

CROATIA

The Republic of Croatia is a constitutional parliamentary democracy with a population of 4.4 million. Legislative authority is vested in the unicameral Sabor (parliament). The president serves as head of state and commander of the armed forces, cooperating in the formulation and execution of foreign policy; he also nominates the prime minister, who leads the government. Domestic and international observers stated that presidential elections held in December 2009-January 2010 were in accordance with international standards. Security forces reported to civilian authorities.

There were reports of prison overcrowding, large backlogs of unresolved criminal and civil cases, ineffective prosecution of some domestic war crimes trials, lack of progress in restoring nationalized property to the Serb Orthodox Church and Coordination of Jewish Communities in Croatia, incidents of societal violence and discrimination against ethnic minorities, particularly Serbs and Roma, violence and discrimination against women, trafficking in persons, violence and discrimination against gays and lesbians, and discrimination against persons with HIV/AIDS.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports the government or its agents committed arbitrary or unlawful killings. There were no killings of police officers in the line of duty.

b. Disappearance

There were no reports of politically motivated disappearances.

In December the government reported 1,853 persons remained missing from the 1991-95 military conflict, including an estimated 831 ethnic Serbs, the majority of whom went missing in 1995. During the year the government investigated 39 possible mass and individual gravesites, resulting in the exhumation of the remains of 53 persons, 51 of whom were believed to be ethnic Serbs. The government identified the remains of 63 persons found earlier, 52 of whom were ethnic Serbs.

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The government continued to cooperate with the International Commission of Missing Persons (ICMP), with which it exchanged 7,039 blood samples. These exchanges led to the identification of the remains of 223 persons since 2004. To date the government has exhumed 4,589 bodies and identified 3,691 missing persons, including the 223 remains identified through the exchange of blood samples.

The government handled all exhumations and identifications, while the International Criminal Tribunal for the former Yugoslavia (ICTY) monitored only the sites related to cases it investigated. The ICMP assisted in the identification of remains. The Organization for Security and Cooperation in Europe (OSCE), the International Committee of the Red Cross (ICRC), and experts from Serbia and Bosnia and Herzegovina also monitored certain exhumations.

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

The constitution and law prohibit such practices, and the government generally respected these provisions in practice.

On March 25, three off-duty police officers severely beat and injured a 20-year-old Roma at a gas station in Karlovac (see section 6).

Prison and Detention Center Conditions

Prison and detention centers were overcrowded.

The prison system has a capacity of approximately 3,500 persons, but there were an estimated 5,000 inmates in prisons, penitentiaries, and juvenile detention institutions at the end of the year. Of the 5,000 inmates, 225 were women. There were 107 juvenile prisoners.

The country has an ombudsman for human rights, who regularly visited prisons throughout the country to assess conditions. According to the ombudsman, while treatment of prisoners was generally humane, the government was unable to meet fully prisoners' needs for healthcare, hygiene, space and fresh air, and access to work opportunities due to overcrowding.

The ombudsman specifically cited poor ventilation and insufficient outdoor time as problems. While prisoners generally had access to medical care, medical personnel

do not staff all prisons continuously during the week and during vacation times. Access to sufficient psychiatric services and to specialists was a problem. Prisoners have potable water.

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, and in one case subjected a prisoner to disciplinary measures following an oral complaint to the ombudsman. The Central Office of the Prison System Department monitors prison conditions, promptly responds to complaints about prison conditions from the ombudsman's office, and rectifies problems where possible.

The government permitted visits by independent human rights observers, including the ICRC. The ombudsman has no authority to serve on behalf of prisoners to consider such matters as alternatives to incarceration for nonviolent offenders to alleviate overcrowding; addressing the status and circumstances of confinement of juvenile offenders; and improving 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. The ombudsman recommended that certain well behaved prisoners be moved to lower security level facilities or to a prison closer to their home to facilitate family visits.

During the year the government completed construction of a new prison facility in Glina in accordance with a March 2009 Constitutional Court verdict instructing the government to adjust prison capacity in Zagreb's main prison to meet present needs within five years. The facility was designed to provide room for 420 prisoners.

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 national security; in times of disorder, the prime minister and the president may call upon the military to provide

security. The intelligence service is under the authority of the prime minister and the president. An independent oversight board monitors intelligence service performance.

On March 12, the Zagreb County Court sentenced Mladen Slogar to 30 years in prison for the 2008 killing of Ivana Hodak. During the trial prosecutors claimed Slogar, a homeless man, harbored a personal grudge against the Hodak family. Hodak was a young lawyer and the daughter of Zvonimir Hodak, a prominent criminal defense lawyer. Hodak's killing sparked a public outcry and led to the replacement of the interior and justice ministers within days.

Arrest Procedure and Treatment While in Detention

Police obtained arrest warrants by presenting probable cause to an investigative magistrate; however, police can make arrests without a warrant if they believe a suspect might flee, destroy evidence, or commit other crimes. The police have 24 hours to justify an arrest to a magistrate.

Police must provide those arrested with access to an attorney of their choice within 24 hours of arrest. The magistrate appoints an attorney to represent an indigent detainee if the charges carry a potentially lengthy sentence. The government generally enforced these provisions. For organized crime and corruption cases, prosecutors have the authority to hold suspects for up to 48 hours. In all cases, an investigative judge must decide within 48 hours of an arrest whether to extend detention for further investigation. Investigative detention generally lasts up to 30 days; however, trial courts may extend the period up to 12 months in certain cases. The law allows six months' pretrial detention, but a court may extend it to 12 months in certain cases, primarily war crimes and organized crime cases, at the state prosecutor's request. The courts may release detainees on their own recognizance, but most criminal suspects were held in custody until trial. The option of posting bail after an indictment is available, but detainees did not commonly exercise the right. Detention centers allowed visits by family members.

The law provides that state attorneys have primary investigative responsibilities. The law gives investigative judges the authority to oversee the legality of investigations and detentions, including oversight of human rights issues and supervising relations between prosecutors and defendants. Investigative judges also rule on appeals regarding detention and on the use of such special investigative techniques as surveillance, wiretapping, and raids. The law also provides for a

"supervisor for detention," who is responsible for ensuring the constitutional rights of detainees are not violated.

On April 30, the parliament ratified the Agreement on Execution of Court Decisions in Criminal Matters with Bosnia and Herzegovina, which was negotiated in February. The agreement aims to end the effective impunity resulting from the legal prohibition on extradition of Croatian nationals. The prohibition potentially allows persons with dual citizenship who have been convicted in Bosnia and Herzegovina to reside in the country without fear of extradition. Under the agreement, the sentencing state may request that the execution of the original sentence be enforced by the other state. The agreement excludes in absentia and nonfinal convictions, as well as criminal acts of a political, military, or fiscal nature. However, the agreement does not exclude war crimes, crimes against humanity, and genocide.

During the year the country signed new extradition agreements with Serbia and Montenegro, providing for extradition of each country's nationals in organized crime and corruption cases. The June amendment to the Croatian constitution allowing for the extradition of Croatian nationals to EU-member and other states on a bilateral basis made such agreements possible. The agreements took effect upon signing, but had not been formally ratified by parliament before year's end.

On August 24, the country extradited Srečko Kalinic, who held both Croatian and Serbian citizenship, to Serbia. In 2007 a Serbian court sentenced Kalinic to 30 years for his involvement in the assassination of then Serbian prime minister Zoran Djindjic. Kalinic was the first citizen extradited to a foreign country since Croatia's independence in 1991.

Amnesty

The law permits amnesty except in cases of war crimes. During the year prosecutors reviewed all war crimes cases in which there were indictments or ongoing investigations. For 310 of the 1,284 defendants in these cases, prosecutors either downgraded the 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. In June the Ministry of Justice reported that 778,127 unresolved civil and criminal cases remained before the courts, a decrease of 10 percent from 2009.

Trial Procedures

The constitution and law provide for the right to a public trial, and an independent judiciary generally enforced this right. The legal system uses panels of judges, which in some cases included lay judges, rather than juries to hear cases. 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, enjoy the presumption of innocence, and have the right to appeal.

In January the parliament amended the Law on Legal Aid to simplify the process of attaining free legal assistance. However, nongovernmental organizations (NGOs) and international organizations criticized the law's complex application procedure, strict requirements, and the government's failure to properly compensate legal aid providers for their services, stating that the law seriously limits the access of vulnerable individuals to free legal aid.

During the year prosecutors continued to review all pending war crimes cases and in absentia convictions and apply standard measures to ensure uniform practices without regard to the defendant's national origin.

The law provides for reopening of war crimes cases tried in absentia upon the presentation of new evidence by either the defendant or prosecutor, whether or not the defendant is present in the country. During the year according to the Office of the Chief State Prosecutor, prosecutors requested trials be reopened for 94 of the 464 individuals who had been convicted in absentia, and the courts of original jurisdiction granted requests on behalf of 67 defendants. On appeal the Supreme Court approved reopening the cases of an additional 21 defendants.

During the year the OSCE reported that the Supreme Court issued decisions on appeals in 12 cases concerning 26 individuals (17 ethnic Croats, eight ethnic Serbs and one Bosnian). Of the 27 appeals, the court confirmed 11 decisions concerning seven Croats, three Serbs, and one Bosnian and reversed 12 decisions concerning eight Croats and four Serbs.

In January the Supreme Court reduced the charges against 12 persons convicted in February 2009 for their role in the 1991-92 killings in the village of Miklusevci from "genocide" to "war crimes." However, the court confirmed their sentences, which ranged from four to 12 years' imprisonment for war crimes.

On March 11, the Supreme Court upheld the acquittal of former Croatian Army commander Rahim Ademi of war crimes and reduced, from seven years to six, the prison sentence given to former Croatian Army commander Mirko Norac for war crimes.

On July 30, the Supreme Court upheld the May 2009 war crimes conviction of Branimir Glavas and five codefendants, but reduced their sentences. The court reduced Glavas's sentence from 10 years to eight years. In August a parliamentary committee cancelled Glavas's status as a member of parliament, retroactive to the date of the final verdict in his war crimes conviction. On September 29, a court in Bosnia and Herzegovina upheld the eight-year sentence issued by the Croatian court, and Glavas was arrested the same day. On December 14, an appeals court in Bosnia further upheld the sentence. Along with former general Norac, Glavas was the highest-ranking Croatian ever convicted in a domestic war crimes trial in the country.

On December 10, police arrested suspected war criminal Tomislav Mercep in Zagreb. On December 13, an investigative judge opened a formal investigation and ordered his further detention. During the early 1990s war in the country, Mercep served as an advisor in the Ministry of Interior in command of reserve police units in Pakracka Poljana in Eastern Croatia and in Zagreb. Mercep was charged for personally ordering the unlawful detention, torture, and killings of civilians and for failing to prevent illegal activities by his subordinates.

In January the government established a special committee to monitor and suggest improvements to witness and victim support efforts. Members of the committee come from various ministries, the judiciary, prosecutors' offices, academia, and NGOs. The government established a new Directorate for Probation and Witness and Victim Support in the Ministry of Justice. In July courts took control of four witness and victim support offices (Zagreb, Osijek, Vukovar, and Zadar) from the UN Development Program (UNDP). In July the UNDP and the Ministry of Justice signed an agreement on a second phase of the program, intended to facilitate the establishment of witness and victim support programs in the Split, Rijeka, and Sisak county courts.

Since the constitutions of most Southeast European countries involved in the 1991-95 conflict prohibit extradition of their citizens, the country's chief state prosecutor has signed agreements with counterparts in Montenegro and Serbia to enable the transfer of evidence in such cases, allowing suspects to be tried where they live rather than where the alleged crime was committed. During the year the country transferred evidence in two cases covering six defendants to Serbia. There were no transfers of evidence to Montenegro.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Regional Human Rights Court Decisions

In 2009 the European Court of Human Rights (ECHR) issued 19 judgments involving the country, 16 of which found at least one violation by the state of the European Convention on Human Rights. The court found seven violations by the country of the right to a fair trial, six violations regarding the length of legal proceedings, three violations each of the right to respect for privacy and family life and protection of property, two violations of the right to an effective remedy, and one violation each of convention provisions concerning the right to life, inhuman or degrading treatment, lack of effective investigation, and the right not to be tried or punished twice.

During the year there were 30 decisions on admissibility of cases involving the country before the ECHR, of which the court found four partially admissible.

In March the ECHR Grand Chamber ruled the state had violated its obligations under the European convention in a case involving school discrimination against 15 Romani children (see section 6).

On December 9, the ECHR ruled the country discriminated against three Christian religious communities by not affording them some of the rights that they would be entitled to if they qualified for a special agreement with the state. Communities with more than 6,000 members or that existed in the country before 1941 are entitled to state agreements that provide some funding for salaries and pensions of religious officials, recognition of marriages conducted within the faith, and regulation of public school catechisms among other things. The ECHR ruled that

the country should compensate each of the three communities 9,000 euros (\$11,926).

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters, although continuing case backlogs raised concerns about judicial effectiveness and efficiency. In March the human rights ombudsman reported that his office received 1,655 complaints in 2009 related to administrative and judicial proceedings, 334 of which dealt with the judiciary. Unlike in previous years, when the majority of complaints concerned lengthy proceedings, most of the complaints in 2009 involved verdicts perceived to have been unjust. The ombudsman noted there was an increase in the number of groundless complaints during the year.

Property Restitution

During the year the government endeavored to return private properties to their rightful owners. However, the property law gives precedence to the rights of temporary occupants, mainly ethnic Croats, over those of the original owners, who were predominantly ethnic Serbs. In nine cases owners could not repossess their homes and were waiting for completion of administrative procedures.

Restitution of property seized during World War II and the Communist era 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 at the time parliament passed the law. As a result, the law does not apply to persons who had property expropriated but left the country and became citizens of other countries. Many claimants subsequently acquired Croatian citizenship but were blocked by law from filing claims.

Restitution of communal property remained a problem for the Serb Orthodox Church and the Coordination of Jewish Communities in Croatia, the umbrella organization representing the main Jewish Community of Zagreb and smaller communities throughout the country. In addition, representatives of the Jewish community complained about a Ministry of Justice decision in March that denied the community the right to the title for property previously restituted.

- 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. Direct government efforts to influence the media were rarely reported except at the local level.

There were reports that local officials influenced media coverage. There were also reports of commercial interests using advertising revenue to influence press coverage and prevent the publication of negative articles, and that the media in turn threatened to publish negative stories about businesses to extort money from them.

Journalists reported practicing self-censorship. They expressed the fear of being singled out for staffing cuts if they were to write articles critical of advertisers.

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.

Individuals may freely criticize the government publicly or privately without reprisal.

A wide range of private newspapers and magazines was published without government interference. Media ownership was not fully transparent, enabling political or other interests to conceal their influence on media outlets.

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 them with advertising revenue.

Local governments partly or fully owned approximately 70 percent of the local media, making local broadcast media particularly vulnerable to political pressure.

Approximately 46 percent of local radio stations depended on the financial support of local authorities.

On August 5, a group of neo-fascists attacked a Croatian Television (HRT) crew at the annual celebration in Cavoglave, Dalmatia of the 1995 military operation that defeated separatist ethnic Serb forces in the country. The Croatian Journalists Association released a statement the following day criticizing the police reaction for being slow and unresponsive. Following broadcast of HRT footage of the attack, police identified several of the alleged attackers and filed criminal charges against one of them and misdemeanor charges against several others. As of year's end, the individual who was criminally charged was still awaiting a court hearing.

On December 22, authorities arrested four persons suspected in the June 2008 beating of investigative journalist Dusan Miljus. The four were arrested as part of a wider sting operation aimed against organized crime. One has been charged with the attack on Miljus and was awaiting a court hearing.

The trial of Joca Amsterdam for the 2008 killing of Ivo Pukanic, a publisher and co-owner of the NCL Media Group, began in April. The trial was held in Serbia because of Serbian government restrictions on the extradition of its nationals. The trial continued at year's end. On November 3, six accomplices on trial in the country were convicted on charges of aiding, abetting, and committing murder. Their sentences ranged from 15 to 40 years' imprisonment.

On December 20, the Split Municipal Court, on appeal, sentenced former Makarska municipal court judge Predrag Trutin, to six months in prison for the 2006 beating of Andjelko Erceg, the editor in chief of the local weekly *Makarska Kronika*. This appeal followed a March local court ruling in which Trutin was acquitted of the charges.

There was intense public debate after the Serbian minority newspaper *Novosti* published in its October 8 weekly edition a controversial cover for a story regarding the September 23 crash of two Croatian MiG-21 fighter planes in the central part of the country during training. The headline, "Both of them, both are down," was an echo of a famous phrase spoken by a Croatian soldier in 1991 during the war with Serbia after Croatian forces shot down two Yugoslav fighter jets. Minister of Defense Branko Vukelic strongly condemned the cover as "an insult to all Croatian veterans and well-meaning citizens of the Republic of Croatia." Following his statement *Novosti* received threatening phone calls. President Josipovic condemned the threats but also stated that he did not like the

cover and thought the publisher should reconsider its editorial policy. Media reports questioned whether Vukelic and Josipovic's statements undercut freedom of expression. As a minority paper, *Novosti* receives some government financing. Over a month later, the board of *Novosti* replaced the editor-in-chief.

Libel is a criminal offense. During the year there were no reports of politically motivated libel cases. 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.

Internet Freedom

There were no government restrictions on access to the Internet or reports the government monitored e-mail or Internet chat rooms. In general individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet access was widely available and used by citizens throughout the country. During the year there were no reports that the government collected, requested, or obtained the personally identifiable information of persons in connection with peaceful expression of political, religious, or ideological opinion or belief. An estimated 51 percent of the country's inhabitants used the Internet.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

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 foundations. While authorities applied the law equally to all organizations, the law itself was seen by observers 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.

On July 10, police arrested and detained an estimated 140 persons who were reportedly peacefully protesting the destruction of a historic part of Zagreb to construct an entrance ramp for a shopping center. The international NGO Amnesty International (AI) stated that the arrests and detentions were an unnecessary restriction of the right to freedom of peaceful assembly. AI called on the authorities to guarantee the right of freedom of assembly.

c. Freedom of Religion

For a complete description of religious freedom, see the *2010 International Religious Freedom Report* at www.state.gov/g/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.

The law prohibits forced exile, and the government did not employ it.

Refugees returning to the country as citizens of another former Yugoslav republic, rather than as Croatian citizens, encountered obstacles obtaining permanent residency status. The law permits former habitual residents who returned and applied by June 2005 to be reinstated to their prewar status as habitual residents without further requirements, and they could subsequently apply for citizenship. However, the government did not consistently apply this provision, resulting in uncertainty and delaying the integration of returnees. The law exempts refugees from the republics of the former Yugoslavia from the rigid citizenship requirements of the previous law. However, the UNHCR criticized the government's implementation of the law and maintained that returning refugees

faced undue hardship and delay in obtaining citizenship. NGOs reported positive feedback concerning the law from returnees who were able to acquire citizenship.

The government took steps to recognize or "convalidate" legal and administrative documents issued by entities not under the country's control during the 1991-95 conflict. In November the government reported receiving an estimated 23,000 applications for "convalidation" and issuing decisions in approximately 89 percent of the cases. The government approved documents in approximately 56 percent of the cases that it decided during the year, rejecting 44 percent of the applications for convalidation. International observers noted there were wide discrepancies between regional offices with average approval rates varying by as much as 50 percent, bringing into question the equity of the approval system. The government stated the discrepancy was due to the lack of documentation in some regions and took steps during the year to obtain this documentation, with limited success.

As of September the UNHCR had registered the return of 389,185 refugees and internally displaced persons (IDPs), of which 132,707 were minority Serbs. The total included 302 persons who returned in the first nine months of the year. The UNHCR reported that 54 percent of total returns were sustainable, while the remainder were either one-time or "commuter" returns. International organizations listed the poor state of the regional economy, lack of employment, and delays in access to permanent housing for the former tenants of socially owned apartments as the main obstacles to return. In addition, many refugees chose to settle in their countries of refuge.

Repossession by Serbs of housing that once belonged to them was almost complete. There were instances in which persons were discovered attempting to use the courts to recover alleged investments made while illegally occupying the property, and 19 such cases were pending in the courts. The government remained reluctant to offer settlements before the cases reached a court.

During the year the government 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. As of November individuals submitted 14,006 claims for government-provided housing under the program, 4,590 of which were in urban areas. According to the UNHCR, from 1995 through the end of November, the government allocated 6,538 housing units, mainly in war-affected areas. During the year the Ministry of Regional Development, Forestry, and Water Management delivered 798 housing units to returnees, approximately 38.5 percent of its 2009 target of 2,070 housing units.

On June 22, the European Committee of Social Rights found that the question of restitution or compensation of occupancy and tenancy rights does not fall within the scope of Article 16 of the European Social charter (the right of the family to social, legal, and economic protection, which includes housing) and that the country does not have an obligation to reconstitute or compensate for loss of dwelling former occupants or tenants who do not return to the country. At the same time the European Committee of Social Rights found the country to be in violation of two other areas covered by the same article: failure to implement the housing program within a reasonable timeframe and failure to take into account the heightened vulnerabilities of many displaced families and of ethnic Serb families in particular.

In response to a March 2009 decision by the UN Human Rights Committee against the country regarding the lost occupancy and tenancy rights of a former refugee who fled the country during the 1990s Balkan wars, the government offered an apartment as compensation. The returnee turned down this offer and one other due to the size and location of the apartments; the government subsequently offered him a third apartment.

Internally Displaced Persons (IDPs)

Authorities took an inconsistent approach in their treatment of minority IDPs. As of September 2, there were 146 IDPs registered with the government; of these 1,638 were ethnic Serbs. Since this number has not changed since 2008, the UNHCR questioned the accuracy of government figures. The Serbs were either waiting to be recognized as integrated in their current places of displacement or to receive reconstruction assistance from the state.

The government allowed free access to all displaced persons by domestic and international humanitarian organizations and permitted them to provide assistance.

Protection of Refugees

The country's laws provide for granting asylum or refugee status, and the government has a system to provide protection for refugees. Persons seeking protection generally considered the country a place of transit, and a significant number of asylum seekers left the country before the courts decided their claims. International observers criticized the government for delays in making initial decisions for asylum seekers.

In law and practice the country 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.

The government reported 182 persons applied for asylum through November of this year; of these, five persons were granted refugee status, and eight received subsidiary protection (protection granted to an applicant whose situation is not covered by the 1951 Convention relating to the Status of Refugees). There was a reception center for asylum seekers in Kutina, near Zagreb.

On July 2, the parliament amended the law on asylum, a necessary step in the country's EU accession bid. The amendments extended the length of subsidiary protection from one year to three and extended the right to accommodation for persons granted protection from one year to two. The law expanded access of persons granted protection to public health care, education, and employment. The law also expanded the role of the appeals commission, making it more independent; the commission is scheduled to be replaced in 2012 by an administrative court that oversees asylum appeals. The UNHCR closely followed cases of individuals whom the government deported or whom authorities returned to their country of origin.

There were no reports of persons requesting temporary protection during the year.

Stateless Persons

Citizenship is derived by birth in the country's territory or from one of the parents. According to UNHCR statistics, there were 237 stateless persons in the country as of the end of 2009. However, according to the UNHCR and Roma NGO estimates, there were 1,000 stateless Roma in the country and an additional 2,000 of unidentified citizenship. Most stateless Roma were from other areas of the former Yugoslavia and had difficulty providing documents needed to register as Croatian citizens. Stateless Roma had problems accessing state services. In October 2009 the UNHCR, supported by EU funding, entered into a joint project with the human rights ombudsman's office that sought to regularize the legal status of Roma in the country. During the year 242 people were assisted either with civil registration or access to basic rights. One person obtained citizenship through the help of the program.

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

Political parties could operate without restriction or outside interference.

In presidential runoff elections held on January 10, Ivo Josipovic, candidate of the center-left Social Democratic Party (SDP), defeated Milan Bandic, the independent mayor of Zagreb, to become the country's third president. While noting progress in the work of most institutions involved, Citizens Organized to Observe Elections (GONG), the country's leading election-monitoring NGO, observed that the electoral process had not been fully transparent, primarily due to inadequate regulation of campaign financing and outdated lists of out-of-country voters.

In June the parliament fixed the number of representatives elected by the estimated 400,000 registered voters living abroad to three, thus changing the previously stipulated nonfixed quota, which had typically resulted in four to six "diaspora" representatives. This number was a result of a political compromise between the governing party and the main opposition party. The opposition party wanted the diaspora to have less influence in elections.

There were 39 women in the 153-seat parliament. There were two women in the 19-seat cabinet, including the prime minister. There were five women among the 13 Constitutional Court justices, including the president of the court, and 19 women among the 40 Supreme Court justices.

Ethnic minority groups including Serbs, Bosniaks, Czechs, Slovaks, Italians, Hungarians, Jews, Germans, Austrians, Ruthenians, Ukrainians, Slovenes, Montenegrins, Macedonians, Russians, Bulgarians, Poles, Roma, Romanians, Turks, Vlachs, and Albanians are guaranteed a minimum of eight representatives in the parliament. In June the parliament adopted amendments to the Constitutional Law on National Minorities that would allow members of the ethnic Serb minority, the largest in the country, to vote only in the general elections although the minority is guaranteed a minimum of three parliamentary representatives. These new provisions allow ethnic Serb parties to win a possible fourth seat in the

parliament, although implementation will require changes to the Election Law. Voters from smaller minority ethnic groups have the right to vote both for a representative in the general elections as well as for a minority representative. Previously all members of minority groups had to choose either to vote in the general parliamentary elections or to vote for one of the minority representative seats.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not always implement the laws effectively, and corruption remained a serious problem.

Corruption cases in the country involved nearly all segments of society, the economy, and government, with a nexus of institutions – primarily in health care, university faculties, the judiciary, and public-sector and commercial enterprises – often at the center of corruption cases.

During the year the Office for Suppression of Corruption and Organized Crime (USKOK) reported that 137 persons were indicted for corruption compared with 160 from the previous year and concluded several cases against high-profile government officials, university professors, judges, public servants, and other professionals.

On December 10, former prime minister Ivo Sanader was arrested in Austria based on an international arrest warrant issued after parliament on December 9 stripped his immunity from detention at the state prosecutor's request. Following parliament's decision, a Croatian judge ordered Sanaders arrest and 30 days of pretrial detention to facilitate the state prosecutor's investigation of Sanader for possible corruption. Sanader was awaiting extradition at year's end. No formal indictment was issued, as investigations continued.

On December 6, a Zagreb court found former minister of defense and current member of parliament Berislav Roncevic and his former assistant, Ivo Bacic, guilty of abuse of authority and position for alleged misuse of funds in a 2004 deal to buy 39 trucks for the Ministry of Defense. Roncevic was sentenced to four years in prison and Bacic to two years. They were also ordered to pay 10.2 million kunas (\$1.8 million) in damages to the state budget.

On October 16, Damir Polancec, former deputy prime minister and minister of the economy, was sentenced to 15 months in prison for corruption related to the commissioning of an unnecessary study while he was minister of the economy. On October 19, he pled guilty to a separate charge of abuse of office relating to the installation of lighting for a soccer stadium in his home town. He received a one year suspended sentence for this charge and will serve no time if he does not commit another crime in the next four years. There were two other corruption cases pending against Polancec at year's end. The first involved Polancec and members of the former management board of Croatian food manufacturer Podravka and focused on Polancec's and the board's role in official corruption between 2007 and 2009. The second case centered on potential illegal activities involving the country's power company HEP while Polancec was deputy prime minister from 2005 to 2009. Authorities alleged that Polancec helped a Sibenik-based light metal factory defraud HEP of approximately 600 million kunas (\$107 million). Both of these investigations against Polancec continued at year's end.

On September 29, authorities arrested Mladen Barisic, Chief of the Customs Administration, in connection with allegedly fake tenders amounting to a reported 40 million kunas (\$7.1 million). An investigation continued at year's end.

During the year the Supreme Court ruled on appeals related to the multiyear USKOK anticorruption operation and subsequent trials codenamed "Maestro." On February 17, the court upheld the May 2009 corruption conviction and sentencing to 11 years in prison of Josip Matanovic, a former vice president of the Croatian Privatization Fund. The court also upheld one defendant's sentence of three years' imprisonment and ordered a retrial for several defendants who were convicted in the original May 2009 trial. On May 25, the court ordered a retrial of two individuals acquitted in a March 2009 trial involving corruption in the Privatization Fund. This trial continued at year's end.

On February 1, the Zagreb County Court convicted 19 of 21 defendants of abuse of office, bribes, and brokering illegal deals in connection with the "Index III" corruption case at the University of Zagreb School of Economics. Five defendants, including all of those convicted of taking bribes, received sentences of from 14 to 30 months in prison. Among those sentenced to prison was the highest-profile defendant, economics professor Desa Mlikotin Tomic, who resigned as chair of the parliament's Committee for the Prevention of Conflict of Interest following the initial police raids at the Economics Faculty in 2008. All students accused in the case received suspended sentences, while several professors were prohibited from

serving in academic positions for two to five years. At year's end, an appeal was pending in the Supreme Court.

Appeals of two cases decided in 2009 dealing with corruption at the Transportation Faculty at the University of Zagreb, "Index I" and "Index II," were pending at the Supreme Court.

On March 17, the Ministry of Justice sent a request to authorities in Bosnia and Herzegovina for the detention and imprisonment of Ognjen Simic, based on the agreement reached in February between Bosnia and Herzegovina and Croatia that provides for persons convicted in one country to be imprisoned in the other, should they flee there. Simic, a heart surgeon, fled to Bosnia and Herzegovina in 2008 at the conclusion of his corruption trial. In June a court in Bosnia and Herzegovina, which was deciding on Simic's detention under the agreement, reduced his sentence to two-and-a-half years from the five years imposed under the Croatian Supreme Court's final verdict in 2009. On December 1, the same court upheld this reduced sentence in a retrial after the Supreme Court of the Federation of Bosnia and Herzegovina threw out the June verdict.

During the year the government gave special attention to the legal and institutional framework used to combat corruption, including investigations, prosecution, and interagency and international cooperation. The government worked closely with civil society and the private sector to promote the rule of law in society.

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 and imprecision as to the types of assets covered.

Within the government, the public prosecutor's and police's Offices for Suppression of Corruption and Organized Crime (USKOK and PN-USKOK, respectively) were the main law enforcement bodies responsible for fighting corruption. Specialized panels of judges at the four largest courts in the country heard organized crime and corruption cases. The Ministry of Justice's Anticorruption Sector monitored the implementation of anticorruption measures throughout the government.

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.

The government cooperated with the International Tribunal for the former Yugoslavia (ICTY), based in The Hague. On June 18, ICTY Chief Prosecutor Serge Brammertz stated during his semiannual presentation to the UN Security Council that the country had been "generally responsive to the needs of the Office of the Prosecutor (OTP)" in the first half of the year but that "the issue of the missing important documents related to Operation Storm in 1995 remains outstanding." On July 26, the ICTY Trial Chamber rejected the prosecution's motion for an order compelling the country to turn over missing documents in the Gotovina case after more than two years of litigation. Judge Orić wrote that "the Croatian government in recent years has taken a proactive approach and made substantial efforts to intensify the search for the documents." The Trial Chamber stated that the OTP would be able to renew an application for these documents "if new circumstances arise."

In his next written report delivered to the UNSC in November, the chief prosecutor noted that the task force, established by the country's government to investigate the fate of the missing military documents sought by the OTP, had begun to explore important new avenues in the investigation, in line with previous OTP recommendations. The prosecutor acknowledged the commitment of the government to resolve the inconsistencies contained in previous task force reports, urging the authorities to continue the investigation and account for the missing military documents.

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, including spousal rape, is a crime punishable by one to 10 years' imprisonment; however, according to NGOs many women did not report rape or

spousal rape. The law provides longer sentences for sexual violence against persons with disabilities. 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. Due to social pressure and stigmatization, rape and sexual violence were underreported. NGOs criticized the government for allowing only police and not hospitals to have rape kits, resulting in victims having to be examined twice. The availability of victim assistance services, such as rape crisis centers, varied widely from community to community.

In the first 11 months of the year, 75 rapes and 20 attempted rapes were reported to police. 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 and spousal rape because they lacked information about available legal protections, felt ashamed, 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. Through August, 16 women and two minor girls were killed as a result of domestic violence, including Mirela Srsic-Smith, a local Croatian Television (HRT) news reporter in September. Her death followed the August killing of a woman by her husband in front of a safe house for victims 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 criminal offense depending on the severity of the act. Penalties range from fines of 1,000 to 50,000 kunas (\$180 to \$9,000) 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 acts if they are treated as a criminal offense. Police officials 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 perpetrators from families; in rural areas, police officers were generally less well trained in handling such cases.

According to a survey published on November 23 by the NGO Women's Room and the government's Gender Equality Office, the majority of female victims of domestic violence criticized the police, courts, and centers for social care as insufficiently helpful. The police, courts, and centers for social care cited a heavy workload and lack of training and space as the main obstacles to assisting victims.

On November 8, the Ministry of Interior and the UNDP launched a "Living Life Free of Violence" campaign with the goal of raising public awareness of domestic violence and encouraging citizens to report domestic violence. The campaign included video statements by President Josipovic and other government officials as well as the country's most famous sports and entertainment celebrities. The videos were screened throughout the country's schools and placed on social networking Web sites. As part of the campaign, 52,000 students and 4,000 parents attended 1,300 lectures organized in schools throughout the country.

On November 29, the ministries of interior, health, justice, education, family, and administration signed an agreement to improve cooperation to fight more effectively against domestic violence.

Support for victims of domestic violence was limited. In general private donations financed most services. NGOs and local governments operated 18 shelters, all but three of which were permanent. The central 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 2.5 million kunas (\$450,000) were paid during the year to NGOs running shelters for victims of domestic violence. Hotlines, counseling, and legal assistance were available to domestic violence victims.

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 sexual harassment cases, although many women were reluctant to take action for fear of reprisal. On March 3, a court handed down the country's first conviction for sexual harassment at a workplace, sentencing one defendant to six months in prison for making sexual 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 verdict would set an important precedent.

The government generally respected the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. Citizens generally had the information and means to do so free from discrimination, coercion, or violence. However, only couples of the opposite sex can receive artificial insemination. Individuals and same-sex couples are prohibited. There was no recent data on the percentage of the population with access to contraception, although condoms were widely available, and oral contraception was available with a prescription. According to a Croatian Bureau of Public Health July report, the maternal mortality rate in 2009 was 13.46 deaths per 100,000 live births, an increase from 6.86 in 2008. Access to maternal health services was generally good, although 5 percent of new mothers in 2009 reportedly had little or no prenatal care. However, according to the World Health Organization's *World Health Statistics 2010*, 100 percent of births in the country were attended by skilled health professionals.

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

Women generally held lower paying positions in the work force. In June the Croatian Statistics Bureau released its annual report *Women and Men in Croatia*. The report noted that women earned less than men in most sectors, both private and public. On average women earned 12 percent less than men. Women were also more likely to be unemployed. These disparities were present despite the fact that women generally achieved a higher level of education than men. On March 11, the government presented its 2010-13 strategy for the development of female enterprise, aimed at increasing the number of women launching businesses. Prime Minister Kosor said that the goal was to increase the ratio of female beneficiaries of enterprise stimulation programs from the current 16 percent to at least 40 percent over the next years.

The Office for Gender Equality was responsible for implementing the law on gender equality that came into effect in 2008 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 May the ombudsman for gender equality issued her annual report, which noted that women were underrepresented in the management

structure of public companies and at state secretary positions in the state administration. The ombudswoman noted that almost 89 percent of persons on management boards were men.

The law provides for quotas to secure increased political representation for women. It requires that women make up at least 40 percent of the voting list for each political party by the third round of local and national elections as well as in elections for seats in the European Parliament. Political parties, state bodies, local authorities, employers, and the media can be fined for violating the law. 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 with quotas.

On May 7, at a round-table event on gender equality in the media, the ombudsman for gender equality noted that women were generally underrepresented in the country's media. She noted that the media mentioned women mainly in the context of scandals and entertainment rather than the economy and politics. On June 30, the Office for Gender Equality provided 180,000 kunas (\$32,000) in support of several NGO projects aimed at the suppression of gender stereotypes in printed and audiovisual media.

Children

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.

Igor Lakic, Adviser for Human Rights at the Ombudsman's Office who cooperated with the UNHCR on their project related to Roma status issues, explained that registration of births was not a problem; rather children's problems were related to a lack of citizenship and the inability to access rights derived from citizenship. Many Romani parents, particularly in settlements close to the Serbian and Bosnian and Herzegovinian borders, including Slavonski Brod and Beli Manastir, were citizens of another former Yugoslav republic, and the process to acquire Croatian citizenship often took years. Such parents and their foreign-born children, therefore, had no rights to free health care or social assistance (although they generally did not face problems in enrolling in schools). Although statistics were unavailable, the scope of the problem was believed to be widespread.

While education is free and compulsory through grade eight, Romani children faced serious obstacles in continuing their education, including discrimination in schools and a lack of family support. The number of Romani children enrolled in preschool education for the 2009-10 school year was 588, a slight decrease from 595 in 2008. According to the Ministry of Science, Education, and Sports, the number of new Romani students increased to 4,186 from 3,940 in 2009.

The reimbursement of kindergarten fees to Romani parents, introduced in the previous year, was expanded to include preschool education. The payments made for the current academic year totaled 508,000 kunas (\$91,000) for 660 children in 49 schools and kindergartens. The government distributed more than 350 scholarships to Romani students in high school, an increase of 50 compared with the previous school year. The number of Romani students receiving scholarships for university-level studies increased to 26 from 20 in the previous school year.

In March the ECHR Grand Chamber ruled that the state had discriminated against 15 Romani students from Medjimurje who were placed in separate Roma-only classes. The ECHR ordered the government to pay 4,500 euros (\$5,963) to each pupil and 10,000 euros (\$13,251) in court expenses. The ruling superseded the July 2009 ECHR ruling that rejected the complaint of discrimination and found the schools separated Roma children only until their language skills improved sufficiently so as to join a regular classroom.

On July 15, the parliament amended the Law on Primary and Secondary Education to provide additional language classes to children who do not speak Croatian.

Child abuse, including sexual abuse, was a problem.

The ombudsman for children reported 1,930 new complaints of individual violations of children's rights through December. The office has seen annual increases in the number of complaints, due in part to the greater visibility and presence of the ombudsman. The office continued its campaign, launched in 2008 in cooperation with the Council of Europe, to prevent corporal punishment. The campaign targeted families, schools, children's homes, and penitentiaries. During the year the ombudsman also led a campaign focused on the rights of children from families of divorced parents and lobbied for faster rulings by family courts on issues affecting the lives of these children. In December an 18-month EU-funded program to curb the sexual exploitation and abuse of children began. The 800,000 euro (\$1.06 million) project included extensive training for police officers on investigation techniques, questioning methods, prevention of secondary

victimization of children who had been subjected to sexual abuse, and capacity building at social care centers to better assist victims.

During the year the government established an additional four family centers, bringing the total number to 17. The county-level centers are a community resource where families could seek the advice of experts including lawyers, psychologists, and social workers.

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. These marriages were in some cases made official when partners reached adulthood.

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 with a sentence of between one and five years of prison, while exposure of children to pornography may result in fines or a sentence of up to one year in prison.

In February the Office of the Chief State Prosecutor provided the following data on sexual acts committed against minors and children for the year 2009, the last year for which data was available. In 2009 the Office of Chief State Prosecutor received 60 reports of sexual intercourse with minors and children and won 28 convictions for the crime. Prosecutors also had 136 reports and 52 convictions for lewd behavior involving a child or a minor, 11 reports and five convictions of abusing children for pornography, and 29 reported cases of child pornography on the Internet with 14 convictions for crimes committed earlier.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

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 August 14, a photograph was placed on the social networking Web site Facebook of a male making a Nazi salute and a female wearing a Hitler mask; the photograph was taken in front of the of the Jewish community building in Osijek. The suspected perpetrators were identified, but authorities could not provide information about further legal action.

On November 17, anti-Semitic graffiti appeared near the site of a planned golf course in Dubrovnik. There has been public opposition to the building of the course. The director of the company in charge of the course said the act was a "gross provocation against the investors, most of whom are Israeli citizens and Jews." The mayor of Dubrovnik condemned the act and called on police to find the perpetrators.

On April 27, unknown persons damaged 12 tombstones at the Jewish cemetery in Osijek. The head of the Jewish community in Osijek attributed the act to young delinquents. Prime Minister Jadranka Kosor condemned the act and called for an urgent investigation, which continued at yearend.

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and in the provision of other state services; however, discrimination occurred.

The government maintained 10 counseling centers offering assistance to persons with physical, sensory, intellectual, and mental disabilities and their families. A total of 943 persons with disabilities were employed during the year, while there were 6,207 disabled persons who were unemployed. An estimated 68 percent of unemployed persons with disabilities were unemployed for more than a year.

In a report covering the second half of 2009, the ombudsman for disabilities noted the majority of complaints received by her office involved welfare and pension payments, followed by complaints involving accessibility and legal matters. The office actively cooperated with NGOs dealing with persons with disabilities.

During the year there were several legal changes affecting the lives of persons with disabilities. On June 16, the constitution was changed to remove the word "invalid" and replace it with "persons with disabilities." In July a new law on checks and bonds was passed that allows blind persons to sign their own checks without a lengthy bureaucratic procedure, as had previously been the case.

During the year the ombudsman criticized a new law on public roads that limited free-of-charge use of the highway for persons with disabilities; under the previous law, the definition of disability was broadly construed, resulting in overuse of the benefit. While intended to correct the overuse, the tougher standards of the new law, according to some observers, disadvantaged many who should have benefited from the provision.

The number of persons with mental disabilities in institutions did not decrease, despite some efforts to develop community-based alternatives to institutionalization. On September 23, Human Rights Watch released a report criticizing the country for doing little to deinstitutionalize persons with intellectual or mental disabilities. According to the report, more than 4,000 persons with mental disabilities and 5,000 persons with intellectual disabilities remained in institutions, while only 16 from the former group and 250 from the latter moved to alternative community living programs allowing for a better quality of life. The law provides that unemployed parents of children with disabilities be granted 2,200 kunas (\$390) in monthly compensation. The law also provides compensation to foster-care families.

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. As a result, 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.

Incidents, including looting, physical threats, verbal abuse, and spraying graffiti on Serb property, continued in the Dalmatian hinterland and the central part of the country.

• On April 23, a wooden cross marking the gravesite of nine ethnic Serb civilians killed during the Balkan wars of the 1990s was toppled in Varivode in the coastal interior of the country. Prime Minister Kosor criticized the vandalism, and authorities arrested one person. On October 5, President Josipovic inaugurated a new monument to the victims of Varivode and stated that those who had committed war crimes should be punished.

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• On July 9, in the coastal city of Split, a sign reading "Serbs should hang – never forget, never forgive," appeared on an overpass. The Davis Cup tennis tournament was taking place at the time, and Serbia and Croatia were scheduled to compete against each other. The sign was removed after an hour, although police did not identify perpetrators.

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• On August 15, a number of vehicles owned by ethnic Croats were vandalized with pro-Serb graffiti (four 'S' letters symbolizing greater Serbia) in the majority Croatian village of Aljmas in the eastern part of the country. The vandalism occurred during a Catholic mass celebrating the Assumption of Mary. No suspects were identified.

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In May 2008 authorities indicted one of the eight persons arrested for the 2008 abuse of the local Serb population in the village of Bukovic. At year's end his trial was pending. The seven others accused were minors, and information about the proceedings against them was confidential.

On October 27, a Knin court sentenced two men who had broken into a Serb returnee house and physically assaulted the owner in July 2009 to five months in prison and two years' probation.

At year's end the trial of three persons indicted in July 2009 for smashing the windows and slashing the tires of a car with Serbian plates in front of the Hotel Plat in Dubrovnik had not begun.

On January 25, the venue for the appeals of two young men arrested for verbally and physically abusing two Serb returnees in 2007 and attempting to set fire to their home was changed from Pozega to Slavonski Brod county court. In 2009 the two perpetrators were sentenced to two years in prison with parole, but the prosecution appealed the sentence. A decision on the appeal was pending at year's end.

Discrimination continued against ethnic Serbs in several areas, including the administration of justice, employment, and housing. Ethnic Serbs in war-affected regions were subject to societal harassment and discrimination. Local authorities sometimes refused to hire qualified Serbs even when no Croats applied for a position.

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. Ethnic Serbs, the largest minority, were most affected by the slow implementation of the law. In May the Serbian National Council, an elected self-governing body representing Croatia's ethnic Serbs, issued a survey showing that the number of Serbs employed in state administration and justice has been slowly declining since 2008. The council was most concerned with discrepancies in areas with high rates of ethnic-Serb refugee returnees. They cited the example of Lika-Senj County, where ethnic Serbs made up more than 11 percent of the population but only 0.5 percent of the police force. NGOs representing the ethnic Serb minority also complained about the lack of credible data on minority employment in state ministries.

The National Minority Council received approximately 41.3 million kunas (\$7.4 million) for minority associations' cultural programs during the year.

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

On March 25, three off-duty police officers severely beat a 20-year-old Roma at a gas station in Karlovac. The victim suffered multiple bone fractures on his head and was hospitalized. Initially police filed charges against the victim and another Romani person for attacking police officers and disturbing public order. Subsequently, and following critical media reports, the three officers involved were suspended, and criminal charges were brought against them. An additional three officers were suspended for misreporting facts. In June prosecutors in Karlovac indicted one police officer for causing heavy bodily injury to the victim. The case is pending at the Karlovac Municipal Court, and a hearing had not been scheduled at year's end.

On September 5, approximately 100 ethnic Serbs and Croats from the small village of Zemunik organized a protest against air pollution allegedly caused by the

burning of garbage and other materials by the Romani community there. The group, which included the village mayor, also protested the Roma use of vacant houses owned by Serb refugees. The protest was criticized by the press and President Josipovic strongly criticized discrimination of any kind against Roma.

Roma faced many obstacles, including lack of knowledge of the Croatian language, lack of education, lack of citizenship and identity documents, high unemployment, and widespread discrimination. Many Romani women, in particular, had only limited Croatian language skills. According to the Council of Europe, only 6.5 percent of Roma had permanent jobs, while the government estimated 20,000 to 30,000 Roma were receiving some form of social assistance. The government estimated more than 90 percent of registered Roma lived on social aid.

On a national level, the government worked to increase the employment rate of Roma by providing two years' worth of salary payments to employers who hired Romani workers. Government spending on programs for Roma increased from 17 million kunas (\$3 million) in 2008 to 27 million kunas in 2009 (\$4.8 million).

On June 4, the government allocated 4 million kunas (\$716,000) to help legalize a Roma settlement in the town of Parag, in the northern part of the country. The government made similar efforts in other parts of the country including finishing infrastructure projects in Darda, the largest Roma settlement in the eastern part of the country.

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

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

On June 19, for the second year in a row, an antigay protest was staged during the annual Gay Pride Parade. Members of the protest carried banners with abusive language such as "kill the faggots" and raised their arms in Nazi salutes. Organizers of the parade considered the protest a hate crime and criticized authorities for allowing it to take place. Police arrested three persons who tried to break through police lines and attack parade participants. Police were later criticized for using excessive force against one of the attackers. Two parade participants were attacked after the parade, but the attackers remain unidentified.

During the year LGBT NGOs requested the removal of a public school catechism textbook containing homophobic language. In July the Ministry of Science, Education, and Sports replied in a letter that the book had been approved by a commission of experts in line with the law and refused to remove the book.

In the spring, newspapers reported that a primary school teacher had referred in class to homosexuality as a disease. The mothers of two children in the class reported the case to the Ministry of Science, Education, and Sports, and a group of human rights NGOs later charged the teacher with a breach of the Antidiscrimination Act. The Zagreb Municipal Court held three hearings on the matter; the NGOs involved requested a new judge on the grounds that the old judge was biased and verbally abusive towards witnesses. In November a Zagreb court refused to dismiss the current judge. No new hearings were scheduled at year's end.

LGBT organizations reported several incidents against LGBT persons during the year and criticized police for failure to provide adequate protection.

- On January 3, a transsexual woman was physically attacked in a town in eastern Croatia by three men who threatened to kill her. When the victim tried to report the case, the police officer in charge used offensive language and ridiculed her during questioning.
- On April 4, a group of young men stalked and beat a young gay man in Zagreb. The victim sustained light injuries. Police were unable to identify the perpetrators.
- On November 2, two gay men were attacked with wooden bats, tear gas, and broken glass outside a Zagreb nightclub. Police identified and detained two suspects. The Minister of Interior condemned the incident proclaiming zero tolerance for hate crimes and crimes motivated by homophobia. Local LGBT NGOs issued a statement requesting tougher sanctions for such attacks and permanent training for police officers dealing with similar hate crime cases. Prosecutors charged the two perpetrators under criminal law with an act intended to degrade a person in a public place. The first hearing took place on December 28, when the two suspects were released from detention. The next hearing was scheduled for mid-January 2011.
- On November 6, a gay man was beaten and his nose broken in Zagreb. Police were still searching for the perpetrators at year's end.

Societal discrimination against LGBT persons was frequently manifested by insults, stereotypical jokes, and societal prejudices.

Other Societal Violence or Discrimination

Societal discrimination against persons with HIV/AIDS remained a problem. The 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. If an HIV patient did not go through the infectious disease hospital, he or she often waited for treatment, and doctors sometimes delayed surgery indefinitely. There were allegations transplant centers refused to put HIV patients on their lists of potential organ recipients. Additionally, the NGO stated that many patients' right to privacy had been violated while other patients feared their HIV status would be shared without their consent.

The NGO also criticized discriminatory regulations regarding employment, such as legislation forbidding persons with HIV from working as police officers.

According to HUHIV representatives, the lack of public assistance, such as hotlines, for HIV-positive patients was a problem. According to the UN theme group on HIV/AIDS, an analysis of the country's laws indicated they contain discriminatory provisions regarding HIV. The group cited legal provisions requiring testing under medical supervision for certain professions and, in certain cases, restricted employment for prisoners and HIV-positive persons. According to the analysis, most cases of discrimination occurred outside the scope of the law or were due to insufficient enforcement of privacy laws, lack of consistent, adequate medical care, and discrimination in school or the workplace. HUHIV also specifically criticized regulations forbidding HIV-positive persons from working as police officers and lack of appropriate sex education in schools. This lack of knowledge leads to discrimination and stigmatization of people with HIV/AIDS, and children often have wrong perceptions about risk of contraction.

Section 7 Worker Rights

a. The Right of Association

Workers are entitled by law to form or join unions of their choice without previous authorization or excessive requirements, and workers exercised this right in

practice. Unions generally were independent of the government and political parties. According to a 2009 tripartite study by the government, unions, and employers, approximately 35 percent of the work force was unionized. There are no restrictions on unionization for any type of worker. The law provides all workers the possibility of unionization, regardless of position (including police), except for active military personnel.

The law provides for the right to strike, with some limitations, and workers exercised these rights during the year. The law does not permit members of the armed forces, police, government administration, or public services to strike. 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.

b. The Right to Organize and Bargain Collectively

The constitution and law protect collective bargaining and the right to organize, and workers exercised these rights in practice; however, some international observers reported that small firms did not always uphold this right.

Approximately 12 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. A recent amendment to the labor code limits temporary work contracts to no more than three years.

The law prohibits antiunion discrimination and expressly allows unions to challenge firings in court; however, incidents of union-related harassment and firing of employees occurred, and in general the inefficiency of the court system seriously delayed and discouraged citizens' attempts to seek redress through the legal system.

There are 15 free trade zones.

c. 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 trafficked for prostitution and labor. Also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment

There are laws and policies to protect children from exploitation in the workplace and provide for acceptable working conditions. Labor law amendments that went into effect on January 1 further impose strict regulations on the employment of minors, forbidding employment in work environments that could pose health threats to minors.

The minimum age for employment of children is 15 years. The Ministry of Economy, Labor, and Entrepreneurship, in conjunction with the ombudsman for children and the state inspectorate, is responsible for enforcing this regulation. 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 play rehearsals. The law prohibits workers under the age of 18 from working overtime, at night, or under dangerous conditions.

In 2009 the last year for which data were available, the State Labor Inspectorate recorded 153 violations of labor-related laws involving 73 children under the age of 17. Of these violations, four 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 for purposes of sexual exploitation and labor. 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.

e. Acceptable Conditions of Work

The minimum wage as determined by the government is 2,814 kunas (\$504) per month; the net minimum monthly wage is between 2,000 and 2,200 kunas (\$358-\$394), depending on exemptions, and did not provide a decent standard of living for a worker and family. Government statistics from July indicated the average net wage per month was 5,277 kunas (\$945), and the minimum monthly cost of living for a family of four in rented housing was 6,631 kunas (\$1,188). The government enforced the minimum wage.

Nonpayment and late payment of wages continued to be a problem, as was nonpayment for overtime and holiday work. 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. Based on data received through various reports, the inspectorate concluded that in 2009 there were at least 3,975 violations of established payment procedures and practices.

The inspectorate reported that it shut down 707 employers for periods of at least 30 days during 2009 for labor law violations. 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 punishment commensurate with the seriousness of the violations, and therefore the inspectorate's actions were not effective. The inspectorate pointed to the large number of violations that were not tried in court due to the expiration of the statute of limitations. For 2009 out of 5,286 court decisions involving 11,932 violations of both terms of employment and work safety, 4,351 such violations were thrown out due to expiration of the statute of limitations.

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 provides that workers are entitled 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, 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 of children under 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 2009 the inspectorate processed 16,294 violations of the labor law. After processing, the inspectorate sent 6,127 violations to misdemeanor courts for proceedings. Infractions included violations related to labor contracts, payment for work, annual leave, and unpaid and unreported overtime. In 2009 authorities sent 31 criminal proceedings against employers to municipal state attorneys' offices.

The government set health and safety standards, which the Health Ministry enforced; its inspectorate has jurisdiction over enforcement of health and safety laws at the workplace. In practice many industries often did not meet worker protection standards. In 2009 the inspectorate initiated 3,316 requests for misdemeanor proceedings covering 6,635 violations of safety standards. During 2009 courts handed down 5,286 decisions for misdemeanor acts involving work safety, a great number of which concerned cases from 2007 and 2008. The inspectorate expressed concern that of the 11,932 misdemeanor cases reported over the past few years, 4,351 have been thrown out of court due to the statute of limitations.

Under the law workers may remove themselves from hazardous conditions and have recourse through the courts if they believe that they have been dismissed wrongfully for doing so; however, according to the labor inspectorate, workers did not exercise this right in practice and normally reported employers only after they had left their job.