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CROATIA

The Republic of Croatia is a constitutional parliamentary democracy with a powerful presidency. The ruling Croatian Democratic Union (HDZ) has maintained power since independence in 1991, using its entrenched majority position to deny opposition parties the ability to compete on fair and equal terms in elections. President Franjo Tudjman, the HDZ leader, was reelected in June for a second 5-year term in an election that observers considered "fundamentally flawed." The President serves as head of state and commander of the armed forces, chairs the influential National Defense and Security Council, appoints the prime minister who leads the government, and approves senior appointments in local government. Government influence circumscribes and weakens the judiciary. This, combined with the extensive constitutional powers of the presidency, the overwhelming dominance of the HDZ, its absolute control of television, and the continuing concentration of power within the one-party central government, makes Croatia's nominally democratic system in reality authoritarian.

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

The economy is slowly changing to a market-based free enterprise system, and agriculture is mostly in private hands. Family-owned small enterprises are multiplying, but industry is still largely state controlled. The Government's privatization program came under increasing criticism for allotting shares in prime enterprises to those loyal to the ruling party. While the economy recovered somewhat from the devastation inflicted by the war in 1991, the standard of living remained below prewar levels. Unemployment is high, and accusations of government cronyism were common.

The Government's human rights record remained poor, although significant improvement was seen in certain areas. It continued to allow serious abuses, particularly regarding the treatment of ethnic Serbs. The Government has still not established adequate civil authority in the former occupied areas (the Krajina and Western Slavonia), and the police were unwilling or unable to take effective action against criminal activity against ethnic Serbs. Looting and threats were common. Beatings and murders still occur, although less frequently than in the past. The response by police was often apathetic, and the Government made little or no effort to seek out, investigate, and punish those responsible for such abuses. Cases of abuse from 1995, the victims of which were almost exclusively ethnic Serbs, remained mostly unresolved.

According to credible reports, the police occasionally beat persons. The Government does not always respect due process provisions for arrest and detention. The judicial system is subject to executive influence, and the Government carried out a purge of judges and state attorneys that further called into question the independence of the judiciary. The courts are burdened by a huge case backlog and sometimes deny citizens fair trials.

While in general the Constitution and laws provide for a broad range of human rights, in practice the Government continued to implement the law in a discriminatory fashion. The Government infringed on press freedom and used the courts and administrative bodies selectively to shut down or restrain newspapers and radio stations that criticized the Government. Government intimidation induced self-censorship by journalists. The Government exercised provisions of the Criminal Code that allowed it to prosecute those who insult high officials in the press or who make statements which might cause public instability (at times subjectively defined to allow judicial action against opinions contrary to the ruling party). The right of association was circumscribed by a new law in June. In two sets of elections, the Government seriously infringed upon the right of citizens to change their government freely by its almost total control of the electronic media. It also used manipulation of laws, harassment, and economic pressure to control the political process.

Although significant progress was made in the provision of citizenship documents to ethnic Serbs in Eastern Slavonia, the last remaining Serb-held enclave, the Government refused to allow ethnic Serbs who had fled Croatia during the military conflict in 1995 to return or vote, effectively exiling and disenfranchising at least 180,000 people. Military and police forces, contrary to officially stated government policy, continued to carry out forced evictions, although fewer than in previous years. Local officials also allowed ethnic Croat refugees from Bosnia and Herzegovina and Serbia-Montenegro to dispossess ethnic Serb property owners. The record of cooperation by government authorities with international human rights and monitoring organizations was mixed. Violence and discrimination against women remained problems. Discrimination in the administration of justice, housing, and jobs against ethnic Serbs and against those who were not members of the ruling party was common. Isolated incidents of ethnically motivated killings and mob violence occurred. Roma also faced discrimination.

The United Nations Transitional Administration for Eastern Slavonia (UNTAES) maintained executive authority for the region through January 15, 1998, when the United Nations Security Council concluded that sufficient progress toward reintegration had been made and ended UNTAES mandate. By August the Government had provided citizenship documents to over 145,000 ethnic Serbs in the region, a significant number of whom were Croatian Serbs, now refugees in the Federal Republic of Yugoslavia ("FRY") and Bosnia and Herzegovina, who came across the porous border with Yugoslavia to apply. The Government issued employment contracts for Serbs working in enterprises and public offices that were reintegrated into the Croatian system, thereby boosting local Serbs' confidence in their future in the region. Elections for local governments and the upper house of Parliament were held in April and presidential elections were held in June, simultaneously in the region and in the rest of

Croatia. A significant number of ethnic Serb representatives were elected to local government bodies. While police remained under the control of UNTAES, they were increasingly brought into alignment with the Ministry of Interior. Following the April elections, an ethnic Serb assistant minister of interior was appointed. Most significantly, by September some 8,000 Croatian Serbs had left UNTAES region for their homes in other parts of Croatia, and approximately 1,500 Croats had returned to their homes in Eastern Slavonia. Overall freedom of movement into and out of UNTAES region increased significantly.

While senior government leaders were cooperative, some government officials and local offices often refused to carry out central government directives. Increased access to the Danubian region led to a growing number of incidents of harassment of the ethnic Serbs living in the region by ethnic Croats, although these incidents are small in number compared to the large numbers of people moving back and forth. A significant number of these incidents of harassment were carried out by Croatian members of the Transitional Police Force or local Croatian officials. Ethnic Croat police officers at times were biased in their treatment of ethnic Serbs in the region.

Human rights advances included the ratification in September of the European convention on human rights, a notable acceleration in the return of internally displaced Serbs to their former homes in government-controlled territory, and the passage of a law allowing for primary education in minority languages. In addition, the courts late in the year revised some of the more discriminatory parts of a law that effectively expropriated the property of many minority Serbs who fled Croatia in 1995, but there is still no effective mechanism by which Serb owners can recover their property.

In a major step, Croatia facilitated the handover in October of 10 Bosnian Croats indicted by the International Criminal Tribunal for the Former Yugoslavia (ICTY) in the Hague, including Dario Kordic, one of the most wanted suspects indicted by the tribunal. Also in October, the Government committed to a plan by which it would inform ICTY of new cases of potential interest to the tribunal. However, despite these very positive developments, Croatia's overall cooperation with the tribunal remained uneven. Other handovers occurred only under international pressure, the proposed plan remained unimplemented, and by September no progress had been made in the handover of documents that would assist in the prosecution of ethnic Croats in custody in the Hague.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings by government officials. There continue to be some reports of ethnically motivated killings by unknown persons in the parts of Croatia reclaimed by the Government's "Operation Storm" in 1995. While the numbers are small, the majority of those killed were ethnic Serbs. The murders continue a pattern begun in the fall of 1995 of

ethnically motivated killings carried out both to intimidate Serbs who stayed behind after Croatia reclaimed these areas and increasingly to discourage those Serbs who fled from returning. The authorities made only a few arrests in these cases, often denying that any of the attacks were ethnically motivated. The authorities' attempts to seek out, investigate, and punish those responsible for such murders were inadequate.

Mines and explosive booby traps were used as devices to terrify returnees and those who remained in the formerly occupied areas. For example, in January and February the home of an ethnic Serb was attacked four times with hand grenades in Biskupija. In April a Serb returnee was killed by an explosion caused by a booby trap placed in a haystack in his field in Josani. Also in April, two elderly Serbs were shot and killed in Western Slavonia, and in yet another incident, a Serb who stayed was killed and buried in his yard by ethnic Croats from Kosovo. The Organization for Security and Cooperation in Europe (OSCE) reported the case of a woman in Medak who was seriously injured when a grenade was placed under her pillow. This series of individual attacks and murders culminated in the area around Hrvatska Kostajnica in May, when several hundred Bosnian Croats went on a rampage over 2 days, burning and vandalizing Serb homes, beating and terrorizing Serb returnees and residents. One individual died shortly after from injuries sustained during the riots. There were reports that police participated in the riots and destruction (see Section 5). This incident drew extensive international censure of Croatia's seeming lack of concern over the physical security of its ethnic Serb citizens (see section 5). In most cases, authorities denied that there was any ethnic motivation to the crimes, a statement viewed with widespread disbelief in the international community. Authorities also justified these incidents as "spontaneous" reactions to returning Serb "provocations" and, other than Hrvatska Kostajnica, there was little or no official recognition or condemnation of the attacks.

The case of an elderly couple of mixed ethnicity killed in September in Bukovica was resolved, and two people were arrested. The United Nations Special Rapporteur for Human Rights noted that, while there has been some progress in more recent incidents, major crimes that occurred at or near the time of Croatia's military operations in the summer of 1995 (e.g. the Grubori murders) remain for the most part unresolved.

b. Disappearance

There were no reports of politically motivated disappearances.

By year's end, government figures showed 2,156 citizens still missing in cases unresolved from the 1991-92 war and the 1995 military actions. The Government estimates that approximately 1,380 of these are from the Danubian region, while the remainder are thought by the Government to be buried in the formerly Serb-held area of Croatia known as the Krajina. Steady progress was made throughout the year in removing names from the list of the missing as a result of the identification of corpses exhumed in the Krajina region and Eastern and Western Slavonia.

Identification of the 200 corpses exhumed from the mass grave at Ovcara continued throughout 1997, with a total of 83 positively identified by September. Exhumation of another mass grave in Lovas revealed the bodies of 68 persons in June, of whom 67 were positively identified. Exhumations also took place in Topusko, Glina, Petrinja, Gvozd, Dvor, Kostajnica, Dubica, Saborsko, Slunj, Cetingrad, and Skabrnja.

Significant progress was made in the exchange of information between the countries of the former Yugoslavia under the auspices of the International Commission on Missing Persons. Croatia participated in meetings with counterparts from the "Federal Republic of Yugoslavia" and Bosnia and Herzegovina. However, international observers concluded that the political will to make unilateral disclosures of information relating to missing persons was lacking, as evidenced by the Government's release of 18 prisoners of war held in defiance of international conventions only after a commensurate release or exchange of information by the Bosnian Serb entity (see Section 2.d.).

The body of the pilot Rudolf Perisin, long sought by the Government, was finally handed over by Bosnian Serb forces in August, along with the remains of a total of 18 others on the list of missing persons.

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

The Constitution prohibits torture or cruel or degrading punishment, and no evidence emerged of systematic abuse by police and government forces. There were, however, occasional credible reports that police beat persons, for example, in the case of ethnic Serb and mixed-marriage returnees detained after the incidents in Hrvatska Kostajnica.

Police reportedly participated in the riots and destruction in Hrvatska Kostajnica in May and also harassed Orthodox worshipers, incited anti-Orthodox mob action, and did not safeguard citizens from abuse (see Sections 1.a., 2a.c. and 5).

Prison conditions meet minimum international standards. Jails are crowded, but not excessively so, and family visits and access to counsel are generally available. Rebel Serb detainees reported good treatment, although some asserted that they were treated less favorably than common criminals.

The Government permits visits by human rights monitors. Prisons and detainees in Eastern Slavonia were monitored under the auspices of UNTAES.

d. Arbitrary Arrest, Detention, or Exile

The Constitution contains provisions to protect the legal rights of all accused persons, but the Government does not always respect these rights in practice. Over the course of the year, the Government issued numerous confusing and contradictory statements on the implementation of general amnesty legislation for rebel Serbs adopted in September 1996. The issuance of lists, both genuine and

false, of wanted suspects and then their subsequent disavowal by the Government largely undermined the positive effect of the amnesty and was widely viewed by international observers as a ploy to instill insecurity and fear in the minority Serb population. In several well-documented instances, persons were arrested and tried who were not mentioned on any of the government lists, and in other cases, Serbs leaving the region were picked up for "questioning" relating to their activity during the war. The Government claims that over 12,000 persons have been amnestied, although there has been no supporting documentation to confirm this claim. An additional 301 persons (primarily ethnic Croats) received amnesty at midyear, on the national day. Of 27 people rearrested after having initially received amnesty in 1996, 24 still remain in custody while the Government retries them under provisions of the legal code covering war crimes. The charges were merely reworded versions of the indictments under which these individuals had already received amnesty.

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

After arrest, the law states that persons must be given access to an attorney of their choice within 24 hours; if they have no attorney and are charged with a crime for which the sentence is over 10 years' imprisonment, the investigative magistrate appoints counsel from a list of public defenders. If the potential sentence is under 10 years, detainees can request court-appointed counsel if they choose. The court appoints counsel after charges are levied for the trial. The investigative magistrate must, within 48 hours of the arrest, decide whether sufficient cause exists to hold a person in custody pending further investigation. The judge must justify the decision in writing, including the length of detention ordered, which may not be longer than 1 month without review. The review by the county court may extend the period another 2 months if necessary. The usual period of investigative detention varies from a few days to a few weeks, but the Supreme Court may grant the state an additional 3 months (for a total of not more than 6 months of pretrial detention) in exceptional cases. These decisions may be appealed, either immediately or later in the detention period. Once the investigation is complete, detainees are usually released on their own recognizance pending trial, unless the crime is a major offense, the accused are considered a public danger, or the court believes that they may flee.

However, those persons held under investigative detention are often denied the right to have an attorney present during parts of the investigative stage or an appeal of investigative detention. In practice detainees are almost always bound over for investigation unless it is clear that no case exists against them. There are provisions for posting bail after charges are brought, but the practice is not common. Police sometimes retain the passports of those released to prevent them from leaving the country. The International Committee of the Red Cross estimated that approximately 79 ethnic Serbs were still in detention for acts related to the conflicts in 1995.

UNTAES maintained oversight over the judiciary and the police in Eastern Slavonia, and in August the process of reintegrating the judiciary into the Croatian system was begun under UNTAES supervision.

However, despite UNTAES oversight, several instances of lengthy pretrial detention, one as long as 2 years, were reported in the region.

In a positive development, by August the Government had released all but 1 of the remaining 18 Bosnian prisoners of war. Despite the provisions of the Dayton Peace Accords, these men were in captivity for almost 2 years. The one remaining prisoner, although nominally freed by the Government, refused repatriation to Bosnia and Herzegovina and thus remained in detention in a refugee collective center on Obonjan Island.

The Constitution prohibits the exile of citizens. However, Croatian Serbs who fled the conflict during the last 5 years remained effectively exiled from Croatia. Although the Government reversed its stated opposition to Serb return in July, it refuses to implement procedures by which Croatian Serb refugees can obtain documents to enable them to return. The Government's inability to create secure conditions in the formerly occupied areas, the complete absence of a true atmosphere of reconciliation, and the slow pace in issuing identity papers to Serbs abroad have combined to leave as many as 180,000 ethnic Serb former citizens of Croatia effectively without citizenship. While progress was made in the issuance of documents for Serbs in Eastern Slavonia, ethnic Muslims and Serbs currently living in Croatia often had difficulty in obtaining citizenship, were denied citizenship or residency permits regardless of their previous residence, and were subject to exclusion and even deportation (see Section 5).

The situation for Serbs in the area under UNTAES control improved markedly, as 145,000 Serbs received their identity documents by September at centers set up by the Croatian Office of Displaced Persons and Refugees and UNTAES. This very positive step also assisted many Croatian Serbs who crossed into the region from the Federal Republic of Yugoslavia to bypass the bureaucratic obstacles that confronted Serbs at Croatian embassies abroad who sought to rectify their citizenship status. Although estimates vary widely, at least 30,000 to 40,000 Serb applications to return from Serbia-Montenegro remained stymied, while many in Bosnia and Herzegovina found themselves unable to apply to return at all. As of December, the U.N. High Commissioner for Refugees estimated that approximately 10,000 ethnic Serbs had returned to Croatia proper (see Section 2.d.).

e. Denial of Fair Public Trial

Government influence weakens the nominally independent judiciary.

The independence of the judiciary was seriously called into question by government actions to purge the judiciary of judges and attorneys who were either non-Croats or who were deemed to hold political views unsympathetic towards the current regime. Under legislation adopted in 1991, the State Judicial Council continued its review of judicial appointments and voted to relieve six sitting judges of their positions in late 1996, an action that the judges maintain was due to their "independent views." Despite the well-known shortage of experienced judicial officers, in March six state attorneys in the Zagreb municipal attorney's office were dismissed, allegedly due to their Serb or non-Croat origins. A similar

case in April involved nine dismissals in Split, also allegedly based on ethnicity. The Chief Justice of the Supreme Court, Krunislav Olujic, was dismissed early in the year by the State Judicial Council for "behavior injurious to the reputation of the court." He was alleged by the Council to have consorted with known criminals and to have had sex with underage persons. The procedures of his trial were questionable, since three members of the Council who were deciding his fate were also witnesses who testified against him. The subsequent challenges to the grounds of the dismissal were accompanied by a lengthy public smear campaign carried out by national state-owned television and progovernment newspapers. The OSCE reported that Olujic's dismissal and the manner of it "put in question the separation of powers provided for by the Constitution." The U.N. Special Rapporteur for Human Rights noted that "key aspects of the proceedings against Dr. Olujic give me strong reason to believe that his dismissal may have been connected to his determination to work independently of the ruling HDZ political party."

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

Although the Constitution provides for the right to a fair trial and a variety of due process rights in the courts, in practice the system is marred by both bureaucratic inefficiency and outside, often political, influence. Numerous court cases drag on for years, due to the overburdened and understaffed courts and the inexperience of many newly appointed personnel. The backlog of cases in many courts is huge (for example, a reported 6,000 cases in the commercial court in Osijek alone). It is also not uncommon for the authorities to refuse to implement a court decision. For example, in numerous cases of illegal eviction (see Section 1.f.), court rulings in favor of those evicted, almost exclusively ethnic minorities (Serbs or Muslims) or former members of the Yugoslav army (JNA), remain unimplemented due to the refusal of police and local administrative authorities to carry out the court orders. The only recourse for the defendant is to return to court and seek yet another decision to demand implementation of the first, a time-consuming and lengthy process that still may not result in implementation. In other cases, nongovernmental organizations (NGO's) documented numerous instances where the head of a family was denied citizenship on unclear or spurious grounds, while the rest of the family was granted it, thereby effectively excluding the entire family.

The OSCE, the U.N. Center for Human Rights, and local NGO's all report that decisions handed down, in particular by the administrative courts (which rule on citizenship issues) are often improperly documented, arbitrary, and based on questionable standards of evidence. For example, one NGO documented more than 900 cases in Eastern Slavonia where Serbs, forced to request citizenship through naturalization (due to the loss or destruction of record books during the war), had their applications denied and received little or no explanation of the factual basis for the denial. Article 8 of

the Citizenship Law provides two conditions for naturalization: that "a person has a place of residence for a period of not less than 5 years constantly on the territory of the republic of Croatia" and that "a conclusion can be derived from his or her conduct that he or she is attached to the legal system and customs in the Republic of Croatia...." The lack of a written opinion substantiating the basis for the denials made it virtually impossible to appeal these decisions. In addition, lawyers and international monitors claimed that the state's prosecution of war crimes cases is often based upon little factual evidence. For example, Milos Horvat, a Croatian Serb was extradited from Germany in order to face charges of war crimes in Croatia. In June the court found him guilty of genocide and sentenced him to 5 years in prison. The U.N. Center for Human Rights noted that "it was the widely held opinion of trial monitors that the evidence submitted by the prosecution was insufficient for a verdict of guilt, even less of genocide."

The process of reintegrating the judiciary of Eastern Slavonia began in earnest in September, with the appointment of judges in the region. An ethnic Serb assistant minister of justice who was appointed following the April elections worked with the Government on this process. An agreement was reached in September between the Government and UNTAES, under which ethnic Serb attorneys from the region could defer payment of the necessary fee to register with the bar association (required of all practicing attorneys in Croatia). This provided a measure of security for ethnic Serb defendants that had hitherto been lacking and was a significant confidence-building measure.

There were no reports of political prisoners.

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

The Constitution declares the home inviolable. Only a court may issue a search warrant, stating the justification for the search of a home or other premises. Police may enter a home without a warrant or the owner's consent only if necessary to enforce an arrest warrant, apprehend a suspect, or prevent serious danger to life or important property. While the authorities generally complied with these norms, there were notable exceptions where the Government and, in particular the military, did not respect the inviolability of private property.

Displaced ethnic Serb citizens were not allowed to move back in to their homes in numerous cases, even when those homes were empty. Soon after the military conquests in 1995, the Government enacted legislation that effectively gave it the right to take over administratively all property that had been abandoned by fleeing rebel Serbs. Under the Law on the Temporary Takeover of Specified Property, the government-appointed housing commissions were authorized to allocate any property where the owner is absent in order to house refugees or other priority categories, such as widows, orphans, and war veterans. For example, the entire village of Kistanje was taken over for the use of Catholic refugees from the Kosovo area of the Federal Republic of Yugoslavia, despite the fact that the Serb owners had expressed their wish to return and occupy their former homes. By September more than 40 Serb families had returned to Kistanje, only to find their houses locked and guarded against their entry by the local police. In another example, the members of one family in Donji Lapac had been

moved to three separate temporary accommodations upon their return to Croatia, despite the fact that their own home was vacant. They were told that it had already been allocated for a Bosnian Croat refugee family. The law contains no provision for the return of property to its rightful owner after the hostilities ended and, in effect, permanently dispossesses them of their property. The Constitutional Court in late September declared certain elements of this law unconstitutional, but it remained largely in force since no effective mechanism has yet been developed for restoring property to the original owners.

Forced evictions of ethnic Serbs, Croats, and others from former Yugoslav National Army (JNA) apartments continued in major cities throughout the year. The Ministry of Defense arbitrarily revoked the tenancy rights of individuals who had lived in apartments for decades, and military police frequently took residences by force of arms, either evicting current tenants or forcing them to share quarters. The authorities justified their actions on the basis of property laws that remove tenancy rights as a result of any 6-month absence or if the tenant was ruled to have "acted against the interests of the republic of Croatia." The courts frequently used this legislation to deny tenancy rights to former JNA members and in other cases refused to recognize the rights of surviving family members to maintain the tenancy rights of their deceased or divorced spouses, although that is provided for specifically under the law. Membership in the JNA at any time by the primary tenancy rights holder was deemed sufficient to brand them as "enemies of the state." However, ethnic Croats were not immune from forced evictions, nor did all cases involve former JNA members. Many cases were reported in which desirable apartments were simply confiscated by individuals connected with either the military or the police. In one case in Zagreb, the owner of the home was allowed to stay but was forced to share quarters with five interlopers, all of whom were members of the police.

Although such evictions were often declared illegal in court, the occupier was seldom removed from the premises. In one example, a family illegally evicted from its apartment in Split by a uniformed member of the Croatian military police in 1994 failed to regain possession of the property despite repeated favorable court rulings in both the civilian and military courts. Each of the numerous attempts to evict the intruder according to the court order has failed, due to the nonattendance of necessary government officials. In the case of occupation by a refugee, the authorities forbid the police to remove the intruder on the basis of a law requiring that a new home be found for a displaced or refugee family before it can be removed from any form of housing, whether legally occupied or not.

Incidents of looting continued almost unabated in the formerly occupied areas, particularly in the Krajina. International organizations such as the European Community Monitoring Mission (ECMM) reported at least several cases weekly, and one local NGO documented 150 cases of looting, threats, and beatings in the Krajina between May and June alone. Police in the formerly Serb-held areas were often ineffective in either responding to incidents or in resolving cases in which the victim was an ethnic Serb; in May the government human rights Ombudsman reported that there was a need to increase the number of police working in the area around Knin (former sector south). Accusations persisted that Serbs departing UNTAES region were taking with them large amounts of Croatian homeowners' movable property. Despite UNTAES' efforts to determine the ownership of such articles,

local officials in Eastern Slavonia routinely issued documentation for goods that UNTAES was largely powerless to verify. However, incidents of property seizure in Eastern Slavonia were followed up with a vigor that was lacking in other areas of the country.

The Constitution provides for the secrecy and safety of personal data, and there were no reports that this provision was not respected. However, there was credible evidence that requests made by ethnic Serbs to return to their original homes in the formerly occupied areas of Croatia were sometimes used by government authorities as a basis upon which to quickly issue permission for Bosnian Croat refugees to occupy these Serb homes under the law on the temporary takeover of specified property.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

Individuals may criticize the Government, although not always without reprisal. In August the Government brought charges against a leading human rights activist and a prominent politician for press statements, allegedly in violation of the Criminal Code for "dissemination of false information." The Government alleged that these statements had been made with the express purpose of inciting political instability in the country, notwithstanding the fact that the same and similar statements had been made by these individuals--with no ensuing public disorder--several years previously and that similar sentiments were expressed by others.

In addition to the possible use of criminal prosecution against its critics, the Government enjoys a virtual monopoly on print media distribution. Fees of 20 percent of gross sales (payable in advance), plus slow payment of proceeds from the distributor to the publication, caused acute cash flow problems that forced one publication, the independent journal Arkzin, to change from weekly to monthly issuance. Journals and newspapers also complained that they had little control over where their publications were sent, with large quantities at times being sent to remote villages, leaving the bigger, urban markets under-supplied.

Despite continued domestic and international protests, the Government took no steps to revise articles of the Penal Code that authorize the criminal prosecution of journalists who insult the honor or dignity of the president, prime minister, the speaker of parliament, or the chief justices of either the Supreme

Court or the Constitutional Court, as well as those who publish "state secrets." The three largest weekly newspapers—Globus, Nacional, and the Feral Tribune—face multiple libel suits under these provisions, many of which were brought by members of the Government or of the President's family. Although the municipal court found the Feral Tribune innocent of one of the numerous libel charges in 1996, the prosecutor appealed the case. The criminal trial of Globus journalist Davor Butkovic began in December for libel against the Prime Minister. Butkovic is charged with criminal liability for citing a report by a foreign company in an article that alleged corruption in the Cabinet. Administrative proceedings continued against the independent radio station Radio 101, which was threatened again with closure when the commercial court demanded that it increase its operating capital to the equivalent of several hundred thousand dollars in order to renew its license. The ownership structure of the station complicated the situation: 75 percent is owned by employees and 25 percent by the city of Zagreb. Radio 101 was also informed that it must pay both its licensing fees and deposit the increased operating capital in advance of receiving its permanent license. Legal proceedings continued throughout the year, and the problem of financial capital at the station remained severe. In a positive development, after another lengthy battle with administrative authorities, Radio 101 was awarded a second transmitter, allowing the station to expand its coverage significantly in the Zagreb area.

Both public and private radio and television broadcasting coexist, although the Government controls all national broadcasting. Opposition figures and human rights activists uniformly charge that state-run outlets have a strong progovernment bias. International observers also noted the continued role of the state-run media in stirring up public opinion on sensitive issues, such as the return of ethnic Serb displaced persons. For example, in July and August, several widely-read progovernment papers ran ugly and misleading articles, clearly designed to stir up public fear and anger against the return of ethnic Serbs and against those international organizations that assist them.

Regulations governing access to the state-owned broadcast media and editorial policies of the boards controlling the outlets restrict the ability of opposition parties to criticize government policies and, in the most visible example, prevented any semblance of free media access during the April and June electoral campaigns (see Section 3). Croatian State Radio and Television (HRT) broadcasts on three national television channels and three national radio channels. Technically under the supervision of the Parliament, the HRT is, in practice, run by the ruling HDZ party, and its head is a leading member of the HDZ. Many members of the Telecommunications Board (which regulates licensing) are also senior HDZ officials. The HRT unfailingly devotes its main news coverage to uncritical reports on the activities of the President and the Government and is virtually an organ of the executive branch. Reporting and commentary faithfully reflect the views of the Government, and little, if any, broadcast time is given for dissenting views. While local radio and television outlets exist throughout the country, they largely lack their own news and public affairs programs. A notable exception is the newly launched TV Mreza, which has begun fairly objective, if somewhat limited, news production. Most radio stations, however, repeat the HRT news, while some rebroadcast Voice of America and the British Broadcasting Corporation news programs.

On October 23 broadcast media journalists established an Association of Electronic Media Journalists in the Croatian Journalists Association and issued a manifesto with 21 points in which they called for professional and open electronic media. The "Forum 21" members, 13 of whom work for state radio and television, came under immediate pressure and threats from the HDZ and the state-run media to curtail these outside activities.

The lack of media freedom, in particular in the electronic media, was a major component in the OSCE's judgment that the process leading up to the presidential election in June was "fundamentally flawed" and did not meet minimum standards for a meaningful and democratic election in line with OSCE norms. A similar conclusion was made about the parliamentary upper house and local elections in April. Throughout the year's election campaigns, the ruling party and its candidates enjoyed an immense advantage in media exposure and news coverage from the state-owned electronic media, the HRT. For example, during the final days of the presidential campaign, the main daily news program provided approximately 8 to 12 times more coverage of the ruling candidate than of the 2 other candidates combined. Independent analysts also concluded that state-owned media downplayed coverage of events of significance to opposition candidates, including the violent attack on one presidential candidate in June. The coverage devoted to President Tudjman on the evening news program during one key election campaign period (from May 28 to June 7) was 300 times greater than that given to the eventual second place candidate. Finally, the OSCE report itself was completely underplayed by the media, with the main government news program devoting a mere three-line statement to its release, while the independent news program had no coverage of the release at all. The next day, the state-run media disingenuously reported that the OSCE report characterized the Croatian elections as "free" but left out the remainder of the sentence, which continued "but not fair."

Foreign newspapers and journals, including some Serbian periodicals, were available throughout the country.

While academic freedom is generally respected, academicians were reluctant to speak out on political issues, and there was an increasing tendency by the ruling HDZ party to use its influence in academia. For example, in a public exchange of letters, President Tudjman accused the then President of the Academy of Arts and Science, Ivan Supek, of plotting Tudjman's assassination after Supek made public statements critical of presidential policies.

b. Freedom of Peaceful Assembly and Association

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

Numerous rallies and demonstrations took place throughout the country during the year, the majority connected in some way with the two elections held in the spring and summer (see Section 3). Permits to hold rallies and assemblies were not always equitably issued. For instance, during the Presidential campaign in June, the police denied one major opposition party a permit to assemble in the main square in the capital on spurious grounds, after approving the earlier applications of the ruling and several

other parties. Labor unions held various assemblies and demonstrations, as did associations of war veterans, pensioners, and the families of persons missing from the war. In Eastern Slavonia, local Serbs also held demonstrations, usually connected with the peaceful integration of the region, including one rally at which press reports indicated a crowd of 15,000 persons gathered in Vukovar in February.

The Constitution provides for the right of association. However, this right was restricted by legislation passed in June, when the Parliament adopted a new Law on Associations. With this legislation, the Government gave itself broad supervisory powers to prevent the founding of an association and to monitor all aspects of an association once founded. For example, the law allows temporary suspension of the activities of an association based only upon a "well-founded" suspicion that the group's activities contravene the Constitution or law. Until such time as the association proves itself innocent in a court of law, the government can keep it closed indefinitely and appoint someone to manage and dispose of the association's property. The law also grants the Government the power to dissolve an association and dispose of its property or to impose significant fines for any proven violation if it determines that the association has actually violated the Constitution or the law. Exercising the right of association before the Government approves the act of founding constitutes a violation.

c. Freedom of Religion

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

No formal restrictions are imposed on religious groups. The main mosque is in Zagreb, where it serves not only as a religious center but also as a social aid office for the large Bosnian Muslim refugee population. Croatian Protestants from a number of denominations, as well as foreign clergy, actively practice and proselytize, as do representatives of Eastern-based religions. The Government tightened its residence permit and visa issuance policy at midyear, but this was a general policy shift and not directed at religious workers (although they were among those affected). Although religious education is not in itself compulsory, all schools are required to offer classes in religion. Schools with large minority populations are allowed to offer classes in minority religions (i.e., Orthodox catechism in Serb majority schools). There were numerous reports that despite the fact that religious training in schools was not compulsory, students were subtly pressured to attend.

Incidents occurred in which the police harassed those attending religious ceremonies, incited anti-Orthodox mob action, and refused to restrain those who sought to disrupt Orthodox rituals (see Section 5).

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

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

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

The Government cooperates with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations assisting refugees. Croatia acceded to all treaties regarding the treatment and status of refugees and these have been observed in practice. The Government Office for Displaced Persons and Refugees reports that the Government is currently giving first asylum to 68,863 people from various parts of the former Yugoslavia as of December and that it was financially supporting another 101,616 internally displaced persons (not counting displaced ethnic Serbs living in the area under UNTAES control). The Government also reports that another 20,599 people fall into the category of "refugee settlers" and are almost exclusively ethnic Croats. For much of the year, the Government refused to recognize ethnic Serbs displaced in Eastern Slavonia as displaced persons, terming them instead "internal migrants," and hence not warranting any special protected status. There were no reports of forced return of persons to a country where they feared persecution.

In April the Government together with the UNHCR and UNTAES developed a trilateral mechanism designed to initiate and facilitate the return of persons from Eastern Slavonia to the rest of Croatia. The Joint Working Group (JWG), as it was commonly known, created conditions and criteria by which persons could: register their intention to return; obtain a "confirmation for return" that verified the person's status; enjoy facilitated return; and register for reconstruction assistance. For those who did not wish to return to their former place of residence, an Agency for Property Negotiation was created that would assist in the buying and selling of homes.

This otherwise positive development was tempered somewhat by the slow and uneven implementation of the agreement. Since the agreement was signed on April 23, the Office for Displaced Persons and Refugees, which had been delegated the task of processing the applications of those who sought to return, had approved only several thousand applications each way by mid-September and, of those approved, approximately 2,500 people in total actually returned to their homes under this mechanism. The Ministry of Reconstruction and Development, tasked by the Government through the JWG to provide reconstruction assistance and facilitate difficult returns (i.e., to occupied, damaged, or destroyed homes), produced approvals and reconstruction assistance for only 9 families out of thousands of requests by mid-September, which effectively blocked numerous returns despite government promises.

Confirmations were issued only slowly and then only for those persons whose homes were either vacant or easily reparable. Almost no progress was made on "hard cases"--those homes either severely damaged or occupied by others. Given the long wait for government confirmation, many Serbs and Croats returned to their homes on their own. Outside the government mechanism and therefore not qualified for government benefits, these people did not receive social welfare payments or even assurance that their homes would not be taken from them under the law on the temporary takeover of specified property after their return (see also Section 1.f.). However, in September the Government recognized ex post facto many of these "spontaneous returns" and granted returnee status to both Serbs and Croats who had thus far returned to their original place of residence outside of the trilateral mechanism.

Freedom of movement was severely hampered by the occupation of homes belonging to ethnic Serb Croatian citizens by refugees from neighboring Bosnia and Herzegovina, as well as "priority category" ethnic Croat citizens, i.e., active duty or former members of the military, widows, and orphans. Legislation that allowed the government-appointed housing commissions to settle people in these homes provided no mechanism for their removal once the original owner returned to take up his property, even after portions of the law were struck down by the Constitutional Court in September. The international community noted a concerted pattern of activity by the Government to resettle areas that formerly had Serb majorities with ethnic Croats, either from other parts of the former Yugoslavia, other parts of Croatia, or by encouraging the return of ethnic Croat émigrés from abroad. Many ethnic Serbs returned to homes that the Government's Office for Displaced Persons and Refugees termed habitable but found them devastated and looted.

While UNTAES still controlled the border between Eastern Slavonia and Croatia proper, freedom of movement into and out of UNTAES-controlled region increased dramatically during the year, going from virtually no freedom to significant, albeit controlled, two-way movement. UNTAES inaugurated a system of sponsored visits whereby ethnic Croat former residents of the region could spend up to several days in the region and persons whose official business took them frequently into the region were issued passes. Properly documented ethnic Serbs traveled out of the region, visiting their homes in other parts of Croatia. In September UNTAES handed over control of the border checkpoints to the Transitional Police Force.

The Government continued to move refugees and displaced persons from temporary accommodations in coastal tourist facilities. In many cases these people were resettled in third countries or elsewhere in Croatia.

A significant number of persons, almost exclusively ethnic Croats, were assimilated into local Croatian communities, albeit not always willingly, and by year's end some 40,000 to 50,000 ethnic Croat refugees had their refugee status replaced with that of Croatian citizenship. For example, more than 11,000 ethnic Croat refugees in and around Slavonski Brod had their status changed from refugee to that of temporary resident, thus removing their entitlement to special social allowances and benefits.

Representatives of this group complained that their primary goal was to return to Bosnia and Herzegovina, rather than to assimilate into Croatia.

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

The Government seriously infringed upon the right of citizens to change their government peacefully. All citizens over 18 years of age and older have the right to vote by secret ballot. The President, elected for 5 years, exercises substantial power, authority, and influence but is constitutionally limited to two terms. Parliament comprises the House of Representatives and the House of Counties (Zupanije). The Croatian Democratic Union (HDZ) holds a majority in both houses, and President Franjo Tudjman was reelected in June in an election judged to be "fundamentally flawed" and "free but not fair" by the OSCE. Elections for all local governing bodies as well as the House of Counties were held in April, but were also marked by irregularities, including a lack of opposition access to the media and elections legislation weighted in favor of the ruling party.

The presidential power of approving the Mayor of Zagreb (who is elected by the city assembly) was reaffirmed in legislation adopted in February. The April local elections, in which the HDZ won a plurality of seats and appointed a mayor, brought to an end the opposition boycott of the Zagreb city assembly (begun in late 1996). The boycott was the result of President Tudjman's 1½-year long refusal to confirm opposition mayoral candidates legally elected to the office. The "Zagreb city council crisis," as it came to be known, was a visible example of the ruling party's manipulation of politics that was only resolved through new elections. In addition to the liberal interpretation and implementation of laws to suit the Government's agenda, the ruling party used intimidation and harassment, as well as control of the media and government, to control the political process. Economic pressure was one of the most effective tools, and government agencies selectively issued or denied permits for businesses based on political affiliation.

The HDZ used its control of Parliament to push through electoral changes that favored it. July 1996 amendments to the law for local elections, which included changing the proportional/majoritarian ratio from 2/3:1/3 to 3/4:1/4, heavily favored the HDZ. (The last local elections were held with a 50:50 ratio; 1995 changes put the ratio at 2/3:1/3.) In addition, the HDZ fully exploited the July 1996 amendments allowing a party to put someone's name on its list as its "bearer," even if that person was not on the list, by placing President Tudjman's name at the head of every local list. In 1996 the Parliament passed gerrymandering legislation on redistricting that further helped the HDZ electorally. Changes to the electoral law were often done in "emergency parliamentary sessions" and pushed through hastily, with little debate.

Rules for access to state-owned electronic media not only restricted the ability of opposition parties to criticize government policies and activities but limited their ability to fully engage the Government in an open political dialog (see Section 2.a.). These rules also severely hindered the opposition parties from mounting effective campaigns in the April local and parliamentary upper house and June presidential elections. In addition to strict control of the media, opposition candidates were at times the

victims of violent attacks. During the presidential campaign in June, the Liberal Party (HSLS) candidate was attacked by an army captain while addressing a rally in Pula and suffered a concussion. His assailant received a suspended sentence. In April the leader of the Social Democratic Union (SDU) was attacked in Osijek while preparing for a campaign rally. The Social Democrat (SDP) presidential candidate's car was attacked in May. Although the authorities apprehended the perpetrators, the incidents received no more than cursory coverage in the press. The Government did not allow the participation of domestic election monitors in either the April or June elections. A coalition of nongovernmental organizations, GONG (Citizens Organized to Oversee Voting), was formed in March but was denied permission to monitor either of the elections on the grounds that their activity was not expressly permitted by the election law.

By the time of the April elections in sector east, which were called for under the basic agreement between the Government and the Eastern Slavonian Serbs and held concurrently with local and upper house elections throughout Croatia, the Government had increased the pace of citizenship document (Domovnica) issuance for Serbs, thereby enabling them to participate in the political process. Initial intransigence on document issuance and the refusal to extend voting rights in Eastern Slavonia for Serb citizens from other parts of Croatia (dropped in late 1996) forced the ballot to be delayed from the agreed-upon date of March 16 until April. The OSCE and UNTAES also judged that the Government's inability to effectively organize the ballot (voters lists were incorrect and ballot papers were delayed or undelivered entirely) on election day necessitated an extension of the balloting by over 24 hours.

The Government's discriminatory use of the citizenship law denied qualified Croatian Serbs residing outside of Croatia as refugees the ability to apply for and receive citizenship, as well as the right to vote, effectively disenfranchising several hundred thousand ethnic Serbs (see Section 5).

Although there are no legal restrictions on participation by women or minorities in the political process, they are represented in only small numbers in Parliament, the executive branch, and the courts. In the 206-member Parliament, 13 women hold seats. Election law requires representation for minorities in Parliament, with proportional representation for any minority that makes up more than 8 percent of the population. Currently, no minority meets that criteria. Representation for Croatia's Serb minority is based, however, on government estimates of the number of Serbs who fled Croatia between 1991-95 and the assumption that they will not return. Under an agreement reached with UNTAES and the Serb leadership in January, the Government committed itself to the appointment of two Serb representatives regardless of their percentage in the population once a census is eventually taken. There were no Muslim representatives in Parliament, despite the fact that the Muslim minority is the next largest after the Serbs.

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

Human rights groups throughout the country worked to prevent human rights abuses and brought their concerns to the attention of local and national authorities, as well as to that of domestic and international media. Most of these groups focused on legal advocacy programs and social services support for the remaining and returning population in the former Serb-held areas. Throughout the year, domestic human rights groups were highly critical of the Government's human rights record. A law on associations, or the "NGO law" as it came to be known, gave the Government broad authority to regulate domestic nongovernmental organizations. For example, if the Government only suspects that an organization is in violation of either the Constitution or the law, it may suspend the organization's activity until such time as the organization proves its innocence in the courts (see Section 2.b.). In a trial for tax evasion that was widely perceived to be politically motivated, two employees of the local affiliate of the Soros Foundation, the Open Society Institute, were found guilty of "falsifying documents," and were sentenced to a year in prison by a Zagreb court in November. The sentence was immediately commuted to 3 years' probation.

International organizations, including the European Community Monitoring Mission (ECMM), the UNHCR, the OSCE, and the United Nations Special Rapporteur for Human Rights, moved freely throughout the country, reporting on human rights problems. These organizations usually, but not always, reported an adequate level of cooperation with government authorities in Zagreb. In the field, however, the Government's record of cooperation was mixed, with promises made in the capital often being poorly or incompletely implemented in the field. For example, despite repeated promises by the President and senior members of the Government that all Croatian Serbs who fled the military actions to retake the occupied areas could return, the Government did little at its missions abroad to facilitate the return of these refugees, leaving approximately 180,000 Serbs effectively exiled from Croatia in the Federal Republic of Yugoslavia alone (see Section 2.d.).

UNTAES mandate, originally set to expire on January 15, was extended for 6 months until July 15 and then again until January 15, 1998. One of the contributing factors for the extension was the insufficient progress towards the peaceful reintegration of the last Serb-occupied enclave in Eastern Slavonia. UNTAES and the UNHCR together with the Government established a Joint Working Group on Returns, which developed a framework for the return of refugees and displaced persons to their homes in Croatia proper (see Section 2.d.).

Domestic human rights groups reported that their activity was largely ignored by the Government. Unless a case received international attention through the media or an international organization, the Government took little or no action to address the problem cited. Although access to the Government improved slightly with the increased activity of the government-appointed human rights Ombudsman, the Ombudsman's lack of legal authority to rectify problems that came to his attention seriously limited his effectiveness to serve as anything other than a forum. Nonetheless, the Ombudsman's office became a welcome access point to the Government for both international organizations and NGO'S. In May the Ombudsman issued a harsh report criticizing security conditions in parts of the formerly-occupied areas (the first of its kind in Croatia), which was presented to the Parliament in the spring.

In a major positive step, Croatia facilitated the handover in October of 10 Bosnian Croats indicted by the International Criminal Tribunal for the Former Yugoslavia in the Hague, including Dario Kordic, one of the most wanted suspects indicted by tribunal. In April the Government handed over to the Tribunal indicted war criminal Zlatko Aleksovski, who was in Croatian custody for 8 months. This brought the number of ethnic Croats indicted who were in custody in the Hague to 13, a majority of those indicted. Also in October, the Government committed to a plan by which it would inform ICTY of new cases of potential interest to the tribunal. However, despite these very positive developments, the Government's overall cooperation with the tribunal remained uneven. By year's end, no progress had been made in the handover of documents that would assist in the prosecution of ethnic Croats held in custody in the Hague, and the Government continued its strong rhetoric asserting that Croatia's sovereignty must be maintained at all costs, seriously bringing into question the Government's commitment to present the tribunal with new cases for review.

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

The Constitution specifies that all citizens shall enjoy all rights and freedoms, regardless of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, education, social status, or other attributes. It adds that members of all national groups and minorities shall have equal rights. While the majority of these rights are observed in practice, serious deficiencies continued with regard to equality among various national/racial/ethnic groups. The Constitution provides for special "wartime measures" in case of need, but states that restrictions shall be appropriate to the nature of the danger and may not result in the inequality of citizenship with respect to race, color, sex, language, religion, or national or social origin.

Women

Although the Government does not collect statistics on the issue, informed observers believe that violence against women, including spousal abuse, is common. Alcohol abuse is commonly cited as a contributing factor. Centers for the psychological and medical care of abused women are open in several cities and a number of local institutions and voluntary agencies offer social, medical, and other assistance to abused women and to those traumatized by war experiences. Family crisis associations are also active.

The law does not discriminate by gender. In practice, however, women generally hold lower paying positions in the work force. The Government has no recent data concerning the socio-economic standing of women. However, considerable anecdotal evidence suggests that women hold by far the preponderance of low-level clerical and shop-keeping positions, as well as primary and secondary school teaching jobs. Women are often among the first to be fired or laid off. While there is no national organization devoted solely to the protection of women's rights, many small, independent groups were active in the capital and larger cities. One of the most active, in particular before and during the elections in April and June, was B.a.B.e. ("Be Active, Be Emancipated"). This group held

public discussions with political party representatives, debating controversial topics of interest to women.

Children

The Government is strongly committed to the welfare of children. Schools provide free meals for children, day care facilities are available in most communities even for infants, medical care for children is free, and the Labor Code authorizes a full year of maternity leave and 3 years' leave for twins or for women with three or more children.

Education is mandatory up to the age of 14; the majority of students continue to the age of 18, and no significant sectors or groups are excluded. Primary school education is compulsory, free, and universal.

There is no societal pattern of abuse against children.

People with Disabilities

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

Religious Minorities

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

According to reliable information, religious leaders were responsible several times during the year for actions that retarded the process of reconciliation. For example, in the area of Okucani (Western Slavonia), a Catholic priest (himself a Bosnian Croat refugee) was widely believed to be the instigator of much of that area's ethnically motivated violence, including the burning of the Orthodox rectory building in the spring. Witnesses claim that the priest regularly incited the local population (a large number of whom are Bosnian Croat refugees) to commit acts of violence and preached a policy of revenge rather than reconciliation, at times to the discomfort of the indigenous Croatian population. Despite repeated efforts by the international community to bring this activity to the attention of religious authorities in Zagreb, no action was taken to curb the priest's excesses.

The close identification of religion with ethnicity caused religious institutions to be targets of violence. An orthodox priest who attempted to reconsecrate the Serbian Orthodox Church in Knin was threatened by a mob of ethnic Croats in January. A prominent Serb parliamentarian attested to harassment by the

local police during the incident, who did nothing to defuse the situation and instead further incited the mob. In August an Orthodox priest was attacked by an ethnic Croat mob in the town of Drnis as he attempted to celebrate mass in the Orthodox church there, despite the presence of several uniformed police officers provided by the municipal government (who did nothing to restrain the crowd). The Serbian Orthodox church in downtown Zagreb, nevertheless, remains open, and several other Orthodox churches and monasteries operate freely.

There were reported incidents of desecration in graveyards, including the defacement of a Jewish cemetery in May in Karlovac with Fascist insignia. A leading human rights organization also documented numerous incidents throughout the country of the damage and defacement of Serbian Orthodox tombstones and graveyards. While one person was arrested for the Karlovac vandalism, there were no publicized arrests for the other incidents.

National/Racial/Ethnic Minorities

Constitutionally, Croatian Serbs and other minority groups enjoy the same protection as other self-identified ethnic and religious groups. In practice, however, Serbs suffer severe discrimination in a wide number of areas. Schools with a significant number of minority students often have their own special curriculum in addition to standard ones, designed to teach history, geography, art and music to students in their native language. In practice, however, a pattern of ever-present and often open discrimination continues against ethnic Serbs and at times other minorities in such areas as the administration of justice, employment, housing, and freedom of movement. The Government consistently maintained a double standard of treatment based on ethnicity that hindered the implementation of much of the significant progress made at high levels during the year in the process of the peaceful reintegration of Eastern Slavonia.

In September the Government adopted, despite opposition by both minority leaders and opposition parliamentarians, legislation regulating minority language education. The law, which Ministry of Education officials claimed incorporated all recommendations made by the Council of Europe--except in cases when they "endangered the integrity of the republic of Croatia and the right of Croat children to be educated in their national language"--was deemed unduly restrictive by opponents. With the assistance of UNTAES, the education system in Eastern Slavonia was reintegrated with the rest of Croatia and a curriculum was agreed upon for Serb majority schools in time for the 1997-98 school year. The agreement incorporated Serbian history, geography, art, nature, and society into the main Croatian curriculum and established that the Serbian language would be taught during extracurricular hours.

Serbs continue to be particularly vulnerable to attack because of government reluctance to protect their rights vigorously (see Sections 1.a. and 1.f.). Attacks against property owned by Serbs continued, and the use of explosive devices and booby traps increased dramatically in parts of the Krajina and Western Slavonia, particularly Okucani where there was a rash of such incidents in the spring and in Benkovac where there was a series of at least four bombings in late July. The Government maintained that, as

crimes against property, these explosions were "less serious" crimes, despite the fact that they formed part of a concerted campaign to discourage ethnic Serbs from returning to their homes. Police also often denied that crimes were ethnically motivated, in the face of incontrovertible evidence to the contrary. Overall police responsiveness to complaints filed by Serb residents of the Krajina and Western Slavonia was often poor. For example, witnesses report that police participated in the riots and destruction in the area in and around Hrvatska Kostajnica in May and that police were apathetic towards mob violence against a Serbian Orthodox priest in Drnis in August (see Section 5). The Ombudsman for Human Rights pointed out that police in the area around Knin and Donji Lapac were understaffed, with a commensurate low level of responsiveness, the first official acknowledgment of the problem.

While significant progress was made on the return of people to their original homes throughout the country, the Government refused to adopt a welcoming attitude toward those returning ethnic Serbs who had fled Croatia in 1995 (see Section 2.d.). Adding to the problem, displaced persons received different treatment according to their ethnicity. For example, the Government refused to recognize ethnic Serbs living in Eastern Slavonia as displaced persons, terming them instead "internal migrants," who "left their homes of their own free will," and thus denying them the protected status under the law and economic and social welfare benefits that the Government offered to displaced ethnic Croats. Under significant international pressure, the Government relented in late spring and began to bestow limited recognition on those Serbs who wished to return to their original homes in Croatia proper. Under a mechanism developed in conjunction with the UNHCR and UNTAES (the JWG), Serbs in Eastern Slavonia were encouraged to register their intentions with the Government Office for Displaced Persons and Refugees (see Section 2.d.).

In another positive development, the Government in the fall established a National Commission for Reconciliation and the Reestablishment of Trust. The Commission, chaired by a senior government official, was to oversee the creation of local level commissions and develop programs aimed at bringing together estranged ethnic groups. However, the law on the temporary takeover of specified property was repeatedly used by local housing commissions to deny ethnic Serbs who wished to return to their property. While officials claimed that the law did not technically expropriate Serb property, the effect was the same: Serbs were unable to reenter their homes and also found themselves unable to pursue effectively litigation in the courts because the law stated that the only two parties to the occupation were the current occupant and the Government; a Serb had no legal standing upon which to become a party to the case. Despite the annulment of portions of the law in September by the Constitutional Court, the main points remained unchanged through the year.

Serbs and other minorities also suffered from economic discrimination. Unemployment among ethnic Serbs was markedly higher than the 16.5 percent reported by the Government as the national average, and a disproportionate number of layoffs and firings involve ethnic Serbs. Unemployment in the formerly occupied areas is much higher, where international organizations estimated that as much as 80 to 90 percent of the population is unemployed. Under UNTAES supervision, work contracts were signed between Serbs living in the region and the Government. Under these contracts, the Government

was obligated to integrate these Serb employees into state institutions and enterprises in the course of reintegration.

The Law on Citizenship distinguishes between those who have a claim to Croatian ethnicity and those who do not. The "Croatian people" are eligible to become citizens of Croatia, even if they were not citizens of the former Socialist Republic of Croatia, as long as they submit a written statement that they consider themselves Croatian citizens. Others must satisfy more stringent requirements through naturalization in order to obtain citizenship, even if they were previously lawful residents of Croatia as citizens of the former Yugoslavia. While an application is pending, the applicant is denied rights such as social allowances, including medical care, pensions, free education, and employment in the civil service.

Human rights groups complained that the Interior Ministry frequently based denials on Article 26 of the citizenship law (which permits it to deny citizenship to persons otherwise qualified for reasons of national interest) and on Article 8 (which includes a requirement that persons' actions demonstrate that they are "attached to the legal system and customs of Croatia"). Both of these articles were often subjectively applied, with little or no documentation to back up the denials (see Section 1.e.). The citizenship status of many Muslims in the area around Slunj has not yet been remedied, and in some cases entire villages remain stateless.

This double standard for citizenship was clearly demonstrated during the presidential elections when ethnic Croats in Bosnia and Herzegovina (all of whom qualify for Croatian citizenship under the law) were allowed to vote; however, Croatian Serbs who fled Croatia in 1995, but who otherwise lived their entire lives in Croatia, were denied the ability both to apply for and receive their citizenship as well as the right to vote, effectively disenfranchising several hundred thousand ethnic Serbs.

The situation for other minority groups--Slovaks, Czechs, Italians and Hungarians--did not reflect significant discrimination to the same extent as the Serb community. Roma continued to face societal discrimination and official inaction when complaints were filed. However, public awareness of the difficulties that Roma face in society was raised by several public forums, including round table and panel discussions with government and civic leaders.

Section 6 Worker Rights

a. The Right of Association

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

pressured by their employers to join particular unions or subsidiaries, deemed by the employer to be more friendly to the ruling HDZ party.

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

In 1996 the Ministry of Labor and Social Welfare refused to register the Pensioners' Trade Union as an association under Article 159 of the Labor Code, which states that only employed workers may be members of a trade union. This narrow interpretation of the labor law may also affect the temporarily unemployed and students in vocational training as well. While the case was appealed to the administrative court in 1996, there has as yet been no resolution. Union leaders speculated that by not registering the pensioners trade union, the Government hoped to discourage a repetitions of the large demonstrations organized by pensioners in 1996, protesting the low level and late payment of pensions.

When negotiating a new contract, workers are required to go through mediation before they can strike. Labor and management chose the mediator together. If they cannot agree, the labor law calls for a tripartite commission of labor, business, and government representatives to appoint one. However, the establishment of the tripartite commission was delayed for almost 18 months and was only successfully inaugurated in June. This delay had adverse effects on the ability of unions to resolve disputes with management and the distribution of commonly held union property, as called for by the Government. Arbitration is never mandatory, but can be used if both sides agree. Only after submitting to mediation and formally filing a statement that negotiations are at an impasse is a strike legal.

The right to strike is provided for in the Constitution with these limitations and with additional limits on members of the armed forces, police, government administration, and public services. Even though salaries are very low relative to the cost of living, there is little strike activity. Despite the removal on January 1 of a government-imposed public sector wage freeze (which affected 55 percent of the work force), overall wage increases have been minimal. The stringent requirements for calling a strike, the high rate of unemployment, and the Government's insistence on adhering to its austerity program of 1993 all discourage strikes. There was one significant strike during the year, in which several thousand railway workers, who went on strike late in 1996, again walked off the job in January (see Section 6.b.). In April 2,000 textile workers organized a mass demonstration in Zagreb to demand collective negotiations with the Government and the development of a long-term strategy for the industry.

Unions may freely affiliate internationally.

b. The Right to Organize and Bargain Collectively

Collective bargaining is protected by law and practiced freely. The Labor Code governs collective bargaining contracts, protection for striking workers, and legal limitations on the ability of employers to conduct "lockouts" during labor disputes. The process of "transforming" previously "socially owned" enterprises continues, albeit slowly, as the first step towards their eventual privatization. The privatization process, however, was widely criticized as neither transparent nor fair, with a large umber of the best enterprises thus far on the market being sold to those with close connections to the regime. The transition to private enterprise and a free market economy has kept labor unions under pressure at the same time that they are making progress towards establishing themselves as genuine trade unions, representative of their members rather than the Government. General unemployment is the most significant hurdle. Unemployment rose during the year, with government sources claiming that the unemployment rate was 16.5 percent in June. Unions and international organizations pointed out however, that this figure does not include the substantial "gray" economy and workers who do not register as unemployed. International observers and unions estimate that the actual figure could be as high as 25 to 30 percent, with reliable international organizations estimating that that figure jumps to 80 to 90 percent in the former occupied areas of the country, where the economy is virtually at a standstill. As of June, approximately 12 percent of workers did not receive their salaries on time. When salary payments are not made, payments into the social welfare system also lag, thereby denying workers health coverage.

The Labor Code deals directly with antiunion discrimination issues. It expressly allows unions to challenge firings in court, and unions report that the number of such legal cases has been increasing. There are continuing reports that ethnicity is used as a grounds for dismissal. For example, in the spring, two ethnic Serb women were dismissed from their jobs, allegedly for expressing undue sympathy by commemorating the fall of the Croatian city of Vukovar during the war (the two women had flowers on their desks, something they did regularly, not only on significant days). The court system, however, is already seriously overburdened, and cases can languish for many months or years before they are resolved (see Section 1.d.). The Government frequently employs coercion against employees, including government employees, involved in labor disputes and strikes to force the employees back to work. This occurred during the railroad strike that occurred from December 1996 to January 1997. During this action, workers and strike organizers were threatened with dismissal and, in a few cases, with bodily harm unless they signed a paper that stated that they did not support the strike. During the same strike, there was at least one attempt at bribery to coerce workers back on the job and 22 organizers of the strike were found responsible in court for damages to be paid to the railroad company when the first of the multipart strike was declared illegal.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is constitutionally forbidden, and there were no documented instances of it. While legislation does not explicitly cover children, the constitutional ban provides blanket coverage in

this area, and the Government enforces this prohibition effectively. The Ministry of Labor and Social Welfare is the agency charged with enforcing the ban on coerced or forced labor.

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

The minimum age for the employment of children is 15 years of age, and it is enforced by the Ministry of Labor and Social Welfare. Under the Constitution, whose provisions the Government enforces, children may not be employed before reaching the legally determined age, may not perform forced or bonded labor, and are not allowed to perform work that is harmful to their health or morality (see Section 6.c.). There is no known pattern of abuse of child labor. Workers under the age of 18 are entitled to special protection at work and are prohibited from heavy manual labor and night shifts. Education is mandatory up to the age of 14.

e. Acceptable Conditions of Work

While there is no standard minimum wage, the government fund for retirement and disability insurance establishes a minimum salary, as of December approximately $165 (1,024 kuna), upon which employers must pay taxes for each of their workers. There is, however, no requirement that the worker actually receives the minimum base salary. The government bureau of statistics estimated that the average net monthly wage was approximately $460 (2,437 kuna) as of October, which labor unions estimated was only half of the amount necessary to provide for a family of four. There are national minimum wage standards that are enforced by the Ministry of Labor and Social Welfare. The minimum gross monthly wage was approximately $150 (900 Kuna) as of September, which does not provide a decent standard of living for a worker and family. Government policy toward its employees is a major factor in setting wage standards. There is a large public sector and the Government manages, through the privatization fund, employees of companies waiting to be privatized. In January the Government removed the 1996 wage freeze imposed on public sector workers, in order to rectify the large disparity between public and private sector wages. However, despite removing the removal of the wage freeze, public sector workers have received only nominal wage increases.

National regulations provide for a 42-hour workweek with a 1/2-hour daily break, a 24-hour rest period during the week, and a minimum of 18 days of paid vacation annually. Workers receive time-and-a-half pay for any hours worked over 42.

Health and safety standards are set by the Government and are enforced by the Ministry of Health. In practice industries are not diligent in meeting standards for worker protection: It is common to find workers without hard hats at construction sites and equipment with safety devices removed. Workers can, in theory, remove themselves from hazardous conditions at work. A worker would have recourse to the courts in a situation where he felt that he had been wrongfully dismissed for doing so.

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