imprisonment. In aggravated circumstances, such as rape resulting in pregnancy or repeated sexual acts, the penalties range from five to 40 years imprisonment. Filming or photographing children

for pornographic material may be punished by a sentence of one to eight years in prison, while exposing children to pornography may result in fines or a sentence of up to three years in prison.

In 2013 the Ministry of Interior registered 487 sexual crimes involving a minor, including 52 cases of statutory rape; 197 involving lewd and lascivious behavior; 88 related to the production of child pornography; and 29 associated with the distribution of child pornography on the internet. The Ministry of Interior operated a website known as Red Button for the public to report child pornography to police.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's country-specific information at travel.state.gov/content/childabduction/english/country/croatia.html.

Anti-Semitism

According to the Coordination of Jewish Communities in Croatia, the country's Jewish community numbered between 2,000 and 2,500 persons. Some anti-Semitic public comments and vandalism, including vandalism of Holocaust memorial plaques and a Jewish cemetery, were reported during the year.

In April vandals severely damaged several graves at a 400-year-old Jewish cemetery in Split, although it was unclear whether the motive was anti-Semitic.

In May a Ministry of Foreign and European Affairs official publically expressed concern over December 2013 threats against employees of the Jasenovac Memorial Museum, which preserved the history of the World War II-era Jasenovac concentration camp, where more than 83,000 Jews, Serbs, Roma, and Croatian opponents of the fascist regime were killed.

President Ivo Josipovic, Prime Minister Zoran Milanovic, and Parliament Speaker Josip Leko laid flowers in Zagreb's Victims of Fascism Square on January 27 to mark Holocaust Remembrance Day.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, and in the provision of other government services, but the government did not always enforce these provisions effectively.

The ombudsman for persons with disabilities reported the country lacked facilities to promote employment among persons with disabilities, which resulted in a majority of persons with disabilities being routed into early retirement instead.

Funding shortfalls persisted regarding disability-related health care, and there was reduced overall funding for programming for persons with disabilities during the year due to government-wide budget cuts. The Ministry of Social Policy and Youth reported 4,800 persons required disability-related services, while only 641 people actually enrolled in such programs in 2013. According to the national Register of Persons with Disabilities, as of January there were 510,274 persons with disabilities in the country.

The Open Society Institute continued its three-year project with the Ministry of Social Policy and Youth to provide alternative, community-based accommodation for approximately 400 persons with mental disabilities in lieu of institutionalization. The 2013 Human Rights Watch (HRW) global report noted "there was virtually no progress implementing the government's March 2011 master plan for de-institutionalization." The HRW maintained approximately 9,000 persons with intellectual or mental disabilities continued to live in institutional settings, with only a small increase in the number of beds in community-based housing and support services (up to 425 from 300 in 2010) for all those with disabilities. According to the Ministry of Social Policy and Youth, 184 persons with mental disabilities were discharged from institutions from January to November.

Persons with disabilities have the right to vote. During the year a law was enacted to increase employment of persons with disabilities in the private sector, but the disability ombudsman indicated the private sector lacked mechanisms to ensure and monitor reasonable accommodation for employing persons with disabilities.

While the law mandates access to buildings for persons with disabilities, building owners and managers did not always comply, and there were no sanctions. Children with disabilities attended all levels of school, although NGOs stated the lack of legislation mandating equal access for persons with disabilities meant many students

with disabilities had unequal access to secondary and university education. According to the Office of the Ombudsman for Disabilities, the lack of access reduced the number of persons with disabilities who attended school as well as the number of schools from which they had to choose. Most buildings remained wheelchair inaccessible, and there was a lack of sign-language interpreters for the deaf, scarce screen reader equipment for the blind, and few academic and logistical assistants to navigate schools.

National/Racial/Ethnic Minorities

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

According to the 2011 census, Serbs were the largest minority ethnic group in the country, accounting for approximately four percent of the population. During the year ethnic Serb organizations received fewer reports of physical assaults on Serbs than in previous years. Nationalist groups continued to protest against the use of Cyrillic-script signs on public buildings and called for a public boycott of Serb goods and shops in Vukovar. The boycott was not successful.

An organization known as Headquarters for the Defense of Croatian Vukovar initiated protests against the placement of Cyrillic signs and also collected more than 500,000 signatures for a referendum on restricting the use of bilingual signs in areas of the country having significant minority populations. In August the constitutional court declared the proposal unconstitutional, effectively ending the bid for a referendum. In addition to declaring the initiative unconstitutional, the constitutional court ordered the Vukovar City Council to resolve all issues concerning bilingual signs within one year and to determine which city neighborhoods would require such signs.

On May 2, the Vukovar Municipal Court convicted Tomislav Josic, leader of the Headquarters for the Defense of Croatian Vukovar, of incitement to commit illegal acts for his continued efforts to encourage both his organization and the general public to remove forcibly dual-alphabet (Latin and Cyrillic) signs on public buildings in Vukovar. The court gave Josic a suspended sentence of eight months, with a two-year probationary period during which he would be subject to incarceration if he continued his agitation.

In March 2013 Zdravko Mamic, executive director of the Dinamo Zagreb soccer club, referred on the radio to the then minister of education and sports, Zeljko Jovanovic, in a pejorative manner based on his ethnic Serb background. Mamic was arrested on charges of violating hate speech laws and instigating violence. In May 2013 Jovanovic filed a civil suit against Mamic, and in June 2013 government prosecutors indicted Mamic for inciting public hatred. In December 2013 the Zagreb Municipal Criminal Court acquitted Mamic. On June 3, the Zagreb County Court confirmed Mamic's acquittal in the civil case brought by Jovanovic.

Following a Croatia-Iceland soccer match in November 2013, the national soccer team captain Josip Simunic led fans in a World War II-era, pro-Nazi Ustasa government chant. President Josipovic and other senior government officials condemned Simunic's actions. Following the incident prosecutors levied the highest possible fine – 25,000 kunas (\$4,100) – on Simunic for inciting ethnic hatred and public disturbance. The International Federation of Football Association (FIFA) also suspended Simunic for 10 official matches, fined him \$33,800, and barred him from participating in the 2014 FIFA World Cup in Brazil.

Discrimination against Roma continued to be a problem. While 16,974 persons declared themselves to be Roma in the 2011 census, officials and NGOs estimated the Romani population was between 30,000 and 40,000. Roma faced discriminatory obstacles, including in citizenship, documentation, education, housing, and employment (see section 7.d.). According to the Council of Europe, only 6.5 percent of Roma in the country held permanent jobs. A UN Development Program survey indicated 76 percent of Roma and 20 percent of non-Roma who lived in or near Romani settlements lived in poverty. In conjunction with civil society and independent experts, the government adopted a national action plan in April 2013 to improve Romani access to education, employment, housing, legal services, and health care, and address discrimination. The State Office for Human Rights engaged Romani community leaders to improve opportunities for Roma in the country.

While education was free and compulsory through the eighth grade, Romani children faced serious obstacles in their education, including discrimination in schools and a lack of family support. In April the Ministry of Science, Education, and Sports reported 5,470 Romani children were enrolled in primary school, 428 of whom were repeat students. The government sought to improve Romani knowledge of Croatian language by increasing preschool education. There were 769 Romani children enrolled in preschools and kindergartens for the 2013-14 school year. The high rate of Romani dropouts remained a problem. At the beginning of 2013-14 school year, 413 Romani students were in eighth grade, far fewer than the number of Roma enrolled in first grade seven years earlier.

The government awarded 580 high school and 23 university level scholarships to Romani high school and university students to cover fees, transportation, and housing allowances. For the 2013-14 school year, the education ministry reported funding preschool education for 390 Romani children. The government promoted

the employment of Roma by reimbursing two years' salary to employers who hired Romani workers. Romani community organizations received support from the National Minority Council, which included Romani community representatives. The National Minority Council contributed approximately 38 million kunas (\$6.2 million) in 2013 and 2014, a portion of which benefited the Romani community.

Acts of Violence, Discrimination and Other Abuses Based on Sexual Orientation and Gender Identity

Although the law prohibits discrimination based on sexual orientation or gender identity, there were reports of some violence against LGBT persons. On June 22, five or six men physically attacked two LGBT activists in Split. One activist received medical assistance after the incident.

In June an unknown person attacked a 19-year-old Brazilian tourist in Split during a music festival after he kissed his partner. The perpetrator punched the victim, leaving him unconscious. The tourist was treated and released from the hospital; the perpetrator was not apprehended.

NGOs reported the police were responsive to reported violations against LGBT individuals but noted ambiguity in the penal code regarding penalties for violent behavior towards such individuals. LGBT NGOs noted there was uneven awareness of LGBT discrimination within the judiciary. The Zagreb municipal court rejected five joint suits filed for employment discrimination based on sexual orientation, but the supreme court later overruled three of those decisions (see section 7.d.).

On September 6 the first gay pride parade took place in the major eastern city of Osijek, drawing 300 to 400 participants from Croatia, Serbia, Macedonia, and Montenegro. Parade organizers and the police reported no incidents during the event. The annual Split pride parade was held on June 7 without incident. There were approximately 300 parade participants and 600 police officers on duty for the event, which the Split-based NGO Rispet organized. Between 3,000 and 5,000 individuals participated without incident in the 13th Zagreb pride parade on June 14, with a smaller police presence than in previous years.

HIV and AIDS Social Stigma

Societal discrimination against persons with HIV/AIDS remained a problem. The NGO Croatian Association for HIV (HUHIV) maintained some dentists and general practitioners continued to refuse to treat HIV-positive patients. Once a patient was diagnosed with HIV, the specialized infectious disease hospital in Zagreb provided treatment. While HUHIV representatives claimed such a centralized system was the best safeguard of patient privacy, it also reported there were violations of confidentiality of persons diagnosed with HIV, with many facing discrimination including employment discrimination after disclosure of their status (see section 7.d.). There were also allegations transplant centers refused to place HIV-positive patients on their lists of potential organ recipients.

HUHIV operated Zagreb Checkpoint, a facility providing free, anonymous OraQuick tests to screen for HIV. HUHIV asserted the checkpoint offered improved screening for the general population, which was needed since the very low number of HIV positive persons officially reported did not appear to reflect the actual situation in the country. HUHIV also provided an anonymous information hotline.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form or join unions of their choice, bargain collectively, and conduct legal strikes. The government generally respected these rights. The law prohibits antiunion discrimination and allows unions to challenge firings in court. The law requires reinstatement of workers terminated for union activity.

Restrictions on these rights exist. Workers in the military are prohibited from joining unions or striking. Workers may strike only at the end of a contract or in specific circumstances cited in the contract after they have gone through mediation. Either side in the mediation process may decide the process is not progressing towards a solution, and the workers may then strike. The law also requires workers, when negotiating a new contract, to submit to mediation before striking. Labor and management must jointly agree on a mediator if a dispute goes to mediation. If a strike is found to be illegal, any participant may be dismissed and the union held liable for damages. The law allows the government unilaterally to amend collective agreements in the public sector for financial reasons. Employees of local or regional governments may not bargain collectively. Manual labor and retail employees were hired on fixed-term contracts, which made it difficult for them to unionize, and some

employers hired new workers for trial periods without offering the same benefits as employees with open-ended contracts. Workers on temporary contracts generally did not form or join labor unions due to fears of termination at the end of the trial period.

The government was generally effective in enforcing applicable laws, and resources including inspections were adequate. Penalties of one to 15 years imprisonment for violators were generally considered sufficient to deter violations. Judicial procedures were subject to lengthy delays. The inefficiency of the court system seriously hampered attempts to seek redress for antiunion discrimination and legal violations.

Freedom of association was generally respected by the government. Unions operated independently of government and political parties. There were incidents of union-related harassment and firing of employees. For example, antiunion activity at the Brodosplit shipyards resulted in the suspension or termination of 254 workers. Employers often referred to union members as hooligans and terrorists.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. Incidents of forced labor occurred.

The government was partially effective in enforcing the law. A lack of inspections and limited resources resulted in a low sentencing rate. Identification of victims of forced labor was limited, although penalties for forced labor of one to 15 years were sufficiently stringent to deter violations. Sentencing of offenders for forced labor remained low and therefore was insufficient to deter violators. Government efforts to prevent and eliminate forced labor included collaborating with several NGOs in completion of a national action plan and the broadcasting of awareness programs.

Women and men were subjected to forced labor in agriculture. Romani children were at risk of forced labor (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for the employment of children is 15, the age at which compulsory education ends for most children. Minors between the ages of 15 and 18 who have not completed compulsory education may work only if they receive prior approval from the government labor inspectorate and if the child would not suffer physically or mentally from the work. Approval was usually requested for filming movie scenes or for theatrical rehearsals and performances. The law prohibits workers under the age of 18 from working overtime, at night, or under dangerous conditions. The Ministry of Labor and Pensions, the ministry's Office of the State Inspectorate, and the ombudsman for children are responsible for enforcing this regulation and did so adequately.

Child labor occurred. In 2013 the Office of the State Inspectorate conducted 14,143 inspections of work places and identified 15 violations of the labor code involving 20 minors with respect to employment. Violations occurred mainly in the hospitality, retail, services, food service, and tourism sectors, and involved children working overtime or past curfew. Children were subjected to forced begging and early marriage that could result in domestic servitude (see section 6, Children).

Resources and inspections for enforcement were adequate. The law prescribes significant fines for violation of children's labor rights, ranging from 61,000 kunas to 100,000 kunas (\$9,900 to \$16,200) per violation. In addition offenders can be sentenced from three to 15 years imprisonment for forced child labor under trafficking in persons provisions. These provisions are considered sufficient to deter violations. The ombudsman for children coordinated efforts to prevent the exploitation of children and assist in removing children from exploitive situations.

d. Discrimination with Regard to Employment or Occupation

The law prohibits discrimination based on race, gender, disability, language, sexual orientation, and gender identity, or social status. The government generally enforced these laws.

Discrimination in employment or occupation occurred in regard to gender, disability, sexual orientation, HIV status, and ethnicity (see section 6).

e. Acceptable Conditions of Work

The minimum wage as determined by the government is 2,842 kunas (\$461) per month; the net minimum monthly wage is between 2,000 and 2,200 kunas (\$325 and \$357), depending on exemptions. The government's official poverty income level is 2,020 kunas (\$327) per month for single households and 4,242 kunas (\$688) per month for a four-member household. The law requires premium pay for overtime worked beyond the 40-hour workweek. Overtime is limited to 10 hours per week and 180 hours annually. The law does not address compulsory overtime. It entitles employees to at least four weeks of paid annual leave and seven days of personal leave in addition to national holidays. The government set health and safety standards harmonized with EU laws and regulations.

The government enforced the minimum wage and applicable labor laws, although there were extensive reports of employees working in the informal sector without access to such protections. Nonpayment of wages and wage arrears as well as nonpayment for overtime and holiday work continued to be a problem. Workers have the right to bring court proceedings against employers who did not issue pay slips to their employees. In July the labor ministry released a list of employers that had not paid wages or contributions for a period of three months or longer. As of August, 7,461 employers were on the list, in a total of 164,021 active companies. The government sought to obtain wages from these employers for the unpaid workers. The accounts of the listed employers are subject to seizure by the government, although employers are not personally liable for unpaid wages. Labor experts estimated that approximately 27,000 employees were working without receiving a salary.

The law provides a penalty of up to three years in prison for nonpayment of wages and allows employees to sue employers for wage nonpayment. The law, however, provides employers who fail to pay wages due to economic duress are exempt from criminal prosecution.

The Office of the Labor Inspectorate ensured compliance with the labor law through on-site inspections. In February the Office of the Labor Inspectorate was transferred to the Ministry of Labor and Pensions, where it continued to enforce labor laws through on-site inspections. As of October 24, there were 231 inspectors on staff. The inspectorate reported it closed 309 companies in 2013 for at least 30 days for violating the labor law. Violations included employing local and foreign workers without work permits, employing workers who were not registered with the pension fund, and employing workers not registered with a health insurance agency.

In 2013 the labor inspectorate conducted 14,143 workplace inspections and reported 9,711 violations of the labor law, including both minimum wage regulations and workplace health and safety laws. The inspectorate sent 4,231 of these violations to misdemeanor courts for further action. Infractions included violations related to labor contracts, payment for work, annual leave, and unpaid and unreported overtime. In 2013 municipal prosecutors initiated 19 criminal proceedings against employers. The law provides for jail sentences ranging from six months to five years imprisonment, with workplace mistreatment carrying a penalty of up to two years, and employer fraud a five-year maximum sentence. These penalties were sufficient to deter such violations.

The law has well-defined safety regulations, including special protections for workers in dangerous occupations. In 2013 the inspectorate conducted 9,387 inspections involving work safety standards and initiated 2,102 requests for misdemeanor proceedings covering 3,667 alleged violations of safety standards, particularly in the construction trade. The law addresses shift and on-call work and includes protections for minors between the ages of 15 and 18. Legal protections do not cover workers in the informal economy. Changes to the Law on Safety at Work during the year increased protections for women who recently gave birth, nursing women, minors, persons who lost the ability to perform their jobs, and persons at risk of injury at their place of work. Workers can remove themselves from situations that endanger their health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation.