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Country Report on Human Rights Practices 2015 - 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 presidential and parliamentary elections held during the year 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, including ethnic Serbs and Roma, and women. Sporadic violence directed at lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons continued. Government corruption remained a problem.

Other human rights problems included overcrowding in some prisons; judicial delays; unresolved property restitution claims; anti-Semitism and isolated public displays of profascist sentiments; 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 that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of politically motivated disappearances.

The government reported 1,573 persons remained missing from the 1991-95 conflict. Resolving outstanding missing persons cases remained a priority, and authorities sought cooperation from neighboring states to confirm the location of mass and individual graves. In June the governments of Croatia and Serbia agreed on a joint list of missing persons from the conflict in Croatia. The joint list provided an authoritative, shared assessment of the number and identities of missing persons who had resided in Croatia, regardless of ethnicity. On December 2, authorities exhumed a known mass grave containing the remains of 56 unidentified individuals in Gornje Seliste (near the town of Glina) killed in 1995 during Operation Storm. The remains were separated, DNA samples taken for comparison against a database of the missing, and reburied in separate numbered graves. While the majority of victims were believed to be Croatian Serb civilians, Minister of Veterans Affairs Predrag Matic stated that some of the remains could also belong to military personnel. Serbian and Bosnian officials also observed the exhumations.

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

The constitution and law prohibit such practices. There were reports the government employed them. Unlike in previous years, there were no reports that law enforcement officers physically mistreated suspects at time of arrest.

On April 27, the UN Committee on the Rights of Persons with Disabilities reported that the country's law permits the involuntary sterilization of persons with psychosocial disabilities with the consent of a parent or guardian. The Mental Health Law does not require the consent of an individual with psychosocial disabilities if the treatment is judged to be in the person's "best interests."

On March 25, Human Rights Watch (HRW) reported that persons, including children, maintained in mental institutions were forcibly restrained, medicated, and isolated for prolonged periods.

Prison and Detention Center Conditions

The treatment of prisoners was considered to be generally humane, although overcrowding remained a problem in some prisons.

Physical Conditions: The ombudsman reported that while prison overcrowding has eased overall, several prisons remained overcrowded, including those in Osijek, Pozega, and Var. A majority of prisoner complaints concerned the quality of medical care and inadequate facilities, including a lack of living space.

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

Improvements: Prison overcrowding eased during the year.

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 armed forces to provide security. The intelligence service is under the authority of the prime minister and the president. Civilian authorities maintained effective control over police, the armed forces, and the intelligence services. The government had effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment of Detainees

Other than those arrested during the commission of an alleged crime, persons were apprehended with warrants issued by a judge or prosecutor based on evidence. By law prosecutors may hold suspects for up to 72 hours. An investigative judge must issue a decision within 12 hours of arrest if prosecutors wish to extend investigative detention beyond 48 hours. 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 allowed detainees prompt access to a lawyer of their choice or, if indigent, to one provided by the state. Authorities did not detain suspects incommunicado or confine them to house arrest.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence. The judiciary suffered from a heavy backlog of cases. The Ministry of Justice reported 559,349 unresolved cases remained before the courts as of June 30, a 16 percent decrease from 664,734 cases in 2014. The reduction of the backlog was attributable to legislative reforms and enhanced management of the caseload in each district.

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). Persons who are accused have the right to a fair and public trial without undue delay, and the independent judiciary generally enforced this right. The country does not use juries. 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 state 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, including an appeal before the European Court of Human Rights.

County courts in Osijek, Rijeka, Split, and Zagreb exercised exclusive jurisdiction over new war crimes cases. Cases in progress in 11 county courts remained in those jurisdictions.

Under the 2008 action plan to review all war crime indictments and active investigations, the state prosecutor requested the reopening of proceedings involving 100 individual defendants, while 33 defendants requested the reopening of proceedings associated with their own in absentia convictions, and the courts requested reopening proceedings for three defendants (for a total 136 defendants). The requests were granted in all except six cases, all of which involved requests made by defendants. The courts confirmed eight original verdicts, while 106 investigations were closed and 16 cases remained open at year's end.

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. Individuals may appeal to the court after all domestic legal remedies have been exhausted or after a case has been pending for an excessive period in domestic courts. Continuing case backlogs in domestic courts raised concerns about judicial effectiveness and efficiency. Administrative remedies are also available for alleged abuses.

Property Restitution

Government failure to provide restitution for property seized during World War II and the communist era remained a problem, although there was progress during the year. The law permits restitution of property only to individuals who were citizens of the country in 1996 when parliament passed the restitution law. Consequently, it does not apply to persons whose property was expropriated but who left the country and obtained citizenship elsewhere.

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 several smaller communities throughout the country.

In November 2014 authorities transferred ownership of a government-owned property to the Jewish Community in Zagreb as compensation for the Yugoslav-era nationalization of the Jewish community's charity Chevra Kadisha, the first such transfer associated with Jewish communal property restitution in the country.

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 press.

Freedom of Speech and Expression: 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 such “hate speech.” Internet hate speech is punishable by six months to three years’ imprisonment. Three individuals were arrested on such charges during the year, and their cases remained open at year’s end.

Press and Media Freedoms: Independent media were active and expressed without restraint a wide variety of views. Restrictions on material deemed 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.

Violence and Harassment: On May 28, three assailants badly beat freelance journalist and well-known blogger Zeljko Peratovic in his home. Authorities quickly apprehended the men and charged them with suspicion of inflicting bodily harm. A court later upgraded the charges to attempted murder. The trial was pending at year’s end. The Croatian Journalists Association (CJA) and the Organization for Security and Cooperation in Europe (OSCE) representative for freedom of the media condemned the attack.

On August 5, journalist Hrvoje Simicevic was attacked in Rijeka following an event on the role of women in armed conflict, including the 1991-95 conflict with Serbia. The CJA released a statement calling for the arrest of the attackers and condemning “unprofessional and inflammatory” media coverage in advance of the event, which the CJA believed “contributed to an atmosphere of intolerance.”

In an August 13 letter to Foreign Minister Vesna Pusic, the OSCE representative for freedom of the media, Dunja Mijatovic, asked government officials to do their utmost to protect freedom of expression and the safety of media representatives in the country. Mijatovic called on authorities to conduct swift and transparent investigations following a number of attacks on journalists in the country. She wrote, “As far as I am aware, all these cases remain unresolved. Condemnation coming from the highest level of government should be a clear sign these acts of intimidation and violence against journalists will not be tolerated.”

Censorship or Content Restrictions: A number of journalists reported that publishers and media owners frequently practiced self-censorship to avoid reporting negatively on advertisers or those politically linked to key advertisers.

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 the International Telecommunication Union, approximately 69 percent of the population used the internet in 2014.

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, through the State Office for Reconstruction and Housing Care, 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.

Protection of Refugees

During the year many countries in the EU and Southeast Europe experienced an unprecedented wave of migration from the Middle East, Africa, and Asia, consisting of a mix of asylum seekers, potential refugees, economic migrants, and trafficking victims, and others. For simplicity this report refers to these populations as “migrants and asylum seekers” if more specific information is not available.

Starting in September, an estimated 555,000 migrants and asylum seekers arrived in the country, with almost all expressing their intent to transit the country to other EU countries. UNHCR reported that only 10 of these individuals sought asylum in the country. Representatives from the International Red Cross and UNHCR assessed that the transit centers in Opatovac and Slavonski Brod for migrants and asylum seekers offered appropriate care and assistance and generally met international humanitarian standards. The Ministry of Interior reported that a majority of migrants and asylum seekers were able to depart the country less than 48 hours after arrival, often transiting and departing the same day they arrived.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. On July 2, the International and Temporary Protection Act became law and harmonized the national asylum legislation with the provisions of the EU regulations.

Safe Country of Origin/Transit: On November 19, Minister of Interior Ranko Ostojic announced that the country would restrict the entry of certain nationalities traveling as part of the irregular mixed migration flow, stating “some people do not receive international protection...these are primarily citizens of Morocco, Bangladesh, Sri Lanka, Algeria, Liberia, Congo, Sudan, and Pakistan, “ and that Croatia had notified Macedonia and Serbia that citizens of these countries will no longer be allowed to pass through the country because they were economic migrants, not asylum seekers. Prior to November 19, migrants and asylum seekers were permitted to transit the country regardless of citizenship. Separate border restrictions in Macedonia and Serbia instituted on November 18 effectively restricted migrants and asylum seekers entering the country to citizens of Iraq, Syria, and Afghanistan.

Access to Basic Services: Authorities generally treated migrants and asylum seekers in a humane manner. According to an Amnesty International report released on October 19, an estimated 1,800 migrants and refugees were temporarily stranded at the Croatia-Slovenia border overnight without shelter when Croatian police escorted them to the border crossing at Turnover and they were initially refused entry to Slovenia. The migrants and asylum seekers were subsequently allowed to pass slowly through the border, with priority given to families traveling with children.

The Ministry of Interior operated two transit centers to register and assist migrants and asylum seekers in the town of Opatovac and the city of Slavonski Brod. Representatives from UNHCR and the Croatian Red Cross reported that facilities were appropriate and that assistance was focused on meeting the humanitarian needs of travelers. Migrants and asylum seekers were offered food, medical care, shelter, and clothing, as well as transportation assistance. All of these services were available at no cost.

Durable Solutions: The government participated in a five-year joint regional housing program with the governments of Bosnia and Herzegovina, Montenegro, and Serbia to help provide durable integration or return housing solutions (local integration or voluntary return) for 73,592 refugees and internally displaced persons in the region from the 1990s conflicts associated with the breakup of the former Yugoslavia. Most of these potential returnees were particularly vulnerable (often elderly or unemployed) while awaiting durable housing solutions. Croatian government policies associated with returnees do not discriminate against vulnerable groups, including women, LGBTI, or persons with disabilities.

Temporary Protection: The government provided temporary protection to individuals who may not qualify as refugees and provided it to approximately 10 persons during the year.

Stateless Persons

Citizenship is acquired by birth or by naturalization. It is also conveyed to children who would otherwise be born stateless. As of December 2014 UNHCR estimated that 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 experienced problems accessing government services. Ministry of Interior officials assisted stateless individuals to obtain residency in the country and eventual citizenship.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage, and citizens exercised that ability.

Elections and Political Participation

Recent Elections: The January 11 presidential election, and the November 8 parliamentary elections took place in a pluralistic environment and were administered in a professional and transparent manner.

Participation of Women and Minorities: Women participated in governing the country. On September 25, the Constitutional Court struck down a requirement of the newly amended electoral law that political parties must have a gender balance on their candidate lists for local, national, and European elections.

The election 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 members of other ethnic minorities may, in principle, win additional seats in this system if candidates from their group obtain sufficient votes in one or more of the regular voting districts. The government included a number of ethnic-Serb ministers, including several deputy prime ministers.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government implemented these provisions effectively. Corruption was a problem, however.

Corruption: On September 30, the Supreme Court annulled a lower court's March 2014 conviction of former prime minister Ivo Sanader, several co-defendants, and his former party, the Croatian Democratic Union (HDZ) on corruption charges in the "FIMI Media" case. The Supreme Court did not rule on Sanader's guilt or innocence but found procedural errors in the 2014 conviction and called for the retrial of all defendants on all charges. The lower court's March 2014 conviction found that lead opposition party the HDZ funneled money from public companies to its own accounts from 2003 to 2009 and convicted several former HDZ members, including Sanader, of diverting 70 million kunas (\$10 million) from government institutions to private and party-affiliated accounts.

Financial Disclosure: The law requires public officials to declare their assets and income, and government officials generally complied with this requirement. This information is made available to the public. There were administrative sanctions for noncompliance, which generally resulted in a fine.

Public Access to Information: The law provides for public access to information held by many public institutions and establishes a relatively narrow list of exceptions outlining the grounds for nondisclosure. Authorities generally implemented the law effectively. According to Transparency International, an effective public outreach campaign was lacking, and government institutions required additional training on the law. Civil society groups considered the information commissioner's office to be underresourced.

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 has 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 is sufficient evidence that constitutional and legal rights were violated. Lengthy administrative procedures were a widespread problem.

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

The constitution prohibits discrimination based on race, gender, religion, political opinion, national origin or citizenship, social origin, disability, language, social status, sexual orientation or gender identity, age, and HIV positive status or other communicable diseases. The government generally enforced these prohibitions.

Women

Rape and Domestic Violence: Rape, including spousal rape, is a crime punishable by one to 15 years' imprisonment. Police and prosecutors are generally responsive to crimes and accusations associated with domestic violence and rape.

The law criminalizes domestic violence. Violence against women, including spousal abuse, remained a problem. The Office of the Ombudsman for Gender Equality reported that, in domestic violence cases, police regularly detained both spouses for questioning. Support for safe houses, vocational training, and financial stipends for domestic violence victims remained limited. NGOs and local governments operated a number of shelters. Although the government financed most services, NGOs overseeing shelters stated that funding was insufficient and irregular. Hotlines, counseling, and legal assistance were available for victims of domestic violence, but were not fully utilized by beneficiaries.

Sexual Harassment: The law provides a maximum prison sentence of one year for conviction of sexual harassment. The ombudsman for gender equality repeatedly expressed concerns that victims of sexual harassment dropped official complaints due to fear of reprisal.

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

Discrimination: Women enjoy the same legal status and rights as men, including under family, labor, property, nationality, and inheritance law and in the judicial system. The law requires equal pay for equal work. Women experienced discrimination in employment and occupation (see section 7.d.).

The ombudsman for gender equality noted most individual complaints involving women were related to labor and social discrimination, followed by family violence and complaints against the judiciary. These complaints 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 at least one parent who is a citizen. Authorities registered all births at the time of birth within the country or abroad. Children born in the country who would otherwise be born stateless are also eligible for citizenship.

Child Abuse: Child abuse including violence and sexual abuse was a problem. The government has an active ombudsman for children, and a multi-year effort to deinstitutionalize children. Police and prosecutors generally were responsive in investigating such cases.

Early and Forced Marriage: The legal minimum age for marriage is 18. Children older than age 16 may marry with a judge's written consent. While statistics were unavailable, 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 legalized when the partners reached adulthood.

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation of children and child pornography, and authorities enforced the law. The minimum age for consensual sex is 15. The Ministry of Interior conducted investigative programs and worked with international partners to combat child pornography. In 2014 the ministry registered 771 sexual crimes involving a minor, including 141 related to the production of child pornography and 19 associated with the distribution of child pornography on the internet. It operated a website known as Red Button for the public to report child pornography to police.

Institutionalized Children: In March HRW reported on mental facility patients being physically restrained, forcibly medicated, or put in seclusion rooms for prolonged periods, including children, and noted that there were no official guidelines for the use of restraints by facility staff. HRW also stated that children were not required to consent to treatment if the treatment was judged to be in their “best interests,” which HRW deemed a violation of fundamental individual rights (see section 1.c.).

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 report on compliance at travel.state.gov/content/childabduction/en/legal/compliance.html and country-specific 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. There were some reports of anti-Semitic acts during the year.

On June 18, prosecutors filed misdemeanor charges against the Croatian Football Federation (HNS) and multiple HNS officials after a swastika was bleached into the grass on the playing field in advance of the June 14 Euro qualifying match between Croatia and Italy in Split. President Kolinda Grabar-Kitarovic, Prime Minister Zoran Milanovic, and Minister of Interior Ostojic condemned the incident and called for swift investigation and punishment of those responsible. The investigation continued at year’s end.

The prime minister and the speaker of parliament marked Holocaust Remembrance Day in the parliament on January 27 alongside church officials and representatives of Jewish and Romani associations. On April 22, the president visited the Jasenovac Memorial to pay her respects to the victims of the World War II-era concentration camp that was located there. She condemned the torture and killings committed at Jasenovac. On April 26, the prime minister, the speaker of parliament, the foreign minister, and others attended the official ceremony at the Jasenovac memorial.

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.

Persons with disabilities lacked facilities to promote employment (see section 7.d.).

Funding for disability-related health care was inadequate. The government reduced overall funding for programs for persons with disabilities during the year as part of government-wide budget cuts. The Ministry of Social Policy and Youth reported that 4,800 persons required disability program services, while only 641 persons were enrolled in such programs in 2013.

The disability ombudsman indicated that the private sector lacked mechanisms to provide for and monitor reasonable accommodations 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 laws mandating equal access for persons with disabilities limited the access of students with disabilities to secondary and university education. According to the Office of the Ombudsman for Disabilities, the lack of access for persons with disabilities reduced both their attendance and the number of schools from which they could choose. Most buildings remained wheelchair inaccessible, and there was a lack of sign-language interpreters for the deaf, digital screen reading equipment for the blind, and few academic and logistical assistants for the deaf and blind to navigate schools.

National/Racial/Ethnic Minorities

While constitutional protections against discrimination applied to all minorities, there was some discrimination against ethnic Serbs and Roma. According to the 2011 census, Serbs were the largest minority ethnic group in the country, accounting for approximately 4 percent of the population, and used the Cyrillic alphabet while the majority of the population used the Latin alphabet. Some individuals protested the use of Cyrillic alphabet signs on public buildings in Vukovar. The government staunchly defended the placement of the Cyrillic-script signs as prescribed for by law.

In August the Vukovar City Council passed an ordinance stating that it did not intend to post Cyrillic-script signs on public buildings. The action responded to an August 2014 Constitutional Court ruling ordering the Vukovar City Council to address all issues concerning bilingual signage within one year and to determine which areas in the city would require bilingual signs. The Vukovar City Council ordinance was under review by the Constitutional Court at the government's request.

In August unknown persons vandalized several shops in a Vukovar shopping mall with graffiti. The establishments were largely owned by Croatians of Serb ethnicity. The graffiti including swastikas, the Ustasha "U," and other Nazi insignia and symbols, as well as other nationalist invectives. The Vukovar-Srijem municipal police opened an investigation but did not identify the perpetrators. Journalist and researcher Tamara Opacic, the author of *Violence and Intolerance Against Serbs in 2014* stated that the Serb minority in the country experienced up to 40 per cent more anti-Serb incidents in 2014 than in 2013. Opacic blamed the campaign to remove Cyrillic alphabet signs from government buildings in Vukovar as largely responsible for the increase.

Discrimination against and the social exclusion of Roma continued to be a problem. While 16,974 persons declared themselves to be Roma in the 2011 census, officials and NGOs estimated that the Romani population actually numbered between 30,000 and 40,000. Roma faced widespread discrimination, 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. The State Office for Human Rights engaged Romani community leaders and NGOs in an effort to improve opportunities for Roma. Romani and pro-Roma NGOs received state and EU funding for local development projects, provision of social services, and education programs, particularly preschools and primary schools. The parliament, together with several other parliaments in Europe, proclaimed August 2 a day to commemorate World War II era persecution of Roma.

While education is free and compulsory through the eighth grade, Romani children faced serious obstacles, including discrimination in schools and a lack of family support. A high dropout rate among Roma remained a problem. As of April the Ministry of Education reported that 5,411 Romani children were enrolled in primary school, 413 of whom were repeating grades. There were 873 Roma children enrolled in preschools and kindergartens for the 2014-15 school year. The government awarded 584 high school and 23 university level scholarships to Romani high school and university students to cover fees, transportation, and housing allowances. The Ministry of Education sought to promote better adoption of the Croatian language among Roma children by funding for preschool education during the 2013-14 school year.

The government promoted the employment of Roma by reimbursing two years' salary to employers who hired Romani workers and by subsidizing self-employed Roma. Most government efforts to improve housing were concentrated on infrastructure and legalizing unregistered residences. Romani community organizations received approximately 656,600 kunas (\$98,000) in support from the National Minority Council, which included Romani community representatives. The Ministry of Culture separately provided approximately \$15,000. The government also allocated an additional \$3,620,000 for the implementation of the national *Action Plan for Roma Inclusion* in 2014.

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

The law prohibits discrimination based on sexual orientation or gender identity. The Ministry of Interior reported no incidents of hate crimes on grounds of sexual orientation or gender identity. NGOs indicated police were responsive to reported violations against LGBTI individuals but noted ambiguity in the penal code regarding penalties for violent behavior towards such individuals. Authorities opened several investigations of public incitement to violence and hatred in response to the online bullying and harassment of LGBTI persons, while in other cases perpetrators faced misdemeanor charges of harassment on grounds of sexual orientation and gender identity. These cases were pending at year's end.

LGBTI NGOs noted uneven performance by the judiciary on LGBTI discrimination cases. For example, the Zagreb Municipal Court rejected five joint suits filed for employment discrimination based on sexual orientation, but the Supreme Court later overruled three of the decisions (see section 7.d.). LGBTI persons filed several civil suits for discrimination on the basis of sexual orientation or gender identity, seeking damages from convicted

perpetrators of hate crimes. While the law gives priority status to such cases, a number have been pending since 2011. Several administrative proceedings were pending against the Ministry of Public Administration for its refusal to grant approval to a transgender person's requests for legal gender recognition.

LGBTI activists reported that members of the LGBTI community had limited access to justice, with many reluctant to report violations of their rights due to concerns about an inefficient judicial system and fear of further victimization during trial proceedings.

In July the Osijek County Court upheld the verdict of the Zagreb Municipal Court that Zagreb Pride, an LGBTI NGO, violated the personal honor and dignity of an employee of Croatian Radio Television by placing her on the annual list of candidates for the most homophobic person of the year designation in 2013. The judgment obligated Zagreb Pride to pay 40,200 kunas (\$6,030) compensation and publish the verdict on its website.

HIV and AIDS Social Stigma

Societal discrimination against persons with HIV/AIDS remained a problem. The NGO Croatian Association for HIV (HUHIV) reported that some physicians and dentists refused to treat HIV-positive patients. HIV-positive individuals were eligible to receive care at a specialized infectious disease hospital in Zagreb. While HUHIV representatives acknowledged that a centralized system was the best safeguard of patient privacy, it reported violations of confidentiality of persons diagnosed with HIV, with some facing discrimination including employment discrimination after disclosure of their status. There were also reports that transplant centers refused to place HIV-positive patients on their lists of potential organ recipients.

HUHIV operated the Zagreb Checkpoint, a facility providing free, anonymous quick-tests to screen for HIV. HUHIV asserted the checkpoint improved screening for the general population, which was needed since the very low number of HIV-positive individuals reported officially did not appear to reflect the true number of HIV-positive residents in the country. HUHIV reported that an HIV diagnosis was no longer listed on government-supplied sick leave forms, enhancing the ability of HIV-positive individuals to keep their status private.

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. Civilian employees of 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 completing mediation. The law also requires workers to submit to mediation before striking when negotiating a new contract. 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 are 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 unions due to fear of termination at the end of the trial period.

The government was generally effective in enforcing laws, and resources and 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 hampered attempts to seek redress for antiunion discrimination and legal violations.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. The Ministry of Labor reported six incidents of forced labor in 2014 and one incident during the first six months of the year.

The government was partially effective in enforcing applicable laws. 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' imprisonment were sufficiently stringent to deter violations if enforced. The

sentencing rate of offenders for forced labor remained low, however, and 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 public awareness programs.

Women and men were subjected to forced labor in agriculture. Romani children were at risk of forced labor.

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 ages 15 and 18 who have not completed compulsory education may work only with prior approval from the government labor inspectorate and if they would not suffer physically or mentally from the work. Approval was usually requested for children to be filmed or for theatrical rehearsals and performances. The law prohibits workers under age 18 from working overtime, at night, or in 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.

Isolated instances of child labor occurred. In 2014 the Office of the State Inspectorate conducted 11,861 inspections of work places and identified 36 labor code violations involving the underage employment of 15 minors. 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 of, and penalties for, violation of child labor law were adequate to deter most violations. The law prescribes significant fines for violation of children's labor rights, ranging from 61,000 kunas to 100,000 kunas (\$9,100 to \$14,925) per violation. In addition offenders may be sentenced to three to 15 years' imprisonment for conviction of forced child labor under trafficking in persons provisions of the law. These provisions were 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 with regard to gender, disability, sexual orientation, HIV-positive status, and ethnicity.

According to the ombudsman for gender equality, women experienced discrimination in employment, including in pay and promotion to managerial and executive positions. Women generally held lower paying positions in the workforce. The gender ombudsman's 2014 report noted that the salary gap between men and women remained high, at an estimated 10 percent. In addition salaries were much lower in occupations filled mostly by women, while higher-paying management positions were more often filled by men.

The government initiated several programs during the year to increase opportunities for women in the workplace, including establishing a preference for women-owned companies to obtain business loans from the government. In addition the armed forces increased opportunities for female soldiers to participate in overseas peacekeeping operations.

The ombudsman reported that women, regardless of education level, were more likely than men to lose their jobs. According to the ombudsman, government inspections were ineffective in uncovering and sanctioning employer violations.

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

LGBTI NGOs noted discrimination and harassment against LGBTI employees in the public health sector. Neither state nor private employers have regulations for protection against discrimination on the basis of sexual orientation or gender identity. NGOs reported that LGBTI persons refrained from publicly expressing their sexual orientation or gender identity because they were vulnerable to termination of employment or demotion.

e. Acceptable Conditions of Work

The minimum wage as determined by the government was 2,842 kunas (\$424) per month; the net minimum monthly wage was 2,000 to 2,200 kunas (\$298 to \$328), depending on tax exemptions. The official poverty

income level was 2,020 kunas (\$301) per month for single households and 4,242 kunas (\$633) 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 was a problem. Workers have the right to initiate court proceedings against employers who do not issue pay slips to their employees. During the first six months of the year, inspectors found that 7,632 persons were not paid by their employers; the employers were fined per the Law on Minimum Wage.

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

The Office of the Labor Inspectorate provided for compliance with the labor law through on-site inspections. According to the *Labor Inspectorate Annual Report for 2014*, there were 235 inspectors on staff. The inspectorate reported closing 94 companies during the first six months of the year for at least 30 days for violating the labor law. Violations included employing local and foreign workers without work permits, employing workers not registered with the pension fund, and employing workers not registered with a health insurance agency.

During the first six months of the year, the labor inspectorate conducted 8,328 workplace inspections and reported 2,880 violations of the labor law, including both minimum wage regulations and workplace health and safety laws. The inspectorate referred 1,219 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. During the same period, municipal prosecutors initiated 48 criminal proceedings against employers. The law provides for sentences ranging from six months to five years' imprisonment, with workplace mistreatment carrying a penalty of up to two years' imprisonment and employer fraud carrying 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. During the first six months of the year, the inspectorate conducted 3,754 inspections involving work safety standards and initiated 1,965 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 ages 15 and 18. Legal protections do not cover workers in the informal economy. The law includes 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 may remove themselves from situations that endanger their health or safety without jeopardizing their employment, and authorities effectively protected employees in this situation.