

CROATIA 2012 HUMAN RIGHTS REPORT

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 assessed that the referendum on EU accession held January 22 and parliamentary elections held in December 2011 were free and fair. Security forces reported to civilian authorities.

During the year the most important human rights problems in the country were societal discrimination and some instances of violence directed against members of ethnic minorities, particularly ethnic Serbs and Roma, which discouraged the return of displaced persons to their homes, slowed property restitution, and delayed recovery from the conflict of the early 1990s. Hostility and violence directed at lesbian, gay, bisexual, and transgender (LGBT) persons continued during the year. Official corruption remained a deep-seated problem despite the conviction of a former prime minister and continuing prosecution of other former senior Croatian officials.

Other important human rights problems included judicial delays. Property restitution claims stemming from World War II, the Communist era, and the wars of 1991-95 remain unresolved. Instances of restrictions on freedom of association, child abuse, limitations on the right of workers to strike, and restrictions on collective bargaining also were reported.

The government took significant steps to prosecute and punish officials who committed abuses of human rights. It did not, however, succeed in establishing a certainty of punishment for abusers, and lingering ethnic prejudices from the wars of 1991-95 remained.

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

During the year there were no reports of new politically motivated disappearances. The government reported that 1,714 persons remained missing from the 1991-95 military conflict, including an estimated 755 ethnic Serbs. During the year the government investigated 97 possible mass and individual gravesites, exhuming 106 persons, at least 59 of whom were believed to be ethnic Serbs. Among the victims previously exhumed and still awaiting identification, the government identified the remains of 95 persons, including 55 ethnic Serbs.

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

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

Prison and Detention Center Conditions

The ombudsman (a position appointed by the parliament and charged with protecting citizens' legal rights) reported in 2011 that the treatment of prisoners was generally humane. According to the ombudsman, overcrowding in the prison system remained an acute problem.

Physical Conditions: According to an April report, prisons overall were operating at 135 percent of capacity, with those in Bjelovar, Karlovac, Osijek, and Varazdin at more than double their capacity. As of December 31, 2011, prisons and youth detention facilities held 5,084 offenders, although the system's capacity was 3,921 prisoners. Of the total number of prisoners, 250 were female, including two imprisoned minors and 10 minors in a juvenile correction and education institution. The ombudsman's report stated that overcrowding negatively impacted the rights of prisoners. The Ministry of Justice reported that no new prison facilities were built during the year.

The prison system reported nine natural deaths between January 1 and October 31. Prisoners had potable water. However, the ombudsman specifically cited poor ventilation, insufficient chairs and proper beds, and dirty cells as problems. While prisoners generally had access to medical care, the ombudsman highlighted problems in psychiatric care and in prompt treatment of hepatitis C. The ombudsman also noted that in 2011 the country's prison hospital did not provide adequate accommodations for disabled prisoners.

Administration: Recordkeeping on prisoners was adequate. Prisoners were permitted religious services. The ombudsman could only intervene in relation to prison conditions, and his opinion was not binding.

Monitoring: The government permitted monitoring by independent nongovernmental observers in accordance with their standard modalities. In September the Council of Europe's Committee for the Prevention of Torture conducted a nine-day visit to the country.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The national police have primary responsibility for domestic security. However, in times of disorder, the prime minister and the president may call upon the military to provide security. The intelligence service is under the authority of the prime minister and the president. An independent oversight board monitors the intelligence service's activity. Civilian authorities maintained effective control over the security forces, including the Ministry of Interior, Ministry of Defense, and the intelligence service. The government has 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 While in Detention

Under the law on criminal procedure, state prosecutors may hold suspects for up to 48 hours. Detainees generally were allowed prompt access to a lawyer of their choice or, if indigent, to one provided by the state. In all cases an investigative judge must decide within 12 hours whether to extend the detention for further investigation. Investigative detention generally lasted up to 30 days; however, the law allows for a six-month pretrial detention. A court may extend that period to 12 months in certain cases, primarily for war crimes, corruption, and organized crime, upon the state prosecutor's request. The courts may release detainees on their own recognizance. Detention centers allowed visits by family members.

The law designates investigative judges as responsible for the oversight of investigations, detentions, the protection of human rights issues, and the

supervision of relations between prosecutors and defendants. Investigative judges also rule on appeals to detention orders and on the use of special investigative techniques such as surveillance, wiretapping, and raids. The law also provides for a “supervisor for detention,” who is responsible for ensuring that the constitutional rights of detainees are not violated.

Amnesty: The law permits amnesty except in cases of war crimes. At the end of 2008, the State Attorney’s Office launched an action plan that, inter alia, provided for the review of all war crimes indictments or continuing investigations. Since the action plan went into effect in 2009, in some cases prosecutors have either downgraded charges from war crimes to armed rebellion, in which case amnesty would apply, or cancelled proceedings for other reasons, such as insufficient evidence.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence. The judiciary continued to suffer from a heavy backlog of cases. The Ministry of Justice reported that 842,750 unresolved civil and criminal cases remained before the courts as of September 30.

Trial Procedures

The law provides for the right to a public trial, and an independent judiciary generally enforced this right. Defendants enjoy the presumption of innocence. To hear cases, the legal system uses panels of judges that in some instances include lay judges, rather than juries. Defendants have the right to counsel, be present at trial, confront or question witnesses against them, and present witnesses and evidence on their behalf. Defendants enjoy the right to adequate time and facilities to prepare a defense and have access to evidence relevant to their cases as well as the right to lodge an appeal until a verdict becomes final.

In 2011 the Constitutional Court annulled five articles of the law on free legal aid due to restrictive and vague provisions that hindered vulnerable individuals from accessing free legal aid. In April three nongovernmental organizations (NGOs) published an EU-funded report indicating that the law continues to prevent access to justice for the most vulnerable groups. According to the April report, the primary difficulty that needy applicants encountered stemmed from ineligibility due to ownership or co-ownership of land. As a result, in 2011 the Ministry of

Justice funded legal assistance in only 178 cases, while 15,265 persons received assistance from NGOs or foreign donations.

In May 2011 the parliament amended the law on the application of the International Criminal Court statute that assigned exclusive jurisdiction over all new war crimes cases to four county courts at Osijek, Rijeka, Split, and Zagreb. Cases already in progress in 15 county courts continued in those jurisdictions.

Since the 2008 action plan went into effect, the Prosecutor's Office requested the reopening of trials for 94 individual defendants, while 23 other defendants also requested that their own in absentia convictions be reopened; and two such requests came from courts. Such requests were granted in all cases but one. As of July proceedings against 81 defendants were final. Four of these defendants were again convicted of the original charges, while the others were granted amnesty for their role in the armed rebellion, were acquitted by the court, or died before the proceeding was completed. All other cases were still in process at year's end.

In June 2011 the Zagreb County state attorney indicted former interior ministry official Tomislav Mercep on war crimes charges for allegedly ordering his subordinates to kill, detain, and inhumanly treat more than 50 civilians, and failing to prevent these actions during the 1991-95 war. The case continued before the county court in Zagreb.

In June 2011 police arrested Djuro Brodarac, the wartime chief of the Sisak police; his deputy Vlado Milankovic; and reserve police officer Drago Bosnjak in connection with war crimes committed in Sisak against ethnic Serbs in 1991 and 1992. Authorities investigated Brodarac and Milankovic for their command responsibility, while Bosnjak was alleged to have had a direct role in war crimes. Brodarac died in July 2011. The Osijek county prosecutor issued an indictment against Milankovic and Bosnjak in December 2011. The case continued before the Osijek County Court at year's end.

According to media reports, in July the Supreme Court ruled in favor of plaintiffs whose parents were killed two months after the conclusion of Operation Storm, a 1995 military operation that retook areas occupied by rebel Serbs. The court ruled that the country was responsible for the deaths of these nine elderly ethnic Serbs in Varivode and that the government should compensate their families. The court also ruled that the incident was "an act of terror undertaken for political reasons." This ruling reversed a lower court rejection of state responsibility for the crimes. To date, no individual has been tried for these war crimes.

On September 7, the Supreme Court convicted former Karlovac Special Police officer Mihajlo Hrastov for killing 13 Yugoslav National Army prisoners of war in 1991 and sentenced him to four years in prison. In one of the longest running criminal cases in the country's judicial history (beginning in 1992), Hrastov was previously acquitted three times by the Karlovac County Court. The prosecutor told media that while satisfied with the guilty verdict, she would appeal the case because the four-year sentence was less than the statutory minimum for war crimes. Hrastov was also appealing the verdict.

During the year seven witness and victim support offices in county courts in Osijek, Rijeka, Sisak, Split, Vukovar, Zadar, and Zagreb assisted more than 10,000 qualifying victims and witnesses. The government continued to take steps to prevent witness intimidation in war crimes cases.

On November 16, the International Criminal Tribunal for the Former Yugoslavia (ICTY) appeals chamber acquitted Generals Ante Gotovina and Mladen Markac on all charges related to Operation Storm. Following the return of the generals to Croatia, President Josipovic commented, "People were killed and houses were burned down, but the two generals are not responsible for that. Some were upset by that decision, but this is simply how it is and for Croatians those two individuals are actually the heroes of our defense, and not war criminals. This, of course, does not reduce Croatia's need to prosecute war crimes." Proceedings continued in an 2010 indictment of two individuals for Operation Storm-related crimes against civilians in the village of Grubori, as well as in a 2002 indictment against four alleged perpetrators for crimes in Prokljan and Kistanje. According to the prosecutor's war crimes database, there were 24 war crimes cases in which perpetrators had not been identified. Criminal reports against unknown perpetrators were submitted in some of these cases.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals may seek damages for, or cessation of, a human rights violation, and they could appeal decisions to the European Court of Human Rights (ECHR). However, continuing case backlogs raised concerns about judicial effectiveness and efficiency. Administrative remedies are available as well for alleged wrongs.

Regional Human Rights Court Decisions

During the year the ECHR found the government in violation of the European Convention on Human Rights in 18 cases and found no violation in five cases. A total of 10 judgments finding a violation of the convention (five passed in 2011, five passed in 2012) became final and were transmitted to the Council of Europe's Committee of Ministers (CoM), which supervises the execution of judgments. During the year the CoM adopted seven final resolutions confirming that the country had fully implemented ECHR judgments passed against it in previous years and 12 final resolutions confirming that it had executed the terms of "friendly settlements," as stated in ECHR decisions.

Property Restitution

By year's end the government had returned 19,271 of 19,280 private properties initially occupied during the wars of the 1990s to their rightful owners, but there was no resolution in the remaining nine cases.

In 2011 the parliament amended the Act on Areas of Special State Concern (war-affected areas), under which the government assumed the court's punitive mandate of the owner to pay illegal occupants, predominantly ethnic Croats, who sought to recover their "unsolicited investment" (improvements to the property made by the illegal occupants and not authorized by the owner). The measure aimed to speed up resolution of these cases to avoid the auction and sale of these properties in order to compensate the illegal occupants. At year's end private property had not been returned in 15 unsolicited investment cases pending before the courts. The law, however, also allows for state-owned properties to be donated to all settlers in war-affected areas but not ethnic Serb returnees. Recipients of these donations were largely Croat settlers from Bosnia and Herzegovina and Kosovo. According to the Office of the UN High Commissioner for Refugees (UNHCR), no property has ever been donated to an ethnic Serb.

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

Restitution of communal property remained a problem for the Serbian Orthodox Church and the Coordination of Jewish Communities in Croatia, the umbrella organization representing the Jewish community of Zagreb and nine smaller communities throughout the country. A number of Jewish communal claims, including the much-publicized “Amruseva 8” in Zagreb, remained unresolved. Yugoslav authorities nationalized the building after World War II, and it was still registered to an agricultural organization.

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

The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law generally provide for freedom of speech and the press; however, growing economic pressures led journalists to practice self-censorship. Specifically, a number of journalists reported that publishers and media owners feared they would lose advertisers and frequently practiced self-censorship in reporting on advertisers or those linked politically to them. Direct government efforts to influence the media were occasionally reported at the local level.

Freedom of Speech: The law provides for no less than six months’ and no more than five years’ imprisonment for hate speech. Hate speech committed over the Internet is punishable by six months’ to three years’ imprisonment. While freedom of speech is guaranteed by the constitution, the criminal code sanctions individuals who act “with the goal of spreading racial, religious, sex, national, ethnic hatred or hatred based on the color of skin or sexual orientation or other characteristics.”

On November 6, the Supreme Court ruled that Vlatko Markovic, former president of the country’s football federation, must publicly apologize for calling homosexuals “unhealthy” and for proclaiming that he would never allow a homosexual player in his league. Markovic subsequently apologized. A court in Zagreb rejected the case in 2011, but LGBT activists appealed to the Supreme Court.

Freedom of Press: Many private newspapers and magazines were published without government interference. However, according to a May declaration from

the Croatian Journalists Association (CJA), media ownership was not fully transparent; some business and political interests concealed their influence on media outlets. CJA President Zdenko Duka said in a September 16 interview that the country's National Security Council had done little to reveal the identity of media owners.

The law regulates the national television and radio networks separately from other electronic media. Independent television and radio stations operated in the country, and two of the four national television channels were privately owned and independent. There were no reports of the government influencing these outlets via advertising revenue. Local governments partly or fully owned approximately 70 percent of the local broadcast media, making them particularly vulnerable to political pressure. Approximately 46 percent of local radio stations depended on local authorities for financial support.

Minister of Internal Affairs Ranko Ostojic announced on December 21 that an internal police investigation uncovered police misconduct in the 2011 surveillance of journalists, including the editor in chief of national daily newspaper *Jutarnji list*. According to Ostojic's statement, the country's former police chief ordered the operation to determine the source of leaked information from corruption investigations against former prime minister Ivo Sanader. Ostojic turned over the results of the investigation to the Prosecutor's Office. On December 13, the CJA called for an investigation into the case stating, "If Croatia is to be a democratic country, then its leaders must not allow journalists to be followed and tapped in the course of their professional activities. It is necessary to step up civil control of the police and secret services."

Libel Laws/National Security: Libel is a criminal offense. During the year there were no reports of politically motivated libel cases being filed. A large number of earlier libel cases remained unresolved due to judicial backlogs. Courts may fine, but not imprison, persons convicted of slander and libel.

Internet Freedom

There were no government restrictions on access to the Internet or credible reports the government monitored e-mail or Internet chat rooms without judicial oversight. According to December 2011 statistics from Internet World Stats, there were 2,656,089 Internet users, representing 59.2 percent of the population.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly, and the government generally respected this right in practice.

Freedom of Association

The constitution and law provide for freedom of association, and the government generally respected this right in practice; however, the law gives the Ministry of Justice authority over the establishment and internal governance of NGOs. While authorities applied the law equally to all organizations, some observers saw the law as restrictive and controlling. For example, the law provides that organizations may not register if their statutory goals are deemed trivial or if their property is not deemed sufficient to carry out their statutory activities. The law also permits the government to influence the appointment of an organization's management body.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

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 in practice. The government cooperated with the 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.

Emigration and Repatriation: The government made limited progress in returning refugees to their prewar homes. The government continued to participate 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

solutions for more than 73,000 regional refugees. On April 30, the government limited its domestic housing care program to accept only applications from returnees who wish to return to areas of special state concern (former occupied areas of Croatia). Potential returnees were therefore precluded from choosing to return to major cities. According to the UNHCR, this limitation of returnee choices is not in the spirit of the Belgrade Declaration signed by the four foreign ministers in 2011.

As part of the government's effort to align national legislation with the EU requirements, a new law on foreigners entered into force in January that introduced favorable provisions for refugees returning to the country as citizens of other former Yugoslav republics, rather than as Croatian citizens. Some returning refugees had previously encountered obstacles in regularizing their residency status. On July 3, the UNHCR and the Ministry of Interior organized a workshop on citizenship and status of foreigners in the country and jointly produced a brochure to clarify the new law for beneficiaries and professionals. Copies of the brochure were distributed by the government to police stations and by the UNHCR to their implementing partners throughout the region.

The government took steps to recognize legal and administrative documents issued by entities not under the government's control during the 1991-95 war. The consolidated efforts of the Croatian Institute for Pension Insurance and the Ministry of Labor resulted in more than 27,000 individual applications. By year's end 98 percent had been resolved -- 55.3 percent with a positive decision.

An EU-funded report prepared by independent pension experts recommended that the government resolve, through legislation or bilaterally through agreement with Serbia, outstanding pension issues for primarily ethnic Serb retirees who had yet to receive their due payments. The experts referred to the European Court of Justice's emphasis on the protection of social security rights in recommending that pensioners who were left without any income and for a certain period of time did not receive any form of pension payment be compensated for their losses. According to the UNHCR, despite multiple requests by the Serbian government, a bilateral meeting intended to address this unresolved issue did not occur during the year. Observers expected pensions and other nonhousing-related issues to be discussed among the partner countries in the regional coordination forum of the regional housing program.

As of October 1, the government registered the return of 389,557 refugees and internally displaced persons (IDPs) since 1995, 132,922 of whom were minority

Serbs. The UNHCR reported that 48 percent of ethnic Serb returns were permanent, while the remainder were either one-time or “commuter” returns. International organizations cited the poor state of the regional economy, including the lack of employment, and delays in receiving permanent housing for the former tenants of socially owned apartments (a dwelling where an individual had the right to reside but did not own) as the main obstacles to return.

During the year the government’s program to resolve the claims of persons, mainly ethnic Serbs, who held tenancy rights in socially owned apartments prior to the war, but who lost these rights during or just after the war, continued slowly. According to the UNHCR, from 2003 through the end of November 2012, the total number of requests for housing assistance (in-kind compensation for previously held occupancy rights in socially owned housing) was 16,204. Of the 9,181 approved requests, the government allocated housing units in 8,130 cases, with allocation pending in the remaining 1,051 cases. Of the total number of requests, 5,834 involved return to urban areas, of which authorities approved 1,775. Serb NGOs complained that the government lagged in meeting its benchmarks during the year, a complaint the NGOs interpreted as a lack of commitment.

The government reported the resolution of 320 cases between November 2011 and November 2012, toward its benchmark of 2,541 cases for 2012-17. However, the UNHCR verified full implementation in 192 cases, 128 fewer cases than reported by the government. The government reported that 3,225 housing care requests were pending in various administrative stages. The UNHCR noted the relatively high proportion of negative decisions in urban areas compared to those granted in areas of special state concern--areas that were occupied until 1995. The government reached only 512 decisions between November 2011 and July 2012 of an announced goal of 1,200 decisions by the end of the year. According to the UNHCR’s field verifications, during the year the government implemented less than one tenth the number of housing care cases compared with 2011.

To further promote the return of refugees, and to assist those already returned, the government initiated a program in 2010 to permit returnees to urban areas to purchase state-owned apartments below their market value, a program already underway in less-developed, war-affected areas. According to the UNHCR, by November the government finalized only two of the 1,284 pending requests.

The Serbian National Council (SNV) welcomed this measure but was unsatisfied that clear criteria to measure the years spent as a refugee, which determined purchase price, had not been implemented and that costs were prohibitively high.

The government reported zero pending appeals in first instance cases of negative decisions in requests for construction assistance. However, the UNHCR reported in July that 410 pending appeals cases remained; the government was reviewing this discrepancy at year's end.

During the year the UNHCR expressed concern that the Ministry of Regional Development and European Funds had initiated lawsuits in the Western Slavonia region only against ethnic Serbs who received construction assistance but not against ethnic Croats who received similar assistance. According to the UNHCR, in 41 specific cases authorities prosecuted ethnic Serb beneficiaries of construction assistance for not residing in newly reconstructed houses or for prematurely selling their reconstructed houses, thus violating a ban on the disposal of property in less than 10 years without government approval. Prosecutors pursued nine of these cases for fraud, resulting in two first instance convictions in which one returnee received a six-month prison sentence while the other received one-year's probation. The two cases were appealed locally and sent to the ECHR for review.

Internally Displaced Persons (IDPs)

The government continued to report 2,084 IDPs registered with the government; of these, 1,636 were ethnic Serbs. However, the UNHCR established there were no longer IDPs in the country and questioned the accuracy of government figures. The ethnic Serbs on the government list were either awaiting recognition as being integrated into their current place of displacement or awaiting reconstruction assistance from the state. The UNHCR cited approximately 1,700 outstanding approved reconstruction assistance requests from IDPs, most of which were filed by minority Serbs. There were 20 ongoing appeals for this assistance.

Protection of Refugees

Access to Asylum: The country's laws provide for the granting of refugee status and subsidiary protection for persons of concern. The government reported that 1,089 persons applied for asylum through December; of these, 70 persons were granted refugee status, and six received subsidiary protection (protection granted to an applicant whose situation is not covered by the 1951 Convention Relating to the Status of Refugees). However, Croatia was still perceived as a transit country, with the majority of asylum seekers continuing their journeys on to EU countries.

The country has a well developed asylum system, and refugee status determination is conducted for all applicants. In January the Asylum Commission was replaced

by an Administrative Court as the second instance body in refugee status determination. According to the UNHCR, reception capacity for asylum seekers was oversubscribed and remained a problem due to increased asylum applications. The government established a working group to improve housing, psychosocial assistance, language training, and vocational programs to better integrate persons granted asylum into society.

Safe Country of Origin/Transit: The country did not reject asylum applications on the basis of the safe country of origin, as the government had not yet developed a list of safe countries and continued to examine all applications on a case-by-case basis. According to the UNHCR, mixed migration (irregular migrants and persons in search of international protection) continued to grow on the eastern border with Serbia, making the identification of potential asylum seekers difficult. Re-admission agreements between Croatia and Serbia were in force and routinely applied for migrants who did not expressly request asylum.

Stateless Persons

Citizenship is derived by birth in the country's territory or via one parent or birth in the country, in accordance with international standards. The stateless population cannot be precisely assessed due to lack of comprehensive mechanisms for identifying statelessness. According to the UNHCR and Romani NGO estimates, there were 500 stateless Roma in the country and an additional 1,000 individuals at risk of statelessness. Most stateless Roma were from other republics of the former Yugoslavia and had difficulty providing documents needed to register as Croatian citizens. Stateless Roma had problems accessing state services. The UNHCR estimated in June that there were 126 other persons at risk of statelessness in the country, mostly due to displacement during the wars in the region following the break-up of Yugoslavia.

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

The constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections on the basis of universal suffrage.

Elections and Political Participation

Recent Elections: Parliamentary elections held in December 2011 were free and fair, took place in a pluralistic environment, and were administered in a professional and transparent manner, according to the limited election observation mission of the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights. The mission's report noted, however, that further steps should be taken to improve the legal framework, particularly in reference to the voter list and relative constituency size.

Participation of Women and Minorities: There were 38 women in the 151-seat parliament and four women in the 22-seat cabinet, including the principal deputy prime minister, who is also the foreign minister, a deputy prime minister, and two other ministers. There were four women among the 13 Constitutional Court justices, including the president and deputy president of the court. There were 17 women among the 42 Supreme Court justices, including the vice president of the Supreme Court and president of the court's criminal department.

The law governing gender equality requires that political parties balance the representation of genders on their candidate lists for local and national elections as well as in elections for seats in the European Parliament. The law stipulates fines for the violation of this provision. Local NGOs criticized the law on the grounds that the fines were too small to be a deterrent and that the government rarely enforced earlier laws on quotas.

The law reserves three parliamentary seats for ethnic Serb representatives; five additional seats are set aside 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 list. Ethnic Serbs and other ethnic minorities in principle can win additional seats under this system if candidates of their minority group obtain sufficient votes in one or more of the regular voting districts. The government includes a number of ethnic Serb ministers, including deputy prime ministers.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption, and the prosecutors and police implemented these provisions effectively. The Office for the Suppression of Corruption and Organized Crime (USKOK) is the country's main body responsible for investigation and prosecution of corruption and organized crimes cases. USKOK operated effectively and independently and was sufficiently resourced. USKOK actively collaborated with civil society. Specialized departments at the

four largest county courts in the country heard organized crime and corruption cases. The Ministry of Justice's anticorruption sector, an interinstitutional Committee for Monitoring Anti-Corruption Measures, and the parliament's National Council for the Monitoring of the Anti-Corruption Strategy continued to monitor the implementation of anticorruption measures. On November 15, the government adopted a new action plan for the suppression of corruption. The Constitutional Court on July 19 struck down fully or partially 43 provisions of the law on criminal procedure. Legal experts were satisfied that key prosecutorial tools needed to fight organized crime and corruption remained intact.

The Zagreb County Court sentenced former prime minister Ivo Sanader in a first instance verdict on November 20 to 10 years in prison after finding him guilty of abuse of power, war profiteering, and accepting bribes. The court convicted Sanader of accepting a \$700,000 dollar bribe in 1994 from Austria's Hypo Bank and an approximately \$7 million dollar bribe in 2008 from the Hungarian oil company MOL in return for control of the country's state oil company INA. Sanader was the highest-ranking government official ever convicted of corruption. Sanader announced he would appeal the verdict to the Supreme Court.

While pursuing corruption allegations against Sanader in another investigation called the "Fimi Media" case, the prosecutor's office uncovered evidence that the Croatian Democratic Union (HDZ) party allegedly used "illegally obtained funds" to finance party activities. The prosecutor's office initiated a criminal investigation against the HDZ and in December 2011 indicted the party as well as Sanader, former government spokesperson Ratko Macek, former HDZ chief accountant Branka Pavosevic, former HDZ treasurer Mladen Barisic, and several other defendants. Prosecutors alleged the group conspired to secure at least 31.6 million kunas (\$5.6 million) in illegal funding for the HDZ and that Sanader received at least an additional 15 million kunas (\$2.6 million). The trial was underway at year's end.

On September 1, USKOK filed a new corruption indictment against Sanader, former minister of regional development Petar Cobankovic, and two other defendants, alleging that the defendants conspired to defraud the government of \$6.6 million in a rigged real estate deal. Cobankovic and one of the other codefendants pled guilty. The trial was expected to start early next year.

During 2011 the last year in which figures were available, 1,184 individuals were reported to USKOK, of whom 987, or 83 percent, were for corruption. Prosecutors initiated 419 investigations against these individuals, of whom 287 were suspected

of corruption. A total of 292 individuals were indicted, 205 for corruption (this figure includes individuals whose investigations were opened in 2011 and earlier years). In 2011 the courts pronounced verdicts for 353 individuals; 344 were convicted, or approximately 97 percent. In 2011, of 157 individuals tried for corruption, 149, or 95 percent, were convicted.

The law requires public officials to declare their assets. Most government officials complied, although there were questions by Transparency International regarding the thoroughness and effectiveness of the system and the imprecision concerning the types of assets covered. The parliament adopted the law on conflict of interest in February 2011; however, it failed to appoint members to the Commission for the Review of Conflict of Interest, which had not become operational at year's end. On November 7, the Constitutional Court declared certain provisions of the law on conflict of interest to be unconstitutional, a decision that will require the law's amendment. The court ordered the parliament to constitute the commission by February 15, 2013. According to the law, public officials are required to report potential conflicts of interest within 30 days of taking office, including ownership stakes in property and businesses. Officials may not keep symbolic gifts with a value greater than the local currency equivalent of \$87. There are administrative sanctions for noncompliance. The law has a narrow list of exceptions outlining the grounds for nondisclosure. There is an appeal mechanism for review of disclosure denials. According to Transparency International, there were no public outreach activities to officials to encourage effective compliance.

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 often were cooperative and responsive to their views.

UN and Other International Bodies: On December 5, ICTY Prosecutor Serge Brammertz reported to the UN Security Council that the country continued to respond to the Office of the Prosecutor's requests for assistance in a timely manner. Brammertz urged national and regional authorities to continue the fight against war crimes impunity, including through regional cooperation. He further noted that despite the November acquittals, the ICTY prosecutions of Generals Ante Gotovina and Mladen Markac had documented serious crimes and that "the victims of those crimes have the right to justice."

Government Human Rights Bodies: In his annual report for 2011, issued in April 2012, the ombudsman for human rights noted that there were 1,900 complaints, 77 more than in 2010. Most of the complaints concerned the politicization of work in the government administration, including the awarding of civil service benefits and promotions. The ombudsman also noted that administrative bodies, particularly state ministries, often stymied his work by failing to respond to his letters concerning citizen complaints. During 2011, in 173 unique cases, the ombudsman received an answer only after several months and repeated letters, while in another 60 cases he received no answer at all. The ombudsman noted that some of these complaints still related to the consequences of the wars of the 1990s, such as the right to reconstruction and housing assistance, unpaid pensions, and citizenship issues.

On July 10, the parliament enacted a new ombudsman law to strengthen the institution's ability to protect human rights. The law calls for the Office of the Ombudsman to merge with an NGO, the Center for Human Rights, to more effectively promote human rights and coordinate with civil society and the other specialized and independent ombudspersons. By year's end, however, the merger did not take place as the government sought to first appoint a new ombudsperson to replace retiring ombudsman Jurica Malcic. Under the law the ombudsman is authorized to initiate shortened procedures in cases where he has established sufficient evidence that constitutional and legal rights have been violated. The ombudsman now has the authority to initiate disciplinary proceedings against institutions that fail to respond to his interventions. The ombudsman did not exercise this authority during the year.

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

The law prohibits discrimination based on gender, age, race, disability, language, or social status; and the government generally enforced these prohibitions. The Sex Equality Act and the Suppression of Discrimination Act explicitly prohibit discrimination on grounds of sexual orientation. The law does not discriminate based on gender identity.

Women

Rape and Domestic Violence: Rape, including spousal rape, is a crime punishable by one to 10 years' imprisonment. In cases of rape under aggravated circumstances resulting in death or pregnancy, or if the victim is a minor, sentences

may be between three and 15 years. Sentences in nonaggravated case tended to be at least three years.

By June the police registered a total of 38 rape cases and seven attempted rapes. NGO officials estimated that for every reported rape, there were 15 unreported cases. Between 90 and 150 cases of sexual violence and rape were reported annually, based on estimates for the 2000-10 period. The NGO Women's Room stated that women frequently did not report rape, particularly spousal rape, because they lacked information about available legal protections, felt ashamed, wished to avoid social pressure or stigmatization, and feared reprisal. Women's NGOs asserted that sentences for spousal rape tended to be lenient.

Violence against women, including spousal abuse, remained a problem. In 2011, 11 women were killed as a result of domestic violence, representing 22 percent of all murders in the country. The ombudswoman for gender equality reported that courts imposed only 50 percent of available protective measures, such as psychosocial treatment and restraining orders for abusers. Her office praised police for assisting victims; however, she noted that support such as safe houses, vocational training, and financial stipends for victims of domestic violence was limited. Although the government financed most services, NGOs oversaw shelters and claimed that funding was insufficient and irregular. NGOs and local governments operated 17 shelters. Hotlines, counseling, and legal assistance were available to domestic violence victims.

Sexual Harassment: The law prohibits sexual harassment in the workplace, but such harassment remained a problem. According to trade unions, harassment was most pronounced in the textile, leather, trade, and catering industries. The ombudswoman for gender equality and unions reported that her office worked on many sexual harassment cases, although women were often reluctant to take action due to fear of reprisal. The ombudswoman noted in her 2011 report that unequal pay and workplace sexual harassment made up the largest percentage of complaints that her office handled.

Reproductive Rights: The government generally respected the right of couples and individuals to decide freely and responsibly on the number, spacing, and timing of their children. Citizens generally had the information and means to do so free from discrimination, coercion, or violence. In July the parliament passed a new law to provide access to medically assisted fertilization for heterosexual women. The law excludes women in same-sex relationships.

Discrimination: Women generally held lower paying positions in the work force. In April the Croatian Statistics Bureau's annual report noted that women earned on average 9.8 percent less than men in most sectors, both private and public, and their average pensions were approximately 25 percent less. Women were also more likely to be unemployed. Women enjoy the same legal status and rights as men, including under family law, labor law, property law, inheritance law, and in the judicial system. However, according to the ombudswoman for gender equality, women continued to experience discrimination in employment, including in pay and promotion to managerial and executive positions. The ombudswoman also cited reports of discrimination towards women in accessing loans while pregnant.

The Office for Gender Equality was responsible for implementing the law on gender equality and formulating the government's gender policy; the ombudswoman for gender equality monitored implementation of the law, including the submission of mandatory action plans for state institutions and public companies. In her annual report issued in March, the ombudswoman continued to report that most individual discrimination complaints were related to labor and social rights, with complaints, filed mostly by women, primarily directed against state institutions and other legal persons rather than individuals.

Children

Birth Registration: Citizenship is derived by birth in the country's territory or from one of the parents. Authorities register all births at the time of birth within the country or upon registration for births abroad. There were few reports that failure to register births resulted in denial of public services, including education and health care for children. Romani children who were not Croatian citizens encountered difficulties in accessing rights derived from citizenship. Many Romani parents, particularly in settlements close to the borders with Serbia and with Bosnia and Herzegovina, were citizens of another former Yugoslav republic and were often able to acquire Croatian citizenship only after following a laborious, multi-year process. These parents, and their foreign-born children, had no rights to free health care or social assistance, although they generally did not face problems in school enrollment. While statistics were unavailable, the UNHCR believed these problems to be widespread. According to the UNHCR, the new law on foreigners, which took effect on January 1, no longer required temporary residents to pay for mandatory health insurance and other registration fees while adjusting their status. The UNHCR also noted that the Ministry of Interior adopted a unified approach to rectify past difficulties to help noncitizen

returnees--former habitual residents of Croatia--gain permanent resident status, in accordance with the law.

Education: While ethnic minorities have the right to establish schools, as of September eight ethnic Serb elementary schools applied for but did not receive official recognition due to administrative obstacles. Ethnic Serb NGOs met with the Ministry of Science, Education, and Sports officials in March and June to discuss changes in the law on education in primary and secondary schools in order to simplify registration of their schools; however, there were no conclusive results. Ethnic-Serb NGOs considered this lack of progress a sign of a lack of political will on the part of the government. This lack of official recognition made normal scholastic operation difficult.

Child Abuse: Child abuse, including sexual abuse, was a problem. The ombudsman for children reported 788 new complaints of individual violations of children's rights during the first eight months of the year. These complaints stemmed primarily from child abuse and bullying in schools.

Child Marriage: While statistics were unavailable, child marriage was believed to be a problem in the Romani community. The ombudsman for children reported two such cases in 2011. Common law marriages between persons 16 years of age and older were customary, often prompted by pregnancies. In some instances these marriages were made official when partners reached adulthood.

Sexual Exploitation of Children: Statutory rape is included in the penal code, with the minimum age for consensual sex set at 14 years until January 1, 2013, when the minimum age for consensual sex increased to 15 years. Penalties for statutory rape range between one and eight years, but in aggravated circumstances, such as rape resulting in pregnancy or repeated sexual acts, the penalties range from five to 40 years. Filming or photographing children for pornographic material may be punished by a sentence of one to five years in prison, while exposing children to pornography may result in fines or a sentence of up to one year in prison.

The country adopted the Council of Europe's Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse on January 1, but its provisions were yet to be fully implemented. However, in accordance with the convention, some new criminal acts were introduced, including an increase in the age of consent to 15 years from January 1, 2013. The ombudsman for children continued to advocate for the establishment of a database of perpetrators of sexual crimes against children.

In 2011, the last year for which data were available, the Office of Chief State Prosecutor received 36 reports of sexual intercourse with minors and children and convicted 20 persons for the crime. Prosecutors also had 82 reports and 77 convictions for lewd behavior involving a child or a minor, 10 reports and six convictions of abusing children for pornography, and 30 reported cases of child pornography on the Internet.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

According to the Coordination of Jewish Communities in Croatia, the country's Jewish community numbered between 2,000 and 2,500. Anti-Semitic comments were reported during the year.

The Jasenovac Memorial Museum Council called on the Croatian Catholic Church as well as the government to sanction Catholic priest and head of the Archdiocesan Archives Stjepan Razum for stating in an August 9 interview that "Jasenovac was not a place of systematic mass executions, but a temporary work camp." Razum called mass executions "a myth which is a result of decades of political propaganda." According to the United States Holocaust and Memorial Museum, between 77,000 and 99,000 civilians were murdered at Jasenovac.

On August 28, President Josipovic condemned these statements and stated that "Jasenovac is a symbol of evil that no one in the civilized world should ignore or negate." The Zagreb archdiocese spokesperson said in September that Razum did not give the interview in his capacity as head of Archdiocesan Archives and that the church's position was that no crimes could be justified, and the church would continue to condemn all crimes.

As in years past, on December 28, there was a memorial mass held at the Basilica of the Sacred Heart of Jesus in Zagreb honoring Ante Pavelic, the head of the so-called "Independent State of Croatia," a fascist regime set up by Nazi and Italian fascist occupiers during World War II. According to the United States Holocaust and Memorial Museum, Pavelic's Ustasha regime and Nazi occupiers were responsible for the deaths of between 330,000 and 390,000 Serbs, 32,000 Jews, and 26,000 Roma, as well as thousands of other civilians. According to the press, the priest addressed 150 parishioners stating, "Here we have gathered at a Mass for

Ante Pavelic, founder and leader of the Independent State of Croatia.” Outside the church, calendars were distributed bearing the image of Pavelic and a map of the “Independent State of Croatia.”

In October the University of Zagreb inaugurated a Judaic Studies program that included Hebrew and Jewish history in the Humanities and Social Sciences Department.

Trafficking in Persons

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

Persons with Disabilities

The law on the suppression of discrimination guarantees access for persons with disabilities to all modes of transportation. The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and in the provision of other state services; however, discrimination occurred.

By June, 811 persons with disabilities found employment, while 5,914 others remained unemployed. The ombudswoman for persons with disabilities reported the majority of complaints received by her office in 2011 continued to involve payments and services based on disability, followed by physical accessibility and health care. Many complaints concerned institutions’ perceived uneven criteria in granting certain benefits and services to persons with disabilities.

In a 2011 letter to the then prime minister, Human Rights Watch and the Mental Disability Advocacy Center criticized the government for doing little to deinstitutionalize approximately 9,000 persons with intellectual or mental disabilities. The ombudswoman for persons with disabilities stated in June that their inspection of relevant institutions showed no progress in finding alternative solutions for these individuals during the year.

The law mandates access to buildings for persons with disabilities; however, the government did not always enforce this provision, and the law did not mandate that existing facilities be retrofitted. While there were improvements in larger cities, access to public facilities for persons with disabilities remained limited. The government enacted and effectively implemented laws and programs to ensure access to information and communications. Children with disabilities attended all

levels of school and were permitted to be home schooled if necessary. There were no reports of abuse in educational and mental health facilities. There were no restrictions on the rights of disabled persons to vote or participate in civic affairs.

National/Racial/Ethnic Minorities

While constitutional protections against discrimination applied to all minorities, open discrimination and harassment continued against ethnic Serbs and Roma, particularly in the area of employment.

Ethnic Serbs were the largest minority ethnic group in the country, accounting for approximately 4 percent of the population, according to 2011 census figures. During the year ethnic Serb organizations received isolated reports of physical assaults directed against Serbs. Two ethnic Serb human rights NGOs assessed in September that “the times of physical interethnic incidents are mostly behind us.” However, both groups cited frequent occurrences of ethnically based hate speech against Serbs, Roma, Africans, and Jews in the media and at soccer matches.

On September 7, during a match between the Croatian and Macedonian national soccer teams in Zagreb, fans chanted an Ustasha slogan (Ustasha refers to the fascist regime that ruled the so-called “Independent State of Croatia” during WWII). In a separate incident, the Croatian Football Federation was fined 80,000 euros (\$106,000) by the Union of European Football Associations for improper conduct by Croatian supporters, who led racist chants and displayed racist symbols at a match against Italy on June 14. Ethnic Serbs also charged that Split mayor and member of parliament Zeljko Kerum used hate speech in a September 16 interview when he said that “Serbs are the source of all problems in Croatia.” The chairman of the parliament’s Committee on the Constitution Josip Leko also condemned Kerum’s statement.

Discrimination continued against ethnic Serbs in several areas, including the administration of justice, allocation of employment and housing, as well as in the ability of ethnic Serbs to use the Serbian language and Cyrillic script in schools and administrative procedures as per the constitutional law on national minorities. Minorities other than Serbs, including Czechs and Hungarians, were also affected by slow implementation of official usage of minority language and script in local communities, where they were legally allowed.

Serb NGOs continued to report that local authorities sometimes refused to hire qualified ethnic Serbs even when no ethnic Croats applied for a position. The SNV

noted in September that the percentage of minorities employed by the state decreased in 2011 and only marginally increased at the municipal level. The law provides for proportional employment of minorities in the public sector in areas where a minority constituted at least 15 percent of the population; however, the government for the most part did not observe the law in practice. Ethnic Serb representatives noted that amendments to the law on free legal aid did not make legal assistance readily available to concerned citizens, especially ethnic Serbs, living in war affected rural areas in the central part of the country.

Societal violence, harassment, and discrimination against Roma continued to be a problem. While only 16,974 persons declared themselves to be Roma in the 2011 census, officials and NGOs estimated that the Romani population was between 30,000 and 40,000.

Roma faced widespread discriminatory obstacles, including in citizenship, documentation, education, employment, and language. According to the Council of Europe, only 6.5 percent of Roma held permanent jobs in the country. The government estimated 20,000 to 30,000 Roma, more than 90 percent of the Roma believed to reside in the country, received some form of social assistance. According to the government Office for National Minorities, Roma social development indicators differed significantly throughout the country, with approximately 98 percent unemployment in the Medjmurje region, compared with 15 percent in Rijeka.

While education is free and compulsory through the eighth grade, Romani children faced serious obstacles in their education, including discrimination in schools and a lack of family support. The Ministry of Science, Education, and Sports reported in August that the number of Romani children enrolled in first grade was 751, among whom 124 were repeat students. The government sought to improve Roma knowledge of Croatian by increasing preschool education. There were 623 Romani children enrolled in preschools and kindergartens; a third of these were in Medjmurje where classes were previously segregated.

On September 17, approximately 50 ethnic Croat parents prevented 44 Romani children from attending class in Gornji Hrascan, claiming that the school was already overcrowded and that Romani children had poor personal hygiene. The Romani children had been moved to Gornji Hrascan to ease overcrowding at a school in the nearby community of Macinec. Police intervened to prevent the situation from escalating, and local officials brokered a compromise to allow the Romani preschoolers to attend classes in Gornji Hrascan. On September 19,

President Josipovic stated that the effort to prevent ethnic Romani children from attending the preschool was particularly unacceptable and discriminatory.

The high rate of Roma dropouts remained a problem. In August there were 271 Romani students in eighth grade, approximately a third the number of the Roma cohort that enrolled in first grade seven years earlier. The government continued to extend scholarships to Romani high school and university students to cover fees, transportation, and housing allowances.

In March 2010 the ECHR ruled that the state had discriminated against 15 Romani students from Medjimurje who were placed in separate Roma-only classes. In response to the decision, in September 2010 the government for the first time introduced and fully funded an extended 10-month preschool program for some 200 children in Medjimurje. This program continued during the year. Nationally, the government promoted the employment of Roma by reimbursing two years' salary to employers who hired Romani workers. The government joined the EU in building infrastructure in Romani settlements in the Medjimurje region, where there was a significant Romani population.

Government funding to the National Minority Council remained at approximately 42 million kunas (\$7.4 million) for minority associations' cultural programming, including printing materials.

In May a Romani family had its land in Skabrnja, a village in the Dalmatian hinterland, cordoned off with barbed wire and trenches by neighbors; the family left due to threats. Luka Skara, the mayor of Skabrnja, said that "Serbs and Roma never lived in Skabrnja since time immemorial and there shall be none of them here in the future," and added that "Roma should be put together with the garbage." The Zadar County prosecutor indicted Mayor Skara for racial discrimination on June 6. As of September Skara's hearing had not been scheduled. Minister of Foreign and European Affairs Vesna Pusic condemned the event in a speech to the parliament, while the ombudsman for human rights said "such statements had no place in 21st century Croatia."

In the first such case before the courts involving employment discrimination directed at Roma, the municipal court in Varazdin ruled in a first instance verdict on February 7 that two Romani high school students were victims of discrimination based on ethnicity. The court found that a store owner refused to accept these students as interns "because they are Gypsies." An appeal was pending before the Varazdin municipal court at year's end.

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

Societal violence and discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons continued. The law prohibits discrimination based on sexual orientation and does not discriminate based upon gender identity. In June five lesbians were attacked in Split. According to LGBT NGOs, the victims called the police, but police refused to arrest the perpetrators whom they allegedly knew by name. LGBT NGOs alleged that the police pushed one of the victims and used anti-gay slurs. The ombudswoman for gender equality condemned the attack as a hate crime and urged the police to swiftly arrest the perpetrators and investigate the conduct of police. The police subsequently arrested the perpetrators and conducted an internal investigation into the initial handling of the case by the officer at the scene. The ombudswoman for gender equality said that disciplinary sanctions were taken against two police officers as a result of the internal investigation. According to LGBT NGOs, threats of physical violence and harassment represented the most frequent forms of discrimination they encountered.

On June 9, the second LGBT Pride march in Split took place. Five government ministers and several diplomatic representatives were among the reported 500 marchers. Police reported that 800 officers guarded the parade. No marchers or media were injured, and 73 individuals protesting the march were arrested. The ombudswoman for gender equality said the atmosphere was a genuine improvement over 2011, when prosecutors filed 22 felony and 103 misdemeanor charges for attacks on marchers and the media. According to the media, Split Mayor Zeljko Kerum said, “The Pride March is not welcome in Split as long as I am the mayor.” The media also reported that the Split government refused to issue a permit for Pride organizers to have a stage at the event. The ombudswoman for gender equality found that the decision to deny a stage permit constituted discrimination based on sexual orientation. LGBT groups charged that Kerum’s statements and actions encouraged an anti-LGBT environment that manifested itself in hate speech, in graffiti, and on the Internet. Pride organizers also charged that Split municipal authorities sought to block the event from Split’s central pedestrian street. However, the Ministry of the Interior intervened to ensure that organizers could follow their planned itinerary. LGBT activists simultaneously held an ad-hoc Pride solidarity march in Rijeka organized through social media in which 300 activists marched without incident, protected by approximately 40 police.

On June 16, the 11th annual gay Pride parade was staged in Zagreb. According to organizers, approximately 4,000 marchers, including prominent government officials, participated in the rally, protected by 600 police officers who made only one arrest. There were no counter demonstrations or hate speech reported as in years past. The government's Office for Gender Equality continued its financial support for the Split and Zagreb events, stating that they encourage societal tolerance.

Other Societal Violence or Discrimination

Societal discrimination against persons with HIV/AIDS remained a problem. The NGO Croatian Association for HIV (HUHIV) maintained that some dentists and general practitioners continued to refuse to treat HIV-positive patients. Once a patient is diagnosed with HIV, treatment is provided in a timely manner through the specialized infectious disease hospital in Zagreb. HUHIV representatives claimed that such a centralized system best safeguards patient privacy. Allegations remained that transplant centers refused to place HIV-positive patients on their lists of potential organ recipients. Additionally, HUHIV reported that there were violations of confidentiality for those diagnosed with HIV and that many faced discrimination after disclosure of their status. There was also a level of self-stigmatization, which made those living with HIV reluctant to use legal and other human rights services.

While HUHIV provided an anonymous hotline, the lack of public assistance for hotlines for HIV-positive patients was a problem. According to the UN theme group on HIV/AIDS and HUHIV, some of the country's laws contained discriminatory provisions against HIV-positive individuals. There are legal provisions that prescribe testing under medical supervision for certain professions and, in certain cases, restrict employment for HIV-positive persons.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law protects the right of most workers, including police but excluding active military personnel, to form or join unions of their choice without previous authorization or excessive requirements. There are no regulations or statutory limitations blocking workers from forming or joining unions. However, the International Trade Union Confederation (ITUC) noted that the overwhelming majority of recently employed workers in the private sector were employed on a

short-term basis. The law provides for the right to strike and to bargain collectively but with some limitations. Workers may strike only at the end of a contract or in specific circumstances cited in the contract after they have gone through mediation. Either side in the mediation process may decide that the process is not progressing towards a solution, and the workers may then strike. When negotiating a new contract, workers are also required to go through mediation before striking. Labor and management must jointly agree on a mediator if a dispute goes to mediation. If a strike is found to be illegal, any participant may be dismissed and the union held liable for damages. The law prohibits antiunion discrimination and expressly allows unions to challenge firings in court. The law requires reinstatement if an employee is found by the court to have been terminated for union activity.

In general workers formed and joined unions freely in practice. However, approximately 11 percent of the country's workers were on fixed-term contracts with employers. Manual labor and retail employees were primarily affected, and many employers hired new workers for a trial period of typically three months but no more than three years. Employees with temporary contracts did not enjoy the same benefits as other employees. For example, temporary employees could not easily access bank loans or open lines of credit. Workers on temporary contracts generally did not form or join labor unions. The law does not exclude any groups of workers from relevant legal protections, except for active duty military.

Unions are independent of the government and political parties, although the Labor party, which in December 2011 won six seats in parliament, was headed by former Independent Croatian Union leader Dragutin Lesar. In practice workers exercised their right to strike during the year. However, incidents of union-related harassment and firing of employees occurred, and the inefficiency of the court system seriously delayed and discouraged citizens' attempts to seek redress through the legal system. According to ITUC's annual survey of violations, this right was abridged, with small enterprises not upholding the right to collective bargaining. However, according to the Association of Independent Unions, the largest union association in the country, small enterprises with unions respected the rights guaranteed by the labor law, including the right to collective bargaining. Once a union is formed by one small enterprise in a sector, the law obliges all companies in that sector to form unions. The law provides effective penalties and remedies if small enterprises violate the right to collective bargaining.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. The government effectively enforced the law. In incidents in which adults and children were subjected to forced begging and labor, perpetrators faced criminal charges and victims were removed from harm.

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

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for the employment of children is 15 years, the age at which compulsory education ends for most children. Minors between the ages of 15 and 18 who have not completed compulsory education may work only if they receive prior approval from the state labor inspectorate and if it is determined that the child was not expected to suffer physically or mentally from the work. Approval was usually requested for filming movie scenes or for theatrical rehearsals and performances. The law prohibits workers under the age of 18 from working overtime, at night, or under dangerous conditions. The Ministry of Economy, Labor, and Entrepreneurship, in conjunction with the ombudsman for children and the State Labor Inspectorate, is responsible for enforcing this regulation.

In 2011 the State Inspectorate conducted 17,970 inspections of work places, where they found 66 violations of the labor code on legal employment of minors that involved 32 minors. Violations occurred mainly in the hospitality, retail, services, and construction sectors and were related to working overtime or past curfew.

The law proscribes the worst forms of child labor, including trafficking in children. The ombudsman for children coordinated the country's efforts to prevent the exploitation of children and assist in removing children from exploitative situations. The labor inspectorate had 129 inspectors for labor-related inspections and 102 inspectors for labor safety. The inspectorate forwarded all cases of violations involving minors to the Office of the Ombudsman for Children. Criminal cases were prosecuted by the State Prosecutor's Office and often resulted in convictions.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

The minimum wage as determined by the government is 2,814 kunas (\$496) per month; the net minimum monthly wage is between 2,000 and 2,200 kunas (\$352 and \$388), depending on exemptions. The government's official monthly income poverty line is 2,100 kunas (\$370) for single households and 4,410 kunas (\$777) for a four-person household. The government enforced the minimum wage. The law on equality among sexes forbids all forms of employment discrimination by gender, requiring equal pay for equal work. The labor law also forbids any form of work-related discrimination.

Nonpayment and wage arrears as well as nonpayment for overtime and holiday work continued to be a problem. According to the labor inspectorate, the law no longer requires that records be kept of the number of persons who did not receive payment of their salaries. However, workers have the right to bring court proceedings against employers who did not issue pay slips to their employees. Numerous companies did not pay their workers. Figures reported in May showed that 83,431 employed persons were working without receiving a salary, with employers giving various reasons, most commonly that the employers themselves were awaiting payment for rendered services.

The inspectorate reported that it shut down 799 firms for periods of at least 30 days during 2011 for labor law violations regarding illegal work. 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. Inspectorate officials maintained that they continued to increase the rate of inspection as their staffing and funding allowed. The inspectorate noted in its annual report that the increase in inspections and fines was due to intensified involvement of inspectors and greater cooperation with the judiciary.

In 2011 the inspectorate conducted 17,970 workplace inspections and reported 14,803 violations of the labor law. After processing, the inspectorate sent 6,384 violations to misdemeanor courts for proceedings. Infractions included violations related to labor contracts, payment for work, annual leave, and unpaid and unreported overtime. In 2011 authorities initiated 16 criminal proceedings against employers with municipal prosecutors. The labor law requires premium pay for overtime worked over 40 hours per week. The limit for overtime is eight hours weekly, not to exceed 180 hours annually. The law does not address compulsory overtime. Employees are entitled to at least four weeks of paid annual leave and seven days of personal leave as well as holidays.

The government set health and safety standards harmonized with EU legislation, which the Health Ministry enforced; its inspectorate has jurisdiction over enforcement of health and safety laws in the workplace. The labor law includes special protections for workers in dangerous occupations. In 2011 the inspectorate conducted 9,486 inspections involving work safety standards and initiated 2,892 requests for misdemeanor proceedings covering 5,376 violations of safety standards. The labor law addresses shift and on-call work and includes protections for minors between the ages of 15 and 18. Legal protections do not cover workers in the informal economy.