

CROATIA

EXECUTIVE SUMMARY

The Republic of Croatia is a constitutional parliamentary democracy. Legislative authority is vested in the unicameral parliament (Sabor). The president serves as head of state and nominates the prime minister, who leads the government. Domestic and international observers stated that parliamentary elections held in December were in accordance with international standards. Security forces reported to civilian authorities.

During the year the most important 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 in the early 1990s. Hostility and violence directed at lesbian, gay, bisexual, and transgender (LGBT) persons increased during the year. Official corruption remained a deep-seated problem despite the ongoing prosecution of a former prime minister and other senior Croatian officials.

Other important human rights problems included prison conditions, such as overcrowding, and delays in the judicial system. 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 to strike, restrictions on collective bargaining, and child labor problems were also reported.

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

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.

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 for human rights regularly visited prisons throughout the country to assess conditions. According to the ombudsman, the treatment of prisoners was generally humane. Prisoners had potable water. However, the ombudsman specifically cited poor ventilation, insufficient outdoor time, lack of fresh air, and few work opportunities as problems. While prisoners generally had access to medical care, medical personnel did not staff all prisons continuously, thereby creating deficiencies in healthcare. Access to sufficient psychiatric services and specialists was a problem. The Central Office of the Prison System Department that monitors prison conditions responded to complaints about prison conditions from the ombudsman's office, and rectified some problems. Conditions for women are often better than those of men; women who give birth in prison can keep their children with them for up to three years.

The prison system had a capacity of 5,200 to 5,300 persons. There were an estimated 5,230 inmates in prisons, penitentiaries, and juvenile detention institutions at the end of 2010, according to the most recent ombudsman's report. Of the inmate population, 249 were women and 76 were juveniles. A total of 13 deaths (11 natural deaths and two suicides) occurred.

Prisoners and detainees had reasonable access to visitors and were permitted religious observances. Authorities did not permit prisoners and detainees to submit complaints to judicial authorities without monitoring. Authorities allowed prisoners to request investigation of credible allegations of inhumane conditions; however, the ombudsman reported that prison staff verbally harassed some prisoners who complained.

The ombudsman has no authority over such matters as alternatives to incarceration for nonviolent offenders or to alleviate overcrowding. He also cannot address the

confinement of juvenile offenders; or improve pretrial detention, bail, and recordkeeping procedures to ensure that prisoners do not serve beyond the maximum sentence for the charged offense. The ombudsman can only intervene in relation to prison conditions. His opinion is not binding.

On May 25, the government opened a new prison in Glina to comply with a 2009 decree by the Constitutional Court to ease overcrowding in the penal system within five years. While the facility was designed for 420 prisoners, the ombudsman noted that due to increased incarceration rates, the new facility would not ease overcrowding in the country's prisons.

The government permitted visits by independent human rights observers, including the International Committee of the Red Cross and the Council of Europe's Committee for the Prevention of Torture, in accordance with their standard modalities.

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 national 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.

Arrest Procedures and Treatment While in Detention

Under the new law on criminal procedure, which came into force for all types of prosecutors on September 1, state prosecutors may hold suspects for up to 48 hours. In all cases an investigative judge must decide within 12 hours whether to extend the detention for further investigation. Investigative detention generally lasts 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 state prosecutors in the Office for Suppression of Corruption and Organized Crime (USKOK) have implemented this law since 2009.

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 it went into effect in 2009, prosecutors either downgraded charges from war crimes to armed rebellion, for which amnesty would apply, or cancelled proceedings for other reasons, such as insufficient evidence.

e. Denial of Fair Public Trial

The constitution and law provide 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 810,736 unresolved civil and criminal cases remained before the courts as of September 30.

Trial Procedures

The constitution and law provide 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 cases include lay judges, rather than juries. Defendants have the right to counsel, to be present at trial, to confront or question witnesses against them, and to present witnesses and evidence on their behalf. Defendants have access to evidence relevant to their cases and have the right to appeal.

On April 6, 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. On July 14, the amended law addressing the

Constitutional Court's requirements took effect. However, a group of 30 NGOs, including the umbrella NGO Human Rights House, the ombudsman, and legal experts from the Zagreb Law School, doubted that the new legislation would significantly improve the referral system or make legal aid more accessible.

On May 6, parliament adopted amendments to the law on the application of the International Criminal Court Statute that, among other provisions, assigned exclusive jurisdiction over all new war crimes cases to four county courts at Osijek, Rijeka, Split, and Zagreb. Ongoing cases in 15 county courts may continue in those jurisdictions. The amendments enable national courts to utilize evidence collected by the International Criminal Tribunal for the former Yugoslavia (ICTY) in domestic war crimes trials, superseding a 2010 Supreme Court decision that held that ICTY witness statements could not serve as an evidentiary basis for convictions.

The law on criminal procedure provides for the re-opening of war crimes cases tried in absentia upon the presentation of new evidence by either the defendant or prosecutor, regardless of whether or not the defendant is present in the country. Since the adoption of the chief state prosecutor's action plan in 2008, the prosecutor's office has requested trials be reopened for 94 individual defendants, while an additional 22 individual defendants have also requested that their own in absentia convictions be reopened, and two requests came from courts. The courts of original jurisdiction have granted the requests. Therefore, of 464 in absentia convictions, the courts have agreed to reopen cases of a total of 118 defendants.

On June 8, 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.

On June 20, 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. Both Brodarac and Milankovic were investigated for their command responsibility while Bosnjak is alleged to have had a direct role in war crimes. Brodarac died on July 13. The Osijek county prosecutor issued an indictment against Milankovic and Bosnjak on December 16.

In January, the government opened three witness and victim support units in the County Courts of Rijeka, Sisak, and Split, with support from the UN Development Program (UNDP) following a pilot program in the county courts in Osijek, Vukovar, Zadar, and Zagreb. The government also created a seven-office nationwide network and a national committee to coordinate the expansion of witness and victim support; it also installed video-link equipment to conduct distance hearings. Nevertheless, the Organization for Security and Cooperation in Europe (OSCE) reported that judges were slow to take up the use of this new technology.

The director of the Dalmatian Committee of Human Rights, Tonci Majic, was ordered by the Zagreb County Court to be taken by police on December 12 for a psychiatric evaluation due to the fact that he tore up several Croatian flags and sent them to the offices of President Josipovic and chief state prosecutor Mladen Bajic. Majic admitted to the act but was not charged with any crime. Majic is known for advocating for ethnic Serbs who were victims of torture at the Lora prison camp in Split. Media reported that Majic sent torn flags to these top officials in protest over what Majic perceives as inaction on the part of the state prosecutor's office in war crimes cases. Some human rights activists, such as Vesna Terselic, director of Dokumenta, an NGO that encourages reconciliation through dealing with the past, opposed legal action against Majic. Terselic said the ripped flag "was a symbol of civil protest against an inefficient judiciary and as such cannot be treated as a criminal act." A court official stated that Majic was "ordered to be brought for a psychiatric evaluation due to suspicions about his mental accountability." Majic refused to comply with this evaluation request and was immediately released. Destruction of the Croatian flag is punishable by up to three years in prison.

The government took additional steps to prevent witness intimidation in war crimes cases.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Regional Human Rights Court Decisions

From January to December, the European Court of Human Rights (ECHR) found the government in violation of the European Convention on Human Rights in 29 cases. In the case of Jularic v. Croatia, the ECHR directed the government to pay

the applicant 30,000 euros (\$38,845) for failing to investigate properly the death of her husband at the hands of paramilitaries in 1991. By the end of the year there were 126 ECHR judgments against the government, the implementation of which was being monitored by the Committee of Ministers of the Council of Europe. During the year Croatia complied with a 2010 ECHR ruling to compensate the families of 15 Romani children who were segregated in school and undertook measures to prevent similar violations from occurring again. (See section 5, Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights.) During the year Croatia also compensated three Christian communities that the ECHR ruled in 2010 were entitled to government support.

Civil Judicial Procedures and Remedies

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

Property Restitution

During the year the government endeavored to return private properties to their rightful owners. However, the law permitting the donation of state-owned housing to refugees gives precedence to the rights of temporary occupants, primarily ethnic Croats who were displaced or became refugees during the wars of the 1990s, over those of the original owners, who were predominantly ethnic Serbs that fled their homes. The law provides for replacement property compensation, through administrative procedures for owners who cannot recover their former property. During the year the government resolved nine property restitution cases. In five cases, owners could not repossess their homes and were waiting for completion of administrative procedures.

Repossession by ethnic Serbs of housing that once belonged to them continued. On May 13, parliament adopted changes to the act on areas of special state concern (war-affected areas), under which the government would assume the punitive mandate of the owner to pay illegal occupants-- predominantly ethnic Croats -- who seek to recover their so-called "unsolicited" investment (e.g. property improvements made by the occupants). The measure aimed to speed up resolution of these cases and thus to avoid the auction and sale of these properties to

compensate the illegal occupants. Auctions were frequent in the past because many owners were unable to pay for the “unsolicited” investment. The law also allows for state-owned properties to be donated to these illegal occupants of privately owned property. Recipients of these donations have largely been Croat settlers from Bosnia and Herzegovina and Kosovo. According to UNHCR, thus far no property has ever been donated to an ethnic Serb. Of the 19,280 private properties registered as occupied, 19,267 have been repossessed by their lawful owners. Private property has not been returned in 13 “unsolicited investment cases” still pending before the courts.

In September the government for the first time acted under the new law when it decided to assume the owner’s role in the case of an ethnic Serb property owner, Milica Miladinovic. However, this owner rejected the settlement, finding it unfair. In this case, which has been in the public eye for years, the municipal court in Zlatar ordered an auction to be held in August. However, in September the government requested that the court become a party in the procedure and assume the obligation to repay the temporary occupant. The court’s decision was still pending at the end of the year.

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 parliament passed the law. As a result, the law does not apply to persons whose property was expropriated, but who left the country and became citizens of other countries.

Restitution of communal property remained a problem for the Serbian Orthodox Church and the Coordination of Jewish Communities in Croatia, the umbrella organization representing the Jewish Community of Zagreb and smaller communities throughout the country. In August the Ministry of Justice transferred title of a property in the town of Pirovac to the Jewish Community of Zagreb. A number of Jewish communal claims, including the much-publicized “Amruseva 8” in Zagreb, remain unresolved. Yugoslav authorities nationalized the building after World War II and it is still registered to an agricultural organization. In 2004 the then minister of justice pledged to return this property.

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

Status of 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 if they published negative reports about them. Journalists 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."

Freedom of Press: Many private newspapers and magazines were published without government interference. However, as media ownership was not fully transparent, some business and political interests concealed their influence on media outlets. There were reports that advertisers sought to prevent the publication of negative articles. These reports also noted that some media threatened to publish negative stories to extort money from the private sector.

The South East Europe Media Organization (SEEMO), an affiliate of the International Press Institute (IPI), visited the country in January with IPI as part of a press freedom mission. The delegation noted several areas of concern including pressure from political and business groups, a lack of transparent media ownership, and threats and attacks against journalists covering organized crime and corruption.

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 private 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.

One of the country's best-known journalists, Zoran Sprajc, was suspended on December 20 from hosting and editing state-owned Croatian Television's (HTV) primetime broadcast for speaking out against alleged censorship by the national broadcast programming council. The row was spurred by reporting that HTV aired around the 20th anniversary of the fall of Vukovar that intimated Vukovar may have been sacrificed militarily by the newly independent government in Zagreb. The Croatian Journalists Association condemned the "unlawful and non-transparent" suspension of Sprajc and another editor, Stipe Alfier.

On December 11, the Croatian Journalists Association (CJA) expressed grave concern over a "media persecution campaign" conducted by Osijek-based local media against *Jutarnji list* journalist Drago Hedl. Hedl was decorated by President Ivo Josipovic on December 7 on the occasion of International Human Rights Day. The following day, the Croatian Bishops Conference *Justitia et Pax* Commission expressed "dissatisfaction and deep dismay" and requested Josipovic withdraw the decoration due to Hedl's alleged anti-clerical reporting 30 years ago. These CJA concerns were prompted by the numerous death threats Hedl received over several years from reporting on war crimes. Hedl was the first reporter to bring to light evidence of war crimes committed by Branimir Glavas, the honorary president of the Croatian Democratic Alliance of Slavonia and Baranja party, who is currently in prison in Bosnia and Herzegovina for war crimes. On July 19, the CJA, IPI, and SEEMO demanded that police and state prosecutors investigate death threats allegedly made by top military officials against Hedl.

On September 11, *Vecernji list* carried a story on "illegal financing" of electoral campaigns by the Croatian Democratic Union (HDZ). On September 15, USKOK summoned Josip Bohutinski, one of the authors of the article, to testify. The police requested the journalist reveal his sources, but he apparently was not pressured to do so. Citing the freedom of the press law, Bohutinski did not cooperate. Croatia's former prime minister Jadranka Kosor, head of the then governing HDZ

party, announced that whistleblowers in this case had to be questioned and that a thorough investigation would be carried out. On September 16, Oliver Vujovic, SEEMO's Secretary General "strongly condemn[ed] this political and police pressure on journalists [who revealed alleged illegal party financing]" and proclaimed that "journalists do not have to reveal their sources and such campaigns are designed to spread fear." The HDZ party was indicted for alleged illegal party financing on December 9.

The media reported on November 8 that Nova TV journalist Danka Derifaj received death threats from the Gravel Association (Udruga sljuncara) on Facebook due to her reporting on the gravel industry. Derifaj informed the police about the threats. The same group previously brought a libel lawsuit against Derifaj for reporting on this issue.

Libel Laws/National Security: Libel is a criminal offense. The ruling HDZ party claimed that certain media reports alleging wide-scale corruption were libelous; however, during the year there were no reports of politically motivated libel cases being filed. A large number of libel cases from previous years remained unresolved due to judicial backlogs. Courts may fine, but not imprison, persons convicted of slander and libel.

Nongovernmental Impact: On June 11, Split police announced that following disturbances during the Split Gay Pride parade, a cameraman from the independent network RTL suffered a concussion when he was hit with a brick and that journalists from independent media RTL and HINA were also injured. The CJA expressed shock at the violence, blamed the "unprepared" police, and requested that police and investigative bodies punish the perpetrators. The police arrested 100 perpetrators; so far, one perpetrator received a one year suspended sentence on November 30 for violent behavior and hate speech. Charges have been filed against 14 others for similar criminal acts, and 25 adults and four minors are still under investigation. (see section 6, Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity).

Internet Freedom

There were no government restrictions on access to the Internet or credible reports the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the expression of views via the Internet, including by e-mail.

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

Emigration and Repatriation: The Croatian foreign minister signed a joint declaration on November 7 in Belgrade along with the foreign ministers of Bosnia and Herzegovina, Montenegro, and Serbia to end displacement and ensure durable solutions for vulnerable refugees and internally displaced persons. The government agreed to participate in a joint regional multi-year project to be presented at a donor's conference in April 2012.

Refugees returning to the country as citizens of other former Yugoslav republics, rather than as Croatian citizens, encountered obstacles in obtaining permanent residency status. The law permits these former habitual residents to apply immediately for temporary residence without meeting the requirements that apply to other foreigners. However, the government did not consistently apply this provision, resulting in uncertainty and delay in the integration of returnees. Permanent residency eases the resolution of other status issues including applying for the purchase of flats, thus promoting sustainable return of refugees. A new law on foreigners passed in October eased this adjustment of status process.

In September the UNHCR criticized the government for charging former habitual residents 400 kunas (\$68) to extend their monthly health insurance benefits, a precondition to extending their residency permits. The UNHCR asserted that this condition was legally baseless and that the fees were prohibitively expensive for many refugees. During the year the UNHCR also noted that in 62 cases minority returnees – former habitual residents of Croatia (non-Croatian citizens who held pre-war domicile in Croatia) who returned post-war to Croatia several years ago – were listed as being a threat to national security by the Security and Intelligence Agency (SOA). This status made it impossible to naturalize and they faced expulsion. SOA acknowledged this problem and adjusted their system to exclude only known collaborators of terrorist organizations or groups that have worked against the interest of Croatia (such as direct counter intelligence against Croatia).

The UNHCR noted that many of these cases were resolved following the intervention of the SNV.

The government took steps to recognize legal and administrative documents issued by entities not under the country's control during the 1991-95 war. In July the government reported it received an estimated 24,330 applications for recognition and issued decisions in approximately 95 percent of the cases. During the year the government approved documents in approximately 55 percent of the cases it decided. International observers noted wide discrepancies between regional

offices with average approval rates varying by as much as 50 percent; the variances brought into question the equity of the approval system. The government responded that the discrepancy was due to the lack of documentation available in some regions and took steps during the year to help claimants obtain this documentation, with limited success. During the year Croatia and Serbia met several times within a working group tasked to find adequate legal solutions for problems related to recognition of documents and pension issues. The countries agreed to accept an EU funded expert to help resolve this matter.

As of December, the Croatian government registered the return of 398,427 refugees and internally displaced persons (IDPs) since 1995, 132,921 of whom were minority Serbs. The UNHCR reported that 54 percent of these 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.

The international community, including the UNHCR, expressed concern that changes to the law permitting the donation of state-owned housing to refugees had been implemented in a discriminatory manner, with the vast majority of beneficiaries being either Bosnian-Croats or local Croats with few, if any, ethnic Serbs or other minorities. At year's end the government had not addressed this concern.

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 1995 through the end of November, the total number of requests for housing care stood at 14,688. Of the 8,715 approved requests, housing units have been allocated in 7,979 cases with allocation pending in the remaining 736 cases. Of the total number of requests, 4,804 were made for return to urban areas, among which 1,602 were approved. During the year the Ministry of Regional Development, Forestry, and Water Management completed its 2009 target of 2,070 housing units. The government added an additional 169 cases to this benchmark during the year, as certified by the UNHCR. In September Serb NGOs complained that the government lagged behind in setting any benchmarks during the years of 2010 and 2011, which the NGOs interpreted as a lack of commitment; however, the government portrayed its efforts as significant,

particularly during dire financial times. The government projects its housing care benchmark for 2012 to 2014 will include the allocation of 2,150 additional housing units.

On March 3, the government adopted a decision on housing care for returnees who are former tenancy rights holders in urban areas (i.e., outside of war-affected areas). The government in November extended the deadline for applications for housing care in urban areas to April 30, 2012 as the number of applicants was lower than anticipated (i.e., approximately 500 families encompassing 1,500 individuals). The government conducted an information campaign that consisted of television broadcasts in Serbia and the distribution of 8,000 leaflets through NGO networks in the region. Serb NGOs, including the SNV, complained that these campaigns were insufficient and partly responsible for the relatively small number of applications. The government responded by making presentations, along with the UNHCR, to ethnic Serb refugee organizations in Banja Luka, Bosnia and Herzegovina, and Belgrade, Serbia.

To promote further the return of refugees, and to assist refugees who have already returned, at the end of 2010 the government initiated a program to permit returnees to urban areas to purchase state-owned flats below their market value. This same right was already provided to refugees who returned to less-developed, war-affected areas. However, no transactions were finalized as of December. The SNV welcomed this measure but was unsatisfied that by December clear criteria to measure the years spent as a refugee, which determines purchase price, were still not implemented and that costs were prohibitively high. The Ministry of Regional Development, Forestry, and Water Management in September forwarded to its 10 regional offices instructions on how to calculate these years. The government accepted an obligation to recognize refugee years beginning from the date refugees fled their apartments, signaling a willingness to accept indirect evidence of flight.

Internally Displaced Persons (IDPs)

As of September 2, there were 2,084 IDPs registered with the government; of these, 1,636 were ethnic Serbs. Since this number has not changed since 2008, the UNHCR questioned the accuracy of government figures. These ethnic Serbs were either awaiting recognition as being integrated into their current place of displacement or were waiting for reconstruction assistance from the state. The UNHCR reported in December that there were approximately 1,700 outstanding approved reconstruction assistance requests, most of which were filed by minority

Serbs. The UNHCR expects this assistance will begin when the next regularly scheduled cycle of construction commences in 2012. There are 20 ongoing appeals for this assistance.

Protection of Refugees

Access to Asylum: The country's laws provide for the granting of asylum and refugee status, and the government has a system to provide protection for refugees. The government reported 579 persons applied for asylum through September of the year; of these, seven persons were granted refugee status, and five received subsidiary protection (protection granted to an applicant whose situation is not covered by the 1951 Convention Relating to the Status of Refugees).

Croatia has a well developed asylum system and refugee status determination is conducted for all applicants. Croatia is still perceived as a transit country; with the majority of asylum seekers continuing their journey onward to the EU.

Safe Country of Origin/Transit: The country did not reject asylum applications on the basis of the safe country of origin as the government has not developed a list of safe countries and continues to examine all applications on a case by case basis. According to the UNHCR office in Croatia, a number of third country nationals attempted to enter Croatia illegally, many former asylum seekers in Serbia. Unless these illegal migrants expressly request asylum in Croatia, Croatia returns the majority to Serbia on the basis of a bilateral re-admission agreement. According to the UNHCR, Serbia's asylum system functions poorly as it struggles to accommodate large numbers of applicants and continues to be the nexus for mixed migration flows from Greece and Turkey.

Nonrefoulement: Instances of refoulement were not recorded in 2011. In law and practice the country usually provided effective protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

Stateless Persons

Citizenship is derived by birth in the country's territory or via one parent. 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 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 September that there were 172 other persons at risk of statelessness in the country, mostly as a result of 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 on December 4 took place in a pluralistic environment and were administered in a professional and transparent manner, according to the limited election observation mission of the OSCE Office for Democratic Institutions and Human Rights. The group 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 33 women in the 151-seat parliament and four women in the 22-seat cabinet, including a deputy prime minister and the foreign minister. There were five women among the 13 Constitutional Court justices, including the president of the court and 20 women among the 40 Supreme Court justices, including the vice president.

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. By the next round of local elections due in May 2013, the share of either gender on candidate lists should be no lower than 40 percent. 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 previous laws for quotas. Female candidates made up 30 percent of the “Kukuriku” coalition

candidate list that won parliamentary elections in December, while female candidates made up 22 percent of the HDZ list.

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. Mainstream, nonethnically-based political parties placed ethnic Serbs in some leading positions on their candidate lists. As a result, the new government has a number of ethnic Serb ministers including deputy prime ministers. According to records published by political parties at year's end, the parties remained within campaign spending limits; i.e. 15 million kunas (\$2.6 million) total per party or coalition across Croatia's 10 districts.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the prosecutors and police generally implemented these laws effectively. World Bank governance indices indicate that corruption was a problem in the country.

Prosecutors from USKOK and the police Offices for Suppression of Corruption and Organized Crime were the country's main bodies responsible for fighting corruption. Specialized departments at the four largest county courts in the country heard organized crime and corruption cases. The Ministry of Justice's anticorruption sector continued to monitor the implementation of anticorruption measures throughout the government.

On July 18, former prime minister Ivo Sanader was extradited from Austria based on an investigative warrant against him. Sanader is accused of abuse of office and war profiteering when he served as deputy foreign minister in 1994 and 1995. Specifically, the state prosecutor has charged Sanader for accepting 7 million Austrian schillings in kickbacks (\$658,000 at today's exchange rate) in exchange for facilitating a loan by Austria's Hypo Bank to Croatia for 140 million schillings (\$13 million). Sanader's Hypo Bank trial opened on November 3. In a separate case, the prosecutor also charged Sanader with receiving 10 million euro (\$13 million) in kickbacks from the Hungarian oil company MOL chairman in return for

management rights over the Croatian oil company Industria Nafta (INA). The Zagreb County Court approved the INA-MOL indictment on November 7. On November 8, the court merged these indictments (Hypo Bank and INA-MOL), based on a prosecution request. The combined trial started on November 10.

While pursuing corruption allegations against Sanader in another investigation called the “Fimi Media” case, prosecutors uncovered evidence that the HDZ party allegedly used “illegally obtained funds” to finance party activities. The prosecutor’s office initiated a criminal investigation against the HDZ party and brought an indictment on December 9 against 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 (\$5.4 million) in illegal funding for the HDZ and that Sanader received at least an additional 15 million kunas (\$2.5 million).

In 2010, the last year in which figures were available, 1,101 individuals were reported to USKOK, and of the 1,101 reports, 925 were for corruption. Investigations against 249 of these individuals were initiated, 126 for corruption. A total of 302 individuals were indicted in 2010, 195 for corruption (this figure includes individuals whose investigations were opened in earlier years and 2010). In 2010 the courts pronounced verdicts for 514 individuals; 478 were convicted, or approximately 93 percent. In 2010, of 155 individuals tried for corruption, 140 (more than 90 percent) were convicted.

The law requires public officials to declare their assets. Most government officials complied, although there were questions as to the thoroughness and effectiveness of the system as well as imprecision in the types of assets covered.

The law provides the right of public access to government information; however, NGOs complained that the government did not implement the law efficiently or effectively.

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 were often cooperative and responsive to their views.

UN and Other International Bodies: On June 6, Prosecutor Serge Brammertz, from the Office of the Prosecutor (OTP) for the ICTY reported before the UN Security Council that, in general, timely and adequate responses were received from the government in ICTY's requests for witnesses and evidence. Brammertz noted, however, that "limited progress was made in locating missing military documents from Operation Storm," a large-scale military operation by the armed forces in 1995 against occupying ethnic Serb forces. Brammertz noted that, missing documents notwithstanding, the ICTY was on April 15 able to convict retired Croatian generals Gotovina and Markac of war crimes, including involvement in a "joint criminal enterprise" to expel ethnic Serbs, based on evidence submitted at trial. On December 7, Brammertz stated that "with no ongoing trials involving accused persons my office is making far fewer requests for assistance to the Croatian authorities." He noted that "the limited requests we have made were adequately dealt with by the department for cooperation with international courts." The OTP did express concern over statements from high-level Croatian authorities that "continue to glorify illegal wartime conduct and question the impartiality of ICTY judgments."

Government Human Rights Bodies: In his annual report for 2010, issued in April, the ombudsman for human rights noted that there were 1,823 complaints, 168 more than in 2009. Most of the complaints concerned the length of court proceedings. The ombudsman also noted that administrative bodies, including state ministries, often stymied his work by failing to respond to his letters concerning citizen complaints. During 2010, in 275 unique cases, the ombudsman received an answer only after several months and repeated letters, while in another 62 cases he received no answer at all.

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.

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.

By December total of 52 rape cases were registered by the police, of which about 96 percent were resolved. There were 14 attempted rape cases, of which about 85 percent were resolved. NGO officials estimated that for every reported rape, there were 15 unreported cases. On average, 100 to 140 cases of sexual violence and rape were reported annually. 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 and stigmatization, feared reprisal, or, in cases of spousal rape, were concerned about economic consequences. Victims also were reluctant to report rape, particularly spousal rape, because it was difficult to prove in court and because medical staff, police, and judicial officials were not trained to treat victims. Women's NGOs asserted that sentences for spousal rape tended to be lenient.

Violence against women, including spousal abuse, remained a problem. In 2010, 16 women and two minor girls were killed as a result of domestic violence. The killings received widespread media attention and immediate calls for government action.

The law provides that persons other than the victim, including police, may initiate a complaint of domestic violence, which is treated as a misdemeanor, but could be deemed a felony depending on the severity of the act. Penalties range from fines of 1,000 to 50,000 kunas (\$170 to \$8,565) or up to 90 days in prison for misdemeanor offenses. Under the law perpetrators may face up to five years in prison for the same act if convicted of a felony. The new law on criminal procedure, which came in to full effect on September 1, improved the protection of rape victims. For example, the accused perpetrator's defense counsel is not allowed to question victims about their sexual past, and a prior relationship with the alleged perpetrator can no longer be considered. In addition, victims may choose to be interrogated by a woman or a man and may testify via video-link to avoid meeting the perpetrator. Police tended to classify domestic violence against women as misdemeanors, resulting in minimal sentences, particularly in cases of spousal rape. Police officers in most urban areas were trained to handle family violence and provide quick intervention, secure victims' safety, and remove alleged perpetrators from families. In rural areas police officers were generally less well trained to handle such cases.

According to a survey published in 2010 by Women's Room and the Office for Gender Equality, the majority of female victims of domestic violence criticized police, courts, and centers for social care as insufficiently helpful. These groups cited a heavy workload as well as a lack of training and space as the main obstacles to assisting victims.

Support for victims of domestic violence was limited. In general private donations financed most services. NGOs and local governments operated 17 shelters. In March seven NGOs led by the Autonomous Women's House running shelters for female victims of domestic violence launched an informal initiative to introduce a law that would secure consistent and permanent financing of these shelters. The government in conjunction with county, city, and civic organizations financed shelters and counseling centers for victims of domestic violence. The ombudsman for human rights reported that just over 2 million kunas (\$343,000) was paid during the year to NGOs running shelters for victims of domestic violence. Hotlines, counseling, and legal assistance were available to domestic violence victims.

Sexual Harassment: The law prohibits sexual harassment in the workplace; however, it remained a problem. According to trade unions, the problem was most pronounced in the textile, leather, trade, and catering industries. The ombudsman for gender equality and unions reported that her office worked on many sexual harassment cases, although many women were reluctant to take action due to fear of reprisal. In 2010 a court handed down the country's first conviction for sexual harassment in the workplace, sentencing one defendant to six months in prison for making repeated sexually harassing comments over a three-year period. A second defendant was given a four-month suspended sentence for harassing a female employee. Local union representatives believed the verdicts would set an important precedent.

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.

According to the UNDP, the number of women reported to have HIV infections was significantly lower than that of men, but women and men were diagnosed and treated equally. However, women living in rural areas and working from home

were believed to be less aware of the need for and location of testing than their male counterparts. Men and women were equally diagnosed and treated for sexually transmitted infections.

Discrimination: Women generally held lower paying positions in the work force. In April the Croatian Statistics Bureau's annual report *Women and Men in Croatia* noted that women earned on average 12 percent less than men in most sectors, both private and public. Women were also more likely to be unemployed. Between October and December of 2010, the ombudsman for gender equality conducted a survey of three large Croatian companies which found a lack of women in upper management positions, even though women generally achieved a higher level of education than men.

The Office for Gender Equality was responsible for implementing the law on gender equality and formulating the government's gender policy; the ombudsman 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 April, the ombudsman noted that most individual discrimination complaints were related to labor and social rights, while complaints were primarily directed against state institutions and other legal persons rather than individuals.

On July 15, parliament adopted the National Policy for Gender Equality for 2011-2015. The policy introduced several new features, including a chapter on women in sports that requires equal representation in management structures and better protection against violence in sports.

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 are 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, including in Beli Manastir and Slavonski Brod, were citizens of another former

Yugoslav republic and were often only able to acquire Croatian citizenship 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 enrolling in schools. While statistics were unavailable, the problem was believed to be widespread.

Child Abuse: Child abuse, including sexual abuse, was a problem. In the first nine months of the year, the ombudsman for children reported 1,043 new complaints of individual violations of children's rights. In December 2010 the country joined the Council of Europe's 18-month campaign to curb the sexual abuse of children. The campaign used billboards, leaflets, and media to raise awareness, and included capacity building for police officers, teachers, medical, and social welfare workers to assist victims. The government continued its campaign launched in 2008 in cooperation with the Council of Europe to prevent corporal punishment.

Child Marriage: While statistics were unavailable, child marriage was believed to be a problem in the Romani community. Common law marriages between persons 16 years of age and older were customary, often prompted by pregnancies. In some cases 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. 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 can 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.

In 2010, the last year for which data was available, the Office of Chief State Prosecutor received 27 reports of sexual intercourse with minors and children and convicted 19 persons for the crime. Prosecutors also had 86 reports and 79 convictions for lewd behavior involving a child or a minor, six reports and six convictions of abusing children for pornography, and 21 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

The country's Jewish community numbered approximately 2,300. Anti-Semitic vandalism and acts with anti-Semitic overtones were reported during the year.

On December 28, there were memorial masses in Zagreb and Split that many believe honored Ante Pavelic, the fascist head of the so-called "Independent State of Croatia," a quisling, 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 to 390,000 Serbs, 32,000 Jews, and 26,000 Roma, as well as thousands of other civilians. An official with the Croatian Bishop's Conference stated that the masses were "privately organized." In response to the masses President Josipovic said, "we are aware of all crimes committed in the name of Ustasha ideology and have always condemned such phenomena. The entire state leadership, regardless of party affiliation, pays honor to the victims of Pavelic's ideology." Simon Wiesenthal Center Director Efraim Zuroff in Jerusalem condemned the ceremonies, and described them as "a shame for Croatia and the European Union."

On May 29, unknown persons sprayed anti-Semitic graffiti on the door, walls, and display window of the Jewish Community Center in Split. The graffiti also included the fascist slogan "Juden raus" ("Jews out" in German) and offensive references to current and former Croatian presidents Josipovic and Stjepan Mesic, both vocal opponents of fascism. The graffiti were signed with the name of the Split soccer team fan club Torcida and the ultra rightist Croatian Pure Party of Rights. Police investigated but reported no results by the end of the year.

Trafficking in Persons

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

Persons with Disabilities

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. The law provides for grants of 2,200 kunas (\$377) in monthly compensation to the

unemployed parents of children with disabilities. The law also provides compensation to foster care families.

During the year 862 persons with disabilities found employment, while 5,903 remained unemployed. Almost 68 percent of unemployed persons with disabilities were unemployed for more than a year.

The ombudsman for persons with disabilities reported the majority of complaints received by her office in 2010 involved welfare and pension payments (22 percent), accessibility (12 percent), followed by work and unemployment, legal matters, and health care (9 percent each). The ombudsman viewed the lack of community-based services and underdeveloped disability compensation as the main obstacles to implementing the National Plan for Deinstitutionalization and Transformation of Social Welfare Homes adopted in March. The office actively cooperated with NGOs dealing with persons with disabilities.

In a letter to former prime minister Kosor on January 20, Human Rights Watch and the Mental Disability Advocacy Center criticized the government for doing little to deinstitutionalize persons with intellectual or mental disabilities. According to the letter, 9,000 persons with intellectual or psychosocial disabilities remained institutionalized; this number is expected to increase.

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.

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 are the largest minority ethnic group in the country, accounting for approximately 4.5 percent of the population according to the latest disaggregated census figures available from 2001. During the year ethnic Serb organizations received only isolated reports of physical assaults and vandalism directed against Serbs. Discrimination continued against ethnic Serbs in several areas, including the administration of justice, employment, and housing.

Ethnic Serbs in war-affected regions were particularly subject to societal harassment and discrimination. In July police pressed criminal charges against six ethnic Serbs in the village of Podgorje in the Gvozd municipality near the border with Bosnia and Herzegovina for violent behavior and threats to an ethnic Croat family. The alleged incident occurred during a birthday party at the local community center attended by Serbs, Croats, and Bosniaks. A Bosnian Croat couple called police to complain that some partygoers were singing Serb nationalist songs and had threatened ethnic Croat guests. Police initially found nothing wrong, but a week later interrogated and charged six ethnic Serbs. Serb minority media reported that the belated police actions were a result of pressure by local associations of Croatian war veterans.

Minority NGOs noted that hate speech against ethnic Serbs continued not only at sporting events, but also in print and electronic media including the mainstream press. Serb representatives also criticized a speech by then prime minister Kosor on August 5 at the ceremony marking Croatian Veterans Day as “dangerous hate speech.” In the speech, Kosor expressed solidarity with Croatian generals Ante Gotovina and Mladen Markac, whom ICTY found guilty of crimes against humanity and war crimes in a first instance verdict.

Then minister of interior Tomislav Karamarko banned a monument prior to its October 2 unveiling in the village of Golubic, near Knin. The monument was planned by the Belgrade-based Association of Croatian Serb Refugees to commemorate ethnic Serbs killed or gone missing during the 1991-95 war. The minister cited fears that the monument would provoke ethnic disturbances in the area. A local Croatian veterans’ branch claimed that the monument included the names of the ethnic Serb militia members, in addition to civilian victims.

According to Serb NGOs, local authorities sometimes refused to hire qualified ethnic Serbs even when no ethnic Croats applied for a position. Serb minority representatives said that affected persons seldom took such decisions to administrative courts, because proceedings can take years and a court decision in their favor would still not obligate the authorities in question to hire the applicant.

The law provides for proportional minority employment in the public sector in areas where a minority constitutes at least 15 percent of the population; however, the government for the most part did not observe the law in practice. In September Serb representatives noted that ethnic Serbs continued to be underemployed in

government agencies, seldom reaching one percent, except in the Ministry of Justice (1.53 percent) and Ministry of Culture (1.23 percent). In 2010 the SNV issued a survey showing that the number of ethnic Serbs employed in state administration and the justice sector has been in decline since 2008.

While ethnic minorities have the right to establish schools, seven ethnic Serb elementary schools applied for but did not receive official recognition as of September due to administrative obstacles that ethnic Serb NGOs considered a sign of a lack of political will on the part of the government. This lack of official recognition made normal scholastic operation difficult.

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 central Croatia. Similarly, some ethnic Serb owners of damaged homes reconstructed by the government awaited years to be connected to electricity or water supplies, even though such services were available in nearby neighborhoods inhabited by Bosnian-Croat settlers who relocated to Croatia during or after the war.

Societal violence, harassment, and discrimination against Roma continued to be a problem. While only 9,463 persons declared themselves to be Roma in the most recent, i.e., 2001 census, officials and NGOs estimated that the Romani population was between 30,000 and 40,000.

In 2010 three off-duty police officers severely beat a 20-year-old Roma at a gas station in Karlovac. In June the Karlovac Municipal Court convicted one of the officers and gave him a one-year suspended sentence.

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, while the government estimated 20,000 to 30,000 Roma received some form of social assistance; roughly more than 90 percent of Roma were believed to reside in Croatia. According to the government office for national minorities, Roma social development indicators differ significantly throughout Croatia 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. According to the Ministry of Science, Education, and Sports, the number of Romani elementary students increased to 4,723 in 2010-2011 up from 4,435 reported in 2009-10. There are 4,915 Romani children registered for the 2011-2012 school year. The number of Romani children enrolled in preschool education for the 2010-11 school year was 799, a 36-percent increase over the 588 enrolled during the previous year. The number of Romani high school students enrolled in the 2011-12 was 425, a 33 percent increase over the 327 enrolled during the previous year. The government co-funded approximately 776,000 kunas (\$133,000) for kindergarten and preschool fees during the 2010-11 academic year for 400 children across 49 kindergartens. The government distributed 363 scholarships to Romani students in high school, while the number of Romani students receiving scholarships for university-level studies slightly increased to 29 from 26 in the previous school year.

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-year's salary to employers who hired Romani workers. The government joined the EU in building infrastructure in Romani settlements in the Medjimurje region where there is a significant Romani population. By September the government had contributed 5.2 million kunas (\$891,000) to EU projects in five settlements in the area. In August the government signed a contract to renew infrastructure in two remaining Romani settlements in Medjimurje, in which it provided \$675,000, or 25 percent of the total funding.

The National Minority Council received approximately 42 million kunas (\$7.2 million) for minority associations' cultural programming, including printing communications materials, during the year.

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

There was an increase in societal violence and discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons.

On June 11, the first LGBT Pride march in Split took place. Media reported that up to 10,000 anti-gay counter-protesters vastly outnumbered the marchers. Pride organizers warned local and government police that anti-gay groups were plotting violence and spreading hate speech via graffiti, leaflets, and the Internet, including on Facebook, where thousands voiced their discontent with the event. The organizers claimed that officials ignored these warnings and that police were sympathetic to the protesters. Organizers further claimed that police initially prevented them from gathering for the march. According to the marchers and video from the event, police allowed the protesters to pelt the marchers, who numbered in the hundreds. The organizers claimed police permitted protesters to collect projectiles in plain view along the entire route of the parade. The marchers were pelted with incendiary devices, bricks, large rocks, eggs, tomatoes, and ashtrays. Marchers received taunts of “death to faggots,” “gypsies,” and “we’ll kill you,” and some anti-gay protesters gave fascist salutes. Police arrested more than 100 anti-gay protesters. President Josipovic and then prime minister Jadranka Kosor condemned the violence, but Split Mayor Zeljko Kerum said afterwards that marchers should have expected the reaction they received. The government’s Office for Gender Equality, which financed gay Pride events in Split and Zagreb, also condemned the violence.

Following the Split event, the 10th annual gay Pride parade was staged in Zagreb. Approximately 4,000 marchers, including prominent politicians, participated in the rally. There were 17 reported arrests for disorderly conduct, and media reported that it was the best-attended and best-protected Pride event in the country’s history.

Societal discrimination against LGBT persons frequently was manifested by insults, stereotypical jokes, and societal prejudices. According to LGBT NGOs, the International Football Federation (FIFA) fined Vlatko Markovic, president of the Croatian Football Association, for stating that, while he is president, gay men will not play soccer for the country’s team.

Other Societal Violence or Discrimination

Societal discrimination against persons with HIV/AIDS remained a problem. The NGO Croatian Association for HIV (HUHIV) reported dentists and general practitioners at times refused to treat HIV-positive patients, and some hospitals postponed surgery because doctors were reluctant to operate on them. HIV-positive patients who did not go through the infectious disease hospital were often

made to wait for treatment, and doctors sometimes delayed surgery indefinitely. There were allegations that transplant centers refused to place HIV-positive patients on their lists of potential organ recipients. Additionally, HUHIV stated that many HIV-positive patients' right to privacy had been violated while other patients feared their HIV status would be shared without their consent.

While HUHIV does provide an anonymous hotline, they stated that 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 contain discriminatory provisions against HIV-positive individuals. There are legal provisions that proscribe testing under medical supervision for certain professions and, in certain cases, restrict employment for prisoners and HIV-positive persons. Although the number of cases is low, HUHIV indicated that cases of discrimination are due to insufficient enforcement of privacy laws, lack of consistent, adequate medical care, and discrimination in school or the workplace. HUHIV specifically criticized regulations forbidding HIV-positive persons from working as police officers. It asserted that the lack of appropriate sex education in schools led to discrimination and stigmatization of persons with HIV/AIDS, and children often had incorrect perceptions about the risk of contracting HIV.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

Most workers, including police but excluding active military personnel, are entitled by law to form or join unions of their choice without previous authorization or excessive requirements. However, the International Trade Union Confederation (ITUC) noted that the overwhelming majority of recently employed workers are employed on a short-term basis and fear their contracts will not be renewed if they attempt to unionize. Moreover, the ITUC claims the government used the pretext of EU requirements to introduce labor market liberalization to the detriment of worker rights. 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. 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.

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.

Unions generally were independent of the government and political parties, although the Labor party, which in December won six seats in parliament, is 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 is abridged, with small enterprises not upholding the right to collective bargaining.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, but there were incidents in which adults and children were subjected to forced begging and labor, including migrant men in the agricultural sector.

Also see the Department of State's annual *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. Minors under the age of 15 may work if they receive prior approval from the state labor inspectorate and if it is determined that the child is not expected to suffer physically or mentally from the work. Approval is 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. Labor law

amendments that went into effect on January 1 further impose strict regulations on the employment of minors, forbidding their employment in work environments that could pose health threats. 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 Labor Inspectorate recorded 51 violations of labor-related laws involving children under the age of 17. Of these violations, one involved children under the age of 15. Violations occurred mainly in the hospitality, tourism, retail, food, industrial, services, and construction sectors and were related to working overtime or past curfew and wage miscalculations.

The law proscribes the worst forms of child labor, including trafficking in children. The national 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 has 111 inspectors whose duties include inspection for illegal employment of minors. 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. Children, particularly from the Romani community, continued to be exploited in the worst forms of child labor, including agriculture and forced begging.

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 (\$482) per month; the net minimum monthly wage is between 2,000 and 2,200 kunas (\$342 and \$377), depending on exemptions. The government's official monthly income poverty line is 2,100 kunas (\$360) for single households and 4,410 kunas (\$755) for a four-person household. The government enforced the minimum wage.

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.

Since 2009 numerous companies were not able to make payment to their workers. The Ministry of Finance estimated that 18,000 to 25,000 people did not receive their salaries at some point in 2010. However, a prominent union representative stated that this trend is declining.

The inspectorate reported that it shut down 650 firms for periods of at least 30 days during 2010 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. The labor inspectorate noted that, although its officers continued to increase their inspections and reporting of violations, the courts did not hand down punishments commensurate with the seriousness of the violations, and therefore the inspectorate's actions were ineffective. The inspectorate intensified cooperation with the Ministry of Interior, which led to increased inspections and resulted in greater numbers of violations identified in 2010.

The law provides for a standard workweek of 40 hours. Workers are entitled to a 30-minute break daily, one day off out of seven, and a minimum of four weeks of paid vacation annually. The law entitles workers to time-and-a-half pay for overtime and limits overtime to eight hours per week. The labor inspectorate must be notified if overtime work by an employee continues for more than four consecutive weeks or for more than 12 weeks during a calendar year or if the combined overtime of employees of an employer exceeds 10 percent of the total working hours in a particular month. Pregnant women, mothers with children less than three years of age, and single parents of children under six years of age may work overtime only if they freely give written consent to perform such work. An amendment to the labor law that went into effect on January 1 further requires pregnant women to obtain a note from a doctor indicating their fitness to work overtime and that such work would not adversely affect their health or that of the fetus.

In 2010 the inspectorate processed 15,776 violations of the labor law. After processing, the inspectorate sent 6,736 violations to misdemeanor courts for proceedings. Infractions included violations related to labor contracts, payment for work, annual leave, and unpaid and unreported overtime. In 2010 authorities sent 19 criminal proceedings against employers to municipal prosecutors.

The government set health and safety standards, which the Health Ministry enforced; its inspectorate has jurisdiction over enforcement of health and safety

laws in the workplace. In practice many industries often did not meet worker protection standards. In 2010 the inspectorate initiated 3,428 requests for misdemeanor proceedings covering 6,736 violations of safety standards. During 2010 courts handed down 4,944 decisions for misdemeanor acts involving workplace safety, primarily involving 2007-2008 cases. The inspectorate expressed concern that of the 11,932 misdemeanor cases relating to worker safety reported over the past few years, 4,351 have been thrown out of court due to surpassing the statute of limitations.