

Country Reports on Human Rights Practices - [2005](#)

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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, Stjepan Mesic, serves as head of state and commander of the armed forces, cooperating in formulation and execution of foreign policy and directing operations of the intelligence service, and nominates the prime minister, who leads the government. Presidential and local elections held during the year were generally conducted in accordance with electoral legislation, despite some irregularities. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, there were problems in some areas. The following human rights problems were reported:

- political influence and a severe backlog of cases in the courts
- intimidation of witnesses in domestic war crimes trials
- several partially *in absentia* trials against large groups for war crimes
- unresolved restitution of nationalized property for all religious communities
- incidents of societal violence and harassment of religious minorities
- trafficking in persons
- violence and discrimination against women
- violence and discrimination toward ethnic minorities, particularly Serbs and Roma

During the year the government demonstrated increased willingness to prosecute war crimes committed by ethnic Croats and increased its cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY), including initiating an interagency action plan to locate and transfer Ante Gotovina, one of the most wanted ICTY indictees, to The Hague. On December 7, Spanish authorities arrested Gotovina in the Canary Islands; cooperation of the Croatian counterintelligence services and Croatian chief state prosecutor led to Gotovina's arrest. Although Serbs continued to represent the vast majority of individuals prosecuted, international trial monitors reported that Serb defendants generally had a better chance of receiving a fair trial than in the past.

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 that the government or its agents committed arbitrary or unlawful killings.

During the year four civilians were killed by landmines in the regions of Sibenik, Vukovar, Split, and the Lika area.

b. Disappearance

There were no reports of politically motivated disappearances.

Government figures showed that 1,142 persons, mostly ethnic Croats, remained missing from the 1991-95 military conflict. In addition the government collected information on approximately 892 missing ethnic Serbs. Through June the bodies of 56 missing persons were exhumed, while the remains of another 104 persons found earlier were identified. In August a mass grave was uncovered near Okucani with the remains of 15 persons, and in November another was uncovered near Novska with the remains of 6 persons. The government handled all exhumations and identifications, with the ICTY monitoring only the sites related to cases they investigated. The International Commission on Missing Persons assisted in the recovery and identification of remains.

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

The law prohibits such practices.

Interior ministry statistics showed a general decline in reports of police mistreatment. In June a court sentenced one police officer to 15 months in prison and another to 4 months probation for the severe beating in 2004 of a young man during questioning in Varazdin.

Prison and Detention Center Conditions

Prison conditions generally met international standards; however, overcrowding was a problem. A government report found that most prisons were filled 10 percent above capacity.

The government permitted visits by independent human rights observers. The International Committee of the Red Cross had free access and reported full cooperation on the part of the authorities during its tour of prisons during the year.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and the government generally observed these prohibitions. In contrast with 2004, there were no reports that judges issued warrants in war crimes cases on ethnic grounds.

Role of the Police and Security Apparatus

There are approximately 21 thousand police officers under the authority of the interior ministry. The intelligence service is under the authority of the government and president. The national police have primary responsibility for international security; in times of disorder, the government and the president may call upon the military to provide security. An independent oversight board monitors intelligence service performance.

Minority representation in the police remained negligible except in Eastern Slavonia, and the government had not fully implemented the law requiring the hiring of minorities.

Corruption was a problem among some police officers. Through June three senior police officers and the head of the interior ministry's Criminal Police Directorate were reassigned due to corruption allegations. Under European Union, Organization for Security and Cooperation in Europe (OSCE), and other international guidance, the interior ministry continued to update and codify rules of ethical police conduct and improve the capabilities of the police internal control section.

Weak police performance, including poor investigative techniques, insensitivity to ethnic issues, indecisive middle management, and susceptibility to pressure from hard-line local politicians, remained a problem, despite government efforts to address it. During the year the interior ministry, in cooperation with the OSCE, expanded a comprehensive program of police reforms, in part to extend community policing pilot programs through the country. By year's end more than 650 officers received training. During the year the interior ministry expanded programs to provide training for all active police officers.

Arrest and Detention

Police normally obtain arrest warrants by presenting evidence of 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 detainees' access to an attorney of their choice within 24 hours of their arrest. If a detainee does not have an attorney and is charged with a crime for which the sentence is over 10 years' imprisonment, the magistrate is required to appoint counsel. The government generally enforced this in practice. The magistrate must decide whether to extend a detention for further investigation within 48 hours of an arrest. Investigative detention generally lasts up to 30 days; however, trial courts could extend the period up to 12 months in certain cases. Detainees may be released on their own recognizance pending further proceedings, although most criminal suspects were held in custody pending trial. The option of posting bail after an indictment is available but was

not commonly exercised. Detainees are also allowed visits by family members.

Unwarranted arrests of Serbs for war crimes remained an ongoing concern, despite some improvement during the year. OSCE monitors reported that arrests of Serbs based on unsubstantiated charges continued, including some based on police reports. Of five Serbs apprehended in the country in the first seven months of year, two were arrested on the basis of the police reports rather than court orders. Authorities arrested one when he entered the country to vote in local elections; he was released after a few days as no charge was pursued. Police arrested the second when he was obtaining documents at a police station after returning to the country; he was released after three days when no one could identify him as a perpetrator of a war crime.

There were no reports of political detainees.

According to a state prosecutor's survey conducted during the year, the average length of pretrial detention varied between four and five months. The law allows 6 months' standard maximum pretrial detention, but the court can extend it to 12 months in certain cases—primarily war crimes and organized crime cases—at the request of the state prosecutor.

In contrast with the previous year, there were no reports of abuse of pretrial detention.

Amnesty

The law provides for amnesty except for war crimes. In practice when investigations fail to substantiate original charges of war crimes, courts have lowered the charges and convicted defendants, allowing them to grant the defendants amnesty. This resolves the case for the court without further investigation and allows the defendant to go free, but disregards the future repercussions that a criminal record may have on potentially innocent defendants, particularly with regard to employment.

e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, the judiciary continued to suffer from some political influence and a backlog of approximately 1.6 million cases. In a November 9 progress report on the country, the European Commission noted that the judiciary was one of the main areas where corruption was perceived by the public.

The judicial system consists of municipal and county courts, commercial and misdemeanor courts, an administrative court, and the Supreme Court. The Constitutional Court determines the constitutionality of laws, governmental acts, and elections. A parallel commercial court system adjudicates commercial and contractual disputes. The State Judicial Council is responsible for appointing, disciplining, and, if necessary, removing judges. Parliament appoints the chief state prosecutor, who appoints chief state attorneys at the county and municipal level; the State Prosecutorial Council, a disciplinary body appointed by parliament, appoints and disciplines deputy prosecutors.

During the year Serb leaders continued to express concern about discrimination in the appointment of judges and reported that, on occasion, the State Judicial Council either refused candidates or left positions vacant rather than appoint ethnic Serbs. At the end of the year, 96 percent of the 7,441 judicial employees were Croat, 2.4 percent were Serb, and 1.6 percent belonged to other national minorities.

Trial Procedures

The law provides for the right to a public trial, and an independent judiciary generally enforced this right. The legal system does not use juries but panels of judges, which in some cases include lay judges. Defendants have the right to be present and consult with an attorney in timely manner and could confront or question witnesses against them and present witnesses and evidence on their behalf. Defendants have access to government held evidence relevant to their cases and enjoyed presumption of innocence and the right to appeal.

Excessive court delays remained a problem, and the Constitutional Court increasingly awarded damages to persons whose court procedures had continued for up to 32 years without a decision.

Through June the Constitutional Court issued 288 judgments finding unreasonable delays in lower and Supreme Court rulings and ordered the government to pay fines in 62 percent of these cases. During the same period, the Constitutional Court received 610 complaints of excessive court delays. The court noted that such delays threatened the integrity of the legal system and called into question the court's ability to provide effective remedies. The European Court of Human Rights (ECHR) called the delays "excessive" and a violation of citizens' right to trial in a reasonable time.

In contrast to 2004, there were no reports of the government ignoring or failing to enforce Constitutional Court rulings related to the privatization of property.

To deter potential political interference, the government in July replaced the police director in Osijek and sent a team of police from Zagreb to investigate a potential war crimes case involving, among other suspects, the Osijek city assembly president, who was also a member of parliament. According to observers and the media, there were strong indications that the assembly president could influence the local police and judiciary in the handling of the case. Since some witnesses were unwilling to give testimony in Osijek, the chief state prosecutor requested, and the Supreme Court allowed, the investigative judge to question them at the Zagreb County court. In December Osijek nongovernmental organizations (NGOs) called for the Osijek mayor to resign after he publicly named witnesses who agreed to testify in the investigation. While the witnesses' names were not protected and the chief state prosecutor could not file criminal charges against the mayor, NGOs maintained the mayor's actions obstructed justice and interfered in a criminal investigation.

The inexperience and lack of systematic training programs, management standards, and systems for new judges, continued to be a problem. With international assistance, the Ministry of Justice expanded the number and scope of programs at the judicial academy to improve professional training for judges.

During the year domestic courts continued to try cases arising from the 1991-95 war, including several partially *in absentia* trials with large groups of defendants. State prosecutors continued to review all open war crimes cases, eliminating unsubstantiated charges. The most recent list contained about 1,200 individuals and covered approximately 369 open investigations, 290 suspended investigations, and between 550 and 580 pending indictments.

During the year the Supreme Court decided 18 appeals of war crimes convictions that were filed by 13 Serbs, 3 Croats, 1 Bosniak, and 1 Hungarian, confirming 6 of the convictions and reversing 12, for a 67 percent reversal rate. The number of domestic war crimes trials fell compared with past years due to the elimination of most *in absentia* cases. Despite the decreased caseload, observers questioned the criminal justice system's ability to conduct fair and transparent trials in complex and emotionally charged cases where witness intimidation was a problem.

Persons convicted *in absentia* regularly made use of their guaranteed right for a retrial. Some ethnic Serbs voluntarily returned to the country to be arrested for pending war crimes charges or *in absentia* convictions, since this was the only way they could challenge a conviction under the law. In April authorities arrested one such Serb returnee, Sava Sasic, based on a 1993 *in absentia* conviction with 29 other persons. During his June retrial, the prosecutor revised the war crimes charge to armed rebellion, which is subject to amnesty. The court convicted and amnestied Sasic, who was released after three months in detention.

While the atmosphere surrounding domestic war crimes trials generally improved, inadequate training, shortcomings in the legal code, inadequate witness protection, and an often-hostile local public hampered the war crimes adjudication process. The Witness Protection Act came into force in early 2004 and became operational during one case in July in Osijek. At a July NGO meeting, trial observers reported that witnesses did not have confidence in the judiciary or in law enforcement.

In cooperation with authorities, the international community organized four witness protection workshops in which 98 judges, state attorneys, and police officers participated. The witness protection unit revamped its policies after the workshops to address the concerns of international experts and strengthen regional cooperation.

Many observers questioned the impartiality of trials in the jurisdiction where war crimes occurred, since judges, prosecutors, and witnesses may be more exposed to external influences there. Courts

trying domestic war crimes continued to display bias toward defendants based on their ethnic origin, although the OSCE noted that Serb defendants had a better chance of receiving a fair trial than in the past. The most noticeable problem was the difference in charges filed against Serbs and Croats, with Serbs being accused of a wide range of conduct while Croats were almost exclusively charged for killings. In at least three cases, courts continued to prosecute Serbs for genocide on the basis of acts that were not of the gravity usually associated with verdicts of international tribunals ascribing genocidal intent and conduct. Most persons on trial for war crimes were ethnic Serbs, and, of those, nearly three-quarters were tried *in absentia* in group trials in Vukovar County where some defendants were present. Courts also were reluctant to prosecute some crimes involving Serb victims.

The OSCE reported that courts reached decisions in a total of 21 war crimes cases, convicting 13 persons (12 Serbs and 1 Croat). The courts acquitted 5 persons (4 Croats and 1 Serb) and dropped charges against 4 Serbs at trial (including convicting defendants on reduced charges, then amnestying them). Approximately 60 percent of all defendants were tried *in absentia*; 75 percent of those were Serbs.

As in 2004, the Supreme Court delayed the issuance of some decisions related to war crimes cases. In at least one of these cases, the person accused remained in detention without the court ruling within the legal three-month deadline.

In March the Karlovac County Court indefinitely suspended the second retrial of Mihajlo Hrastov, a Croat former member of the Karlovac police special forces, after his attorney stated that he was unfit for trial and had been admitted to a psychiatric hospital. The Supreme Court overturned two previous acquittals of Hrastov for the murder of 13 unarmed Yugoslav National Army prisoners near Karlovac in 1991. Although OSCE observers reported that Hrastov supporters in the courtroom continued to create an atmosphere of intimidation for prosecution witnesses and court officials, the Supreme Court denied the prosecutor's request to relocate the retrial but did order it held before a new panel of judges.

In June the Supreme Court president, upon request of the chief state prosecutor, moved the trial of Slobodan Davidovic, who was suspected of war crimes committed in Bosnia and Herzegovina, from Vukovar to the Zagreb County court in order to help ensure a fair trial. In December the court convicted Davidovic and sentenced him to 15 years' imprisonment. OSCE trial monitors expressed concern that Davidovic's court-appointed defense was inadequate.

In June the Supreme Court increased the sentence of Lieutenant Nikola Ivankovic, from 12 years' to 15 years' imprisonment for participating in the 1991 killing of 19 mostly ethnic Serb civilians in the town of Paulin Dvor. The court also overturned the acquittal of a second defendant in the case, Enes Viteskic, and ordered his retrial.

In June the Gospić County court acquitted Nikola Cvjeticanin in a retrial on charges of war crimes against civilians. In 2003 the Supreme Court overturned Cvjeticanin's 2002 conviction on the charges, and in October 2004 the Gospić County court released him following 33 months in detention.

In September the retrial of eight Croatian soldiers accused of the 1992 torture and murder of ethnic Serb prisoners at the Lora Prison began in Split before a new panel of judges. The retrial followed the August 2004 Supreme Court decision to overturn the Split County Court acquittal of the soldiers on the grounds that the lower court had incompletely established facts and excluded crucial evidence. Four defendants, who have been in custody since September 2004, were present at the retrial, while four others were being tried *in absentia*.

In September the Zagreb County Court convicted five Croat former reserve police officers, known as the Pakracka Poljana group, in a retrial for the murder of one of the members of their group and for abuse of several ethnic Serbs in 1991. The court sentenced the five defendants to prison terms of 3 to 10 years each. Two of the defendants in the trial remained at large, and the court issued an international warrant for their arrest. The Supreme Court ordered a retrial of the case in September 2004 after three defendants were acquitted and the other two received 1 to 2 year prison sentences.

The appeal of the acquittal of four Croatian soldiers charged with killing two elderly Serb civilians near Sibenik in 1995 remained pending before the Supreme Court at year's end.

The Vukovar County court trial of 18 former members of a Serb paramilitary unit who were charged with genocide and war crimes in the town of Lovas in Eastern Slavonia continued at year's end; the trial was an example of genocide charges for acts not of the gravity associated with international genocide verdicts, as noted by OSCE trial monitors. Only one of the accused was present during the trial.

In April the Vukovar County Court began the trial of 27 persons —15 Serbs, 11 Ruthenians and 1 Roma—accused of war crimes against civilians from Miklosevci, a mostly Ruthenian-populated village. Eighteen defendants were fugitives and were being tried *in absentia*, while the rest were on provisional release. The defendants were accused of genocide, murder, and intimidation of non-Serbs in 1991 and 1992.

Political Prisoners

There were no reports of political prisoners.

Property Restitution

During the year the government continued to facilitate repossession of illegally occupied homes; however, the property law implicitly favors ethnic Croats over ethnic Serbs. The law gives precedence to the right of temporary occupants, who are mainly ethnic Croats, to that of original owners, predominantly ethnic Serbs. Owners generally could not repossess their property unless housing was secured for the temporary tenants. In December the government assessed that 55 private houses belonging to ethnic Serbs remained occupied, down from 1,197 houses at the beginning of the year. According to an OSCE report in November, another 135 unclaimed properties remained occupied, and 107 disputed properties were being processed by the state attorney's office. Backlogs in the judicial system impeded the resolution of housing disputes.

During the year the government made significant progress in providing reconstruction assistance.

In September the ECHR Grand Chamber began reconsideration of the 2004 ECHR ruling that termination of a person's tenancy rights in an apartment did not violate the right to a home or to peaceful enjoyment of possessions. In the case, the tenant left an apartment at the outset of war and did not return within six months as required by law in order to maintain tenancy rights. The ECHR ruling effectively confirmed the government's assertion that tenancy rights could not be treated as a form of ownership and set a precedent for many potential claimants—mostly ethnic Serbs—who had lost tenancy rights on similar grounds.

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

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

On March 15, a parliamentary committee investigating claims that the Counterintelligence Agency had five journalists under surveillance in 2003 and 2004 concluded there were grounds to suspect that the agency had breached the journalists' human rights and fundamental freedoms without reason (see section 2.a.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and the press; however, government officials occasionally interfered with the media and attempted to influence national television.

A wide range of private newspapers and magazines were published without government interference. The privately owned Tisak distributed approximately 75 percent of the print media. Political parties, private companies (some foreign owned), and the government owned or influenced various newspaper and magazine outlets. The print media were becoming increasingly susceptible to promoting media owners' political and business interests. Foreign newspapers and journals were available in urban areas throughout the country; however, they remained largely inaccessible to many

persons due to their high cost. Despite the two-year-old media law, media ownership was not fully transparent, making it possible for political or other interests to conceal their influence on media outlets.

The government owned and operated the national television and radio network (HRT). Independent television and radio stations operated in the country, and two of the three national television stations were private.

Local broadcast media were vulnerable to political pressure since most stations were at least partially owned by local governments. Approximately 70 percent of the media was partly or fully owned by local governments and approximately 46 percent of local radio stations depended on the financial support of local authorities. In May the Sisak-Moslavina County Croatian Journalists Association executive committee released a statement criticizing some political parties for pressuring media and journalists in that county; the statement did not identify the parties or provide details.

In November, HTV management removed Tihomir Ladisic, one of two anchors of the popular political talk show, *Otvoreno*. The press reported that Ladisic's removal was motivated by a program, which he had edited and anchored, that spoke openly about the role of Croatian military forces in Bosnia and Herzegovina.

In December *Feral Tribune* reported that its editor, Drago Hedl, received death threats because of his reporting on war crimes cases in Osijek in 1991. The police investigated but did not identify the perpetrators.

In December members of parliament debated a December 12 television talk show on the legacy of former president Tudjman. Members of the ruling parties attacked the program as anti-Croatian, and the parliament conveyed its dissatisfaction by refusing to approve HRT's annual report. The program council subsequently suspended the program's editor and host, Denis Latin. The debate prompted the Croatian Helsinki Committee on Human Rights (HHO) and the Croatian Journalists Association to express concern that the ruling coalition was attempting to establish program control over HRT through use of political press. Both Latin and one of the guests on the December 12 program, Radio 101 editor Zrinka Vrabec Mojzes, received death threats.

Libel is a criminal offense; in recent years there were no reports of politically motivated libel cases. A large number of libel cases from previous years remained unresolved due to the inefficient judicial system. The Croatian Journalists Association continued to insist on decriminalization of slander and libel, but the government took no steps to decriminalize them during the year.

In February a Split County court upheld the sentence in a defamation case against Ljubica Letinic, a journalist for HRT. In July 2004 a municipal court in Split gave Letinic a two-month suspended prison sentence for defaming a local businessman on television in 2002. The OSCE expressed concern at the court's upholding of the sentence.

In October a Zadar Municipal court found the head of the Lovinac town branch of the ruling political party, the Croatian Democratic Union (HDZ), guilty of making death threats to a Slobodna Dalmacija journalist in August 2004. The official was sentenced to a seven-month suspended prison sentence. The official allegedly threatened harm because he was displeased with an article stating that he belonged to the committee that decided to erect a monument in a nearby town to the World War II-era Ustasha official, Mile Budak.

In November the Zagreb municipal court issued a five-month suspended prison sentence to journalist and writer Predrag Matvejevic for libel. In a 2001 article, Matvejevic criticized certain Croatian writers for inciting ethnic hatred during the presidency of the late Franjo Tudjman. The court action was based on a complaint by writer Mile Pesorda. Two international NGOs, the Vienna-based South East Europe Media Organization and Reporters Without Borders, publicly criticized the court decision.

In November the Rijeka county court issued a two-month suspended prison sentence to *Novi List* journalist Slavica Mrkic Modric, who was sued for libel by the Rijeka mayor's chief of cabinet.

In November the Rijeka county court also rejected as unfounded the appeal by *Novi List* journalist Robert Frank of the court's April 2004 issuance of a three-month suspended prison sentence to Frank in a libel suit brought by the Rijeka mayor's chief of cabinet.

In November the Split municipal court fined retired *Slobodna Dalmacija* journalist Ilija Marsic approximately one thousand dollars (6,600 kuna) for accusing a Split prosecutor of intentionally covering up alleged irregularities in the privatization of *Slobodna Dalmacija*.

In February five independent journalists filed a petition requesting that authorities investigate allegations that the Counterintelligence Agency put them under surveillance in 2003 and 2004 and tried to discredit them after they reported on sensitive war crimes issues. On March 15, the parliamentary internal affairs and national security committee concluded there were grounds to suspect the agency breached the journalists' human rights and fundamental freedoms without reason. There was no specific follow-up on the case, although the president of the Croatian Journalists Association and the five journalists expressed relative satisfaction with the investigation and the committee's conclusions. Former Counterintelligence Agency chief Franjo Turek had accused the journalists being involved in operations that undermined national security. There were no reports that security services had journalists under surveillance during the year.

There were no government restrictions on the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

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

Freedom of Association

The law provides for freedom of association, and the government generally respected this right in practice; however, the law grants discretionary power to the Ministry of Justice over the establishment and internal governance of foundations. While it was applied equally to all organizations, the law itself is restrictive and controlling. For example, the law provides that organizations will not be entered into the registry 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

The law provides for freedom of religion, and the government generally respected this right in practice. There is no official state religion; however, the Roman Catholic Church has a historic relationship with the state that was not shared by other religious groups. The Catholic Church signed concordats with the state granting it a number of benefits. Similar agreements were subsequently reached with other religious groups, but the Jewish community did not sign it pending the return of nationalized property.

The law requires a group to have at least 500 members and to be registered as an association for 5 years in order to register as a religious community. However, all religious groups in the country prior to the 2003 passage of the law were in the process of being registered as communities without condition. Three religious communities were registered during the year, bringing the total to 4,000, with 17 additional communities awaiting registration.

In December three churches—the Church of the Full Gospel, the Alliance of Churches "Word of Life," and the Protestant Reformed Christian Church—challenged in the Constitutional Court the government's refusal to conclude agreements providing them benefits similar to those provided by agreements with the Catholic, Serb Orthodox, Islamic, and other communities. The government maintained that the churches did not meet its requirements by having a minimum of six thousand members and by being continuously active in the country since 1941. The appeal was still pending in the Constitutional Court at year's end. Registered communities have the status of a legal person and enjoy tax and other benefits. Some international groups have criticized the restrictiveness of the conditions for registration of new religious communities.

The law does not explicitly prohibit photographs with a headscarf on identification documents. However, the Constitutional Court was reviewing a case in which police in the coastal town of Crikvenica refused in 2004 to issue identification documents to a Muslim woman because she was wearing a headscarf in her photograph. Police standards were not consistent, and the police reportedly accepted such photographs in other locations in the country. The case was still pending before the Constitutional Court at the year's end.

The government required that religious training be provided in schools although attendance was optional.

National broadcaster HRT in July signed an agreement with eight minority religious communities guaranteeing equal representation in its programs. HRT agreed to live broadcasts of important annual celebrations and minimum weekly and monthly coverage. Under an agreement with the Roman Catholic Church, HRT provided up to 10 hours per month of regular coverage of Roman Catholic events.

Little progress was made in restituting property nationalized during the World War II era to most major religious communities. In May the Roman Catholic Bishops' Conference reported that only a few properties were returned during the year. The Serbian Orthodox Church, the second largest claimant of property after the Catholic Church, reported that its joint restitution subcommission had not met with the government during the year and stated that resolution of most of their outstanding issues, including property restitution, had stalled. There was no progress returning nationalized property to the Jewish community. The Muslim community had no property claims; local authorities in Rijeka continued to delay the long-sought construction of a mosque.

Societal Abuses and Discrimination

Societal violence and physical abuse of religious minorities was a problem.

For example, in May a group of HDZ supporters in Vojnic shouted abuse and threw stones on the car of the imam who supported the rival Social Democratic Party (SDP) from the nearby village of Maljevac after local elections. He later received apologies from the local HDZ leadership. The imam did not sustain injuries and could not identify the persons who attacked him to police.

In November a plaque on the Islamic community building in Dubrovnik was damaged by fire. The police investigated the incident but did not identify any suspects.

At the end of August on a Serb Orthodox religious holiday, a bomb went off in front of a Serb house in Glavinja Donja near Imotski. Twelve persons were in the house at the time of the explosion, but there were no casualties. Police investigated the incident but had made no arrests by year's end. In a December report on the status of investigations into ethnically related violence against Serbs, the police attributed the incident to conflict between drug mafia gangs. Anti-Serb derogatory graffiti was earlier sprayed on the cemetery wall in the same village.

Harassment of clergy and vandalism and destruction of religious property was also a problem.

Incidents involving harassment of clergy and desecration and vandalism of Serbian Orthodox Church property continued to occur sporadically. In Dalmatia, Serbian Orthodox officials reported numerous incidents of verbal threats and isolated physical attacks against clergy and property. Serbian Orthodox officials complained that local police seldom took action against alleged perpetrators. For example, in April unknown persons repeatedly broke into and sprayed fascist symbols on the Orthodox church of St. Pokrov in Knin; police investigated the incidents but had not identify any suspects by year's end.

In April an Orthodox chapel was set on fire at the Osijek cemetery; police investigated the case, but had not released their findings by the end of the year.

In late September the Orthodox Church in Sibenik reported that a group of young men broke into the courtyard of the Orthodox Eparchy shouting ethnic slurs and threats, damaging furniture, and smashing windows. The police apprehended three young adults involved in the incident, but stated that the event had no political meaning and described it as alcohol-induced violence. During a visit

from the Serbian ambassador, the Sibenik mayor expressed regret over the incident.

In December, unknown persons stoned Orthodox churches in Drnis and Zadar, where the St. Ilija church sustained minor damage. In the Drnis incident, a group of men reportedly smashed the windows to the church and verbally abused the local priest, telling him not to ring the church bells "because this is not Serbia." In November unknown persons broke into the church of St. Petka in Vukovar. Since nothing was stolen, observers considered the break-in, which was similar to other incidents in Dalmatia earlier in the year, to have been motivated by religious intolerance. The Croatian Helsinki Committee noted in its annual report that the police were reluctant to consider these incidents as ethnically or religiously motivated crimes and instead treated them as common crimes.

Serbian Orthodox clergy in Dalmatia remarked that the positive overtures of the central government stood in stark contrast with that of local authorities, law enforcement and judiciary, who persistently discriminated against Serbs. For example, cases involving two church-owned flats that were occupied illegally remained pending at county courts in Zadar and Split for over a decade. Also, Serbian Orthodox clergy who arrived from Serbia and Montenegro and from Bosnia and Herzegovina faced bureaucratic obstacles in obtaining a longer-term residency permit that entails benefits such as health care and pensions. The priests were required to renew their status at relatively short intervals that interrupted their stay, preventing them from accumulating the years of residency needed for a more permanent status.

The Jewish community has approximately 2,500 members.

In April the Jewish community and some international organizations received a threatening anti-Semitic letter. Police investigated the case but had not identified any suspects by year's end.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

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

The law provides for these rights, and the government generally respected them in practice.

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

Refugees returning to the country encountered obstacles obtaining permanent residency status under favorable conditions. The law states that former habitual residents who returned by January could be reinstated to their prewar status as habitual residents without further requirements, such as meeting housing and financial criteria, and could subsequently apply for citizenship. The government extended the deadline to June. The interior ministry streamlined the application process after international observers complained that officials varied procedures and criteria for granting permanent residency from case to case. Also, due to poor communication, many potential claimants were unaware that they could regularize their status, and international observers suggested a further extension of the deadline. The OSCE estimated there were approximately three thousand potential claimants in Bosnia and Herzegovina and Serbia and Montenegro.

Observers continued to note that fear of arrest among ethnic Serbs for war crimes, often based on weak evidence, dissuaded some refugees from returning. The state prosecutor continued to review the list of war crime suspects to address this concern.

Government procedures to verify and document citizenship improved during the year. For example, authorities ceased rejecting applicants who listed a collective center as their permanent address. However, reports continued of obstruction by some local officials who applied procedures inconsistently. In May the government signed an agreement with the Bosniak community granting citizenship to approximately 100 Bosniaks from municipalities bordering Bosnia and Herzegovina who were longtime residents of the country but who were not given citizenship after independence.

The government did not take steps to recognize or "convalidate" legal and administrative documents issued by entities not under Croatian control from the period of the 1991-95 conflict. Without such recognition, citizens (almost exclusively ethnic Serbs) remained unable to resolve a wide range of problems in accessing pensions and disability insurance, establishing work experience, and other

areas.

An OSCE survey in 2004 indicated that the majority of ethnic Serb refugees who wanted to return to their prewar domiciles had done so. By the end of November, 4,907 persons who were in the former Yugoslavia were repatriated to the country, compared to the 7,033 returnees in 2004. International organizations that monitor return of refugees considered the decline in returnees to be within expectations, since most of the remaining refugees willing to return were former tenancy rights holders who were waiting to be provided with housing. According to the office of the UN High Commissioner for Refugees (UNHCR), as of the end of November, 123 thousand of the 280 thousand Serbs who had left the country in 1995 had returned. In September the OSCE estimated that, of the total returnees, over one-third left soon afterwards due to the lack of employment opportunities or means to support themselves.

Ethnic tensions directed against returning ethnic Serb refugees continued at reduced levels in the Danube region but were more pronounced in parts of Dalmatia and its hinterlands, where incidents rose in frequency compared to the previous year (see section 5). The largest disincentive to returns was the poor state of the regional economy, compounded by an increase in ethnic incidents in return areas and slow implementation of return programs.

The ability of refugees to return to the country was hampered by limited access to housing, slow resolution of some bureaucratic obstacles, and lack of employment opportunities. Repossession and reconstruction of Serb houses were well under way. During the year the government processed 9,500 requests for reconstruction assistance. An additional 10 thousand owners who were denied reconstruction filed appeals; those appeals remain unresolved. The government in December assessed that 55 private houses belonging to ethnic Serbs remained occupied, down from 1,197 at the beginning of the year. Two-thirds of the remaining properties were located in Dalmatia. An estimated one-fifth of houses returned to their owners were looted beforehand. In July the government adopted a protocol for looted properties but did not define instructions for its implementation. By November the government had processed 145 of the first 600 cases identified as eligible.

There were cases of persons attempting to use the courts to recover alleged investments they had made while illegally occupying property. In December the first Serb returnee almost lost his house in a court-ordered auction because he could not reimburse the former occupant \$7,200 (44 thousand kuna) for improvements. After the international community intervened, the government prevented the sale by offering a settlement to the former occupant. The government said it would offer settlements in 24 similar cases pending in the courts.

The government slowly began to resolve the claims of persons who, prior to the war, held tenancy rights in socially owned apartments. Without such rights, claimants, who were mainly ethnic Serbs, were unable to return to their prewar apartments (see section 1.e.). The government extended until September the deadline for filing tenancy claims for apartments in urban areas. Approximately 11,270 individuals both inside and outside urban areas submitted claims (of these, some 4,150 applications were from urban areas); by year's end some 42 humanitarian cases identified by the international community were provided with housing.

Internally Displaced Persons (IDPs)

Authorities took an inconsistent and nonuniform approach to minority IDPs, hampering their return. A significant number of IDPs remained in the country, although not all were under the government's direct care. At the end of November the UNHCR office reported that there were 4,847 IDPs in the country. Of these, 3,190 were mainly Croats originating from the Danube region, while 1,657 were ethnic Serbs in the Danube region who did not hold official IDP status.

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 law generally provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has

established a system for providing protection to refugees. In practice, the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. During the year the government did not grant asylum to any of the 184 asylum seekers.

The government cooperated with the UNHCR and other humanitarian and international organizations in assisting refugees and returnees.

The government's appeals commission conducted substantive reviews of cases of asylum seekers who were initially rejected, although UNHCR expressed concern that the commission appointments remained under government influence. The UNHCR closely followed up on cases of individuals who were deported or returned by government authorities to Bosnia and Herzegovina or to Serbia and Montenegro.

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

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

The law provides 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

Stjepan Mesic was elected president in January. Citizen's Organized to Monitor Elections (GONG), the leading local election-monitoring NGO, reported that the January presidential elections were conducted in accordance with electoral legislation, with some irregularities, including breaches of procedure by individual polling committees and inaccurate voter lists. There were more serious problems in the first round of presidential elections at polling stations established for citizens who lived in Bosnia and Herzegovina, including cases of partisan polling officials, voting under names of deceased persons, and inaccurate voter lists.

GONG issued a similar assessment of local elections in May, although it faulted the lack of transparency in campaign financing. GONG described the professionalism of the election administrative bodies as satisfactory to very good, with some exceptions.

The law requires that ethnic minorities be represented in local government bodies if the census shows that a minority group constitutes at least a specified percentage of the local population. While authorities generally implemented this provision, the government did not take updated voter lists into account in calculating the number of elected minority representatives, as is also required by law. Use of the voters lists would have resulted in greater minority representation due to the return of refugees since the 2001 census.

In July the government instructed local governments to exclude voters lists in determining the proportion of minorities in local communities. In October the National Minorities' Council asked the government to withdraw its instruction on grounds that it contradicted the law. The Serb community and NGOs expressed similar criticisms. Observers estimated that additional minority councilors would be seated in over 12 towns if voters lists were taken into consideration. In October GONG challenged the government's instruction in the Constitutional Court. In December the opposition SDP appealed on the same grounds. The court had not reached a decision by year's end. However, minority elections were held in October in three municipalities, where additional councilors were elected albeit with minimal voter participation.

Following presidential elections, Prime Minister Sanader announced that a dual citizenship agreement with Bosnia and Herzegovina would resolve problems related to the right of citizens who are resident there to vote. However, preliminary reports of that agreement, initialed by the interior minister in August, indicated that the existing situation would continue.

There were 33 women in the 152-seat parliament, including 2 women in positions of deputy speaker. There were 4 women in the 15-seat cabinet, including the deputy prime minister, the minister of justice, and the foreign minister. There were 4 women among the 13 Constitutional Court justices and 20 women among the 40 Supreme Court justices.

The electoral law reserves up to 8 parliamentary seats for ethnic minorities. There were 11 members of minorities in the 152-seat parliament, of whom 8 were elected as minority representatives.

Government Corruption and Transparency

Corruption was perceived to be widespread, particularly in health service and land registration. In its November 9 progress report on the country, the European Commission noted that surveys highlighted a public perception that corruption had worsened over the previous year. The Ministry of Justice, with help from the international community, made progress in the latter area, introducing a digitalized land registry in May to increase public access to records and thereby remove a source of potential corruption.

Law enforcement investigated a number of allegations of corruption by senior government or former government officials, including former foreign minister Mate Granic and Nevenka Tadjman, daughter of the late president Franjo Tadjman. Although Tadjman was acquitted, in July the Supreme Court overturned the lower court ruling that one of the previous four charges for unauthorized consulting, with which Tadjman was charged, was not a criminal abuse of official duty and ordered a retrial. The retrial was scheduled for late October, but was postponed due to Tadjman's serious illness and chemotherapy treatment. The Supreme Court rejected the proposed indictment of Mate Granic due to lack of evidence.

While the government's Office for the Prevention of Corruption and Organized Crime (USKOK) continued to improve its capacity and authority to manage criminal investigations, the country's institutional ability to combat corruption remained unproven. The failure of USKOK to secure more than a few indictments demonstrated the immaturity of the judicial system to handle corruption investigations, stemming in part from the lack of a common definition of what constitutes corruption.

In February USKOK began investigating possible large-scale illegal sales of refugee Serb houses to the government's Agency for Refugee Property (APN). At year's end USKOK was still investigating the case. Some 20 plaintiffs brought criminal charges for fraud, and another 30 sought out-of-court settlements with the state attorney, an obligatory step before filing criminal charges. In one case the court voided a false contract and ruled to restore the ownership. The agency made its contracts approval procedure more stringent and prohibited several staff members who were under investigation from signing purchase agreements. One local NGO representing ethnic Serb refugees and assisting them in filing charges, complained that the agency had violated the law by refusing to allow damaged parties access to files, including to contracts that might reveal fraud. The NGO also asserted that the state prosecution was slow to respond to related charges that it had filed in January against the head of the APN.

The effectiveness of the parliamentary Commission for the Prevention of Conflict of Interest, which, as one of its duties, required officials to publicly declare their assets, was limited by infighting and an overly broad mandate.

The law provides the right to access government information, but was unevenly applied in practice.

In August radio journalist Jelena Berkovic won a court case against the government for failure to provide requested documents within the deadline provided by law. In September the government removed HRT from the list of public institutions required to comply with the law on access to information. NGOs warned that the exemption would negatively influence the transparency of the electoral process.

Section 4 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 office for cooperation with NGOs and other government ministries and offices were active in

coordinating and promoting NGO and governmental efforts on human rights and civil society. In May the government approved the integration of the Human Rights Center, a leading human rights NGO, into the public sector. The UN continued to provide funds to the center, which the government supplemented later in the year. The center's board included both public and private sector representatives.

In December two men from Vukovar, one of whom was a former special police forces member, physically assaulted the president of the prominent human rights NGO Citizens Human Rights Committee, Zoran Pusic, and his wife in front of their house in Zagreb, slightly injuring Pusic. The attackers, who were reportedly intoxicated, also verbally abused Pusic. Police initiated misdemeanor proceedings against one of the attackers.

The office for human rights was the primary government body responsible for developing, coordinating, and implementing the government's human rights policies. While the office did not have authority to investigate alleged human rights abuses, it cooperated effectively with NGOs and the international community to conduct awareness-raising campaigns to promote gender equality and women's rights, encourage general tolerance, and prevent trafficking in persons. The office also awarded project grants to NGOs to address various human rights problems. It was adequately funded and enjoyed the cooperation of other government agencies.

In October the ICTY chief prosecutor reported that the government fully cooperated with the ICTY. During the year the government complied with all ICTY requests for information and evidence and initiated an interagency action plan to locate and transfer Ante Gotovina, one of the most wanted ICTY indictees, to The Hague. Under the direction of the chief state prosecutor, authorities tracked Gotovina and alerted the ICTY chief prosecutor, the Spanish prosecutor, and Spanish police, leading to Gotovina's December 7 arrest in Canary Islands. In August the government cooperated in the arrest of Hrvoje Petrac, allegedly a leading financial supporter of Gotovina, by authorities in Greece.

During the year further steps were taken to transfer ICTY cases to the country as part of the tribunal's completion strategy. In September the ICTY approved its chief prosecutor's request to transfer the indictments against Mirko Norac and Rahim Ademi to Croatia, completing the transfer in October. Upon the request of the chief state prosecutor, the president of the Supreme Court decided that the Zagreb County court would adjudicate the case due to its complexity and security concerns. Norac was serving a 12-year sentence on an unrelated domestic war crimes conviction. In addition the state prosecutor worked closely with the ICTY prosecutor to prepare a framework for the transfer of investigative materials on unindicted cases.

In May a proposal by the ICTY prosecutor to modify indictments against Ivan Cermak and Mladen Markac to include participation in a joint criminal enterprise to drive ethnic Serbs from the country drew widespread criticism, including from the president and prime minister, who accused the prosecutor of trying to criminalize the war effort.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on gender, age, and race, disability, language, or social status; however, discrimination against women, ethnic Serbs, and Roma continued.

Women

Violence against women, including spousal abuse, continued to be a problem. The media reported that 1,456 cases of family violence were recorded by police in the first 10 months of the year, an increase of 27 percent over 2004. The high misdemeanor court reported that 5,169 court procedures were initiated for breaches of the law on family violence and 3,848 cases were resolved in the first 7 months of the year. According to the interior ministry, one-third of the murders committed over the previous four years were a result of family violence.

The family violence law provides that a domestic violence case may be initiated by persons other than the victim, including the police. Under this law, family violence is treated as a misdemeanor; penalties range between \$166 to \$1,660 (1,000 to 10,000 kunas) or up to 60 days in prison. Under the criminal law, perpetrators can face up to three years in prison for the same acts. NGOs complained that the

courts were slow to schedule first hearings, issued few convictions, and administered only minimum prison sentences and fines. NGOs specializing in domestic violence criticized the police rulebook that gave police discretion to assess threat levels when administering restraint orders and other measures. During the year the government began implementing procedures under a new national strategy against family violence. In November the interior ministry assigned police officers trained to handle family violence to every police station in the country and introduced around-the-clock duty to provide fast intervention, secure victims' safety, and remove perpetrators from families.

The ombudswoman for gender equality and women's NGOs warned that courts were consistently too lenient towards perpetrators. This was illustrated in July by a highly publicized case of a woman who reported her husband for grave harassment and death threats. The court failed to take action against the husband, who subsequently killed the woman. The case initiated a public discussion on domestic violence. The ombudswoman also criticized the interior ministry for refusing to send her complete documentation on such cases, thereby obstructing her efforts.

The government improved its cooperation with NGOs, although NGOs remained concerned that the budget for family violence prevention was minimal and unstable. There were 10 shelters, operated mainly by NGOs and financed by donations, for victims of domestic violence. For the first time, the government allocated \$216,600 (1.3 million kunas) to operate these shelters during the year. Hotlines, counseling, and legal assistance were also available to victims of domestic violence. In December 2004 the government adopted a two-year strategy against family violence which focused on prevention, including training the relevant agencies and the judiciary. Under the strategy the government in September adopted a protocol that defines modes of conduct and cooperation between police, judiciary, centers for social welfare, and other institutions in family violence cases. The government also published an address book of institutions offering assistance to victims. During the year the government spent approximately \$1.2 million (7 million kuna) for activities under the strategy.

Rape, including spousal rape, is illegal; however, NGOs reported that many women did not report rape or spousal rape. The law provides penalties for rape of 1 to 10 years' imprisonment and of 3 to 15 years' imprisonment for rape under aggravated circumstances, such as rape that resulted in death or pregnancy or if the victim was a minor.

According to a 2003 survey by Autonomna Zenska Kuca, 34 percent of women had unwanted sexual relations at least once in their lives. The government's office for human rights reported 38 rape convictions during the year. The police registered 89 rape complaints in the first 11 months of the year; of these, 66 prosecuted as crimes while the remainder were classified as attempted rapes. No spousal rape cases were reported to the Zagreb county court, while one person in Rijeka was sentenced to two years in prison for spousal rape. According to the NGO Women's Room, women frequently did not report rape and spousal rape because they lacked information about available legal protections, felt ashamed, feared reprisal, or, in case of spousal rape, were concerned over the economic consequences. Women's NGOs noted that victims were also reluctant to report rape, particularly spousal rape, because it was difficult to prove in court and because medical staff, police, and judiciary were not trained to treat such victims. They also alleged that sentences for spousal rape tended to be too lenient.

Prostitution is illegal but occurred. According to the state prosecutor's statistics, authorities initiated 301 misdemeanor procedures for prostitution during the year. According to an estimate by the Croatian Trade Unions' Association, approximately 3,500 women were involved in prostitution.

Trafficking in women for the purposes of sexual exploitation remained a problem (see section 5, Trafficking).

The law prohibits sexual harassment in the workplace; however, it was a problem. According to a 2004 survey by Poslovni Forum, over 17 percent of female employees reported experiencing sexual harassment in the workplace at some point in their career. According to trade unions, the problem was most pronounced in the textile and leather, trade, and catering industries. The ombudsman and unions reported that they worked on sexual harassment cases, although many women were reluctant to take action for fear of reprisal.

The law prohibits gender discrimination; however, women generally held lower paying positions in the

work force in practice. In July the government employment bureau found that women comprised 58.8 percent of the unemployed, an increase from the previous year. During the year a major employment organization found that women's wages were on average 19 percent below men's, double the difference reported by the State Bureau of Statistics in 2003. Women held the preponderance of low-level clerical, labor, and shop-keeping positions.

In January the UN Committee on Elimination of Discrimination Against Women raised concerns about gender stereotypes in school textbooks, employment discrimination, under representation of women in local government, and the high incidence of domestic violence. A dozen prominent domestic NGOs that drafted the report considered the lack of political will to implement laws a greater problem than the legal framework. They cited a range of problems, including the lack of measures to protect victims of family violence and intermittent funding of shelters. Many relevant institutions did not collect statistics by gender, including those dealing with labor issues.

The office for gender equality is responsible for implementing the Gender Equality Law and formulating the government's gender policy; the office of the gender ombudsman monitors implementation of the law, including the submission of mandatory action plans for state institutions and public companies. Prior to local elections in May, the gender equality office campaigned through its local and regional networks for fair representation of women on party slates. While women made up over 50 percent of the population, their representation on party slates ranged from 6.7 to 17.8 percent. The office also continued developing a network of local gender equality commissions and in April established a coordination body of county gender equality commissions.

Children

The government was generally committed to the rights and welfare of children.

Education was free and mandatory through grade eight (generally age 14); boys and girls had equal access to education. The majority of students continued their education until the age of 18, with Roma being the only notable exception. Romani children faced serious obstacles to continuing their education, including discrimination in schools and a lack of family support. An estimated 10 percent of Romani children began primary school, and only approximately 10 percent of these went on to secondary school.

International organizations and local NGOs continued to report the practice of holding separate, lower quality classes for Romani students in the northern part of the country. A 2003 lawsuit challenging the segregation of primary school classes in the northern Medjimurje region remained pending before the Constitutional Court. At year's end the ECHR had not reached a decision on a December 2004 lawsuit filed by the European Center for Roma Rights and HHO on behalf of 15 Romani children who were allegedly subjected to racial discrimination in elementary schools. In September the HHO repeated its concern over the prolonged silence of the Constitutional Court, which had been its primary motive for filing the lawsuit with the ECHR.

The HHO noted that at least four primary schools included in the indictment continued the practice of segregated classes during the year. The schools initially failed to organize mixed primary school classes after receiving pressure from parents; they cited a lack of social and psychological skills of Romani children as grounds for their failure. While schools in Drzimurec Strelec and Orehovica employed Romani assistants to help students overcome the language barrier, the HHO considered that this measure alone could not substantially improve the situation. The ombudsman's 2004 report and the Council of Europe commissioner for human rights recommended the introduction of preschool education for Romani children, which would enable them to learn Croatian and avoid later segregation.

During the year a local NGO began a pilot project for Roma and other vulnerable children with the goal of integrating them into society and educating teachers and parents.

Medical care for children was free, and boys and girls had equal access.

Child abuse, including sexual abuse, was a problem. According to state prosecution statistics, 1,121 persons were reported for criminal acts against children in 2004; 908 of the cases involved neglect

and abuse of children and minors, while the rest were for various forms of sexual abuse or pornography. During 2004 577 persons were convicted for abuses of children.

In 2004 Amnesty International reported on the inability of authorities to prevent violence among children in social care institutions and expressed concern that minors were placed in institutions with adults. During the year authorities assigned experts to social welfare institutions to work on suppression of violence among minors and introduced simplified procedures for children to report such incidents. The Ministry of Health and Social Welfare conducted an analysis of homes for children and youth with behavioral disorders and began employing additional experts including psychologists in these homes.

Trafficking in children was a problem (see section 5, Trafficking).

Child labor was a problem (see section 6.d.)

No nationwide statistics on child marriages among Roma existed, but social welfare services in Medjimurje county with a substantial Romani minority, reported that common-law marriages were customary among partners at the age of 16 and above. According to their estimates, as many as 60 percent of female teenagers entered such marriages, which were often prompted by pregnancies. These marriages were in some cases made official when partners reached adulthood. Government sources noted that an increase of maternity and child allowances two years ago contributed to an increased birth rate among Roma, who considered the allowances a good source of steady income.

Trafficking in Persons

The law prohibits trafficking in persons; however, women and minors were trafficked to, from, and within the country.

The law defines trafficking in persons as a crime separate from slavery and provides penalties between 1 and 10 years' imprisonment for traffickers. The minimum penalty for trafficking crimes committed against a minor is 5 years' imprisonment. In addition, if the crime was committed by a criminal organization and resulted in a death, the penalty is 5 years to life imprisonment. The government reported ongoing criminal proceedings against 13 persons and 1 conviction for trafficking during the year. During the year the state prosecutor initiated investigations against 10 known and several unknown persons for trafficking offenses. Nine of the 10 were citizens, and 1 was Bosnian. One investigation resulted in the indictment of two persons, while the other investigations were not completed at year's end.

A witness protection law defines the conditions under which state protection is granted when a witness' life, health, freedom, or property are threatened; however, it was not used in any trafficking-related case during the year.

The government has a national committee for the suppression of trafficking in persons and a national coordinator for trafficking in persons issues who is the head of the office for human rights. Ministries and agencies responsible for the suppression of trafficking include the ministries of foreign affairs, justice, interior, health and social care, and education and office of the state prosecutor. Police participated in international investigations through the Southeast European Cooperation Initiative regional center in Bucharest.

Police awareness of the problem of trafficking in persons continued to improve; however, according to NGOs, failure to identify trafficked women among illegal aliens smuggled into the country was a serious problem that resulted in a significant underestimate of the trafficking problem in the country. During the year the interior ministry, in cooperation with the International Organization for Migration (IOM), completed six multimodular seminars for the police, state prosecutors, and investigative judges, which started in 2004. Over a two-year period the program reached 1,600 police officers. The police academy continued to teach antitrafficking as a regular part of its curriculum, offering 18 hours of instruction per semester.

The country was primarily a transit country for women and girls trafficked to other parts of Europe for prostitution, as well as a lesser but increasing, source and destination country for trafficked women.

Women from Romania, Bulgaria, Bosnia and Herzegovina, and other countries were trafficked through Bosnia and Herzegovina and Serbia and Montenegro to the country, where some remained to work as prostitutes while others were trafficked onward. Women were transported through the country by truck or boat. Women from Albania, Bosnia and Herzegovina, Bulgaria, Hungary, Macedonia, Moldova, Romania, Slovenia, and Serbia and Montenegro were detained for illegal entry into the country; some of these were believed to be trafficking victims.

Refugees, displaced persons, and young persons were most at risk of being trafficked. Anecdotal information indicated that international organized crime groups, local groups, and travel or marriage agencies were responsible for trafficking. Victims were subject to violence, intimidation, withholding of documents, and threats by traffickers.

There were no reports that government officials were involved in trafficking.

The government did not deport or punish victims of trafficking. While the law criminalizes international prostitution and unauthorized border crossings, it exempts trafficking victims from prosecution. Similarly, the law allows authorities to charge foreign prostitutes with a misdemeanor and initiate deportation proceedings if they do not fulfill legal requirements for their stay in the country but exempts trafficking victims from deportation.

The government has a legal framework to provide for victim assistance, and there were support services available for trafficking victims. The government continued financially to support a shelter for trafficking victims. The International Committee of the Red Cross, in cooperation with the government, operated four reception shelters for victims. Working with local NGOs and the IOM, the government offered victim assistance such as rehabilitation and medical and legal assistance.

During the year the government reported assisting six trafficking victims who were Croatian, Bosnian, Bulgarian, and Romanian citizens and preventing the attempted trafficking of another woman. Two of the victims were minors.

The government was active in public awareness campaigns and it continued to support an NGO hotline and alternative shelter. In September the government adopted the National Plan for the Suppression of Child Trafficking.

Persons with Disabilities

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

In December several members of parliament, including one with disability, criticized the government for having implemented only 12 of 70 measures envisaged under the national strategy for persons with disabilities adopted in 2003. The parliamentarians cited examples such as the lack of home medical care for immobile persons and the government's failure to provide public information in a form accessible to blind persons.

In April the media reported on repeated acts of violence and sexual abuse in a home for mentally incapacitated children operated by the Catholic charity Caritas in Brezovica. The government brought criminal charges against the director, who was suspected of covering up evidence and preventing criminal proceedings against staff. One employee was arrested. In September the state attorneys' council turned down the chief state attorney's request to suspend the deputy state prosecutor in charge of children and youth for disregarding evidence and terminating an investigation into the case. The case generated considerable public discussion about children's issues.

The law mandates access to buildings for persons with disabilities; however, the government did not always enforce these provisions, and the law did not mandate that facilities be retrofitted. As a result, access to public facilities was limited.

National/Racial/Ethnic Minorities

Constitutional protections against discrimination are applied to all minorities; however, in practice a

pattern of open and sometimes severe discrimination continued against ethnic Serbs and Roma. There was some discrimination against minorities in schools (see section 5, Children).

Violence against Serbs continued particularly in the Dalmatian hinterland, the most active area of refugee return, and to some extent in Eastern Slavonia. Incidents occurred largely after the local elections in May and over the summer when many Serbs returned or visited their homes. The HHO reported that the number of interethnic incidents rose during the first six months of the year in comparison to the previous year.

In its annual report, released in December, the HHO asserted that authorities had not adequately investigated and prosecuted ethnically motivated incidents, some of which were particularly grave. In December, the police issued a report on approximately 50 incidents that occurred during the year and claimed to have identified suspects in a third of the cases. Both the media and NGOs expressed concern that the police had not been successful in identifying suspects of several of the most serious crimes.

In May Zadar police found, in the village of Karin, the body of an elderly Serb resident of Zagreb that bore visible signs of violence. The police had not identified any suspects by year's end. The December police report stated that several hundred persons had been questioned and a number of polygraph tests administered in connection with the case.

In October and November two returnee Serbs were fatally injured by hand grenades while collecting firewood in the forest near the area of Lipik. The area was not known to have been mined, and there were strong indications that the grenades had been planted. The UNHCR expressed concern that the incidents had occurred in the same area over a short period of time and under similar circumstances. Police were still investigating the incidents at the year's end.

In May unknown persons detonated bombs near municipal buildings in the predominantly Serb villages of Trpinja and Borovo Selo in Eastern Slavonia causing considerable property damage. The same night unknown persons detonated an explosive device in a Serb-owned apartment in Vukovar.

The small mainly Serb village of Djevske near Sibenik was the site of three violent interethnic incidents within six months that involved persons harassing and threatening guests in a cafe, damaging a cafe and two cars, and smashing windows and firing shots in a restaurant. Police arrested three perpetrators in the last incident, one of whom was fined for misdemeanors.

In July two unknown assailants severely beat and injured two elderly Serbs in Ostrovica and threw rocks at the house of another returnee; police had not made any arrests in the case by year's end.

Looting of property owned mainly by ethnic Serb refugees continued in the Zadar area. Three incidents of breaking and looting in a single day were reported in the returnee villages of Smokovic and Islam Grcki near Zadar.

The OSCE reported on several ethnically related incidents where the perpetrators were charged with misdemeanor offenses, such as disturbing public order, rather than criminal offenses. In a majority of the cases, police and prosecutors were reluctant to identify cases as ethnic discrimination.

The largest Serb NGO, Serb Democratic Forum, ascribed the increased number of interethnic incidents in the Dalmatian region in part to persons who were reluctant to give back agricultural land they were occupying to the ethnic Serb owners. The NGO asserted that the police did not always remain impartial and uphold the law in property disputes between ethnic Croats and ethnic Serbs.

Authorities discriminated against ethnic Serbs in several areas, including in administration of justice, employment, and housing (see sections 1.e. and 2.d.). Ethnic Serbs in war-affected regions continued to be subject to societal harassment and discrimination.

In June a senior majority party official in Sisak used ethnic slurs against ethnic Serbs who participated in the coalition that removed him from power after the local elections. The media branded the former

county prefect as an old-style nationalist, and the party distanced itself from the statement, but he was later appointed as adviser in the prime minister's cabinet.

In September Croat parents in the villages of Dalj, Erdut, and Aljmas in Eastern Slavonia refused to send 200 children to school to protest the reinstatement of three Serb teachers who allegedly refused to teach in the Croatian language and demonstrated extreme nationalist views during and after the war. In the past years, these teachers taught only in Serb classes. After consultations with the Ministry of Education, the teachers were reassigned to other classes in Dalj and elsewhere.

Societal violence, harassment, and discrimination against Roma continued to be a problem. While only nine thousand persons declared themselves to be Roma in the 2001 census, officials and NGOs estimated the Romani population at between 30 thousand and 40 thousand.

Roma faced many obstacles, including language (many Roma, particularly women, had only limited Croatian language skills), lack of education, lack of citizenship and identity documents, high unemployment, and widespread discrimination. Romani NGOs estimated that 25 percent of Roma did not have citizenship documents and thus could not obtain social benefits, employment, voting rights, and property restitution. According to the Council of Europe, only 6.5 percent had permanent jobs, while the Ministry of Social Welfare estimated in December that 20 thousand to 30 thousand Roma were receiving some form of social assistance. The Ivo Pilar Institute for Social Research estimated that only 17 percent of Roma had permanent employment and over 50 percent lived exclusively on social welfare.

International organizations and local NGOs continued to report the practice of holding separate, lower quality classes for Romani students in the northern part of the country (see section 5, Children).

In March the government adopted an action plan to invest approximately \$10 million (62.5 million kunas) in the next 10 years, mainly to improve conditions for Roma in education, health, employment and housing. In May the Ministry of Justice signed contracts with 32 lawyers to provide free legal aid to Roma, mostly to resolve their citizenship status. During the year, the Ministry of Health established mobile teams to provide basic health care to Romani communities. The government supported some other programs for Roma, including employing two additional social workers in the Medumurije region.

International observers noted that the government did not fund and was slow to implement its 2003 National Program for Roma. In December the government allocated approximately \$2 million (12 million kuna) for implementation of the program, of which just over half was allocated to improve Romani settlements with the worst living conditions.

Other Societal Abuses and Discrimination

There was some societal discrimination against homosexuals. In August one NGO reported that 11 criminal proceedings for physical assaults against homosexuals were initiated during the year. In one incident a homosexual couple was attacked by a group of teenagers who shouted offensive remarks, then severely beat up the couple. The victims, who immediately reported the incident, complained that the police were slow to react.

A 2004 survey of employers indicated that one-third would not willingly employ workers who declared themselves homosexuals.

Societal discrimination against persons with HIV/AIDS remained a problem. The Croatian Association for HIV reported that dentists and general practitioners often refused treatment of HIV positive patients and some hospitals postponed surgeries because doctors were reluctant to operate. For example, one person was waiting for hernia surgery in Zagreb since June, and another person's thyroid surgery was postponed at a hospital in Zagreb in September because a doctor refused to operate. Also, transplanting centers refused to put HIV patients on their lists of potential organ receivers.

The UN Development Program (UNDP) reported that one weekly in May published the initials and other personal information in detail sufficient to identify a cafe owner in Split suspected to be HIV positive and alleged that he was intentionally spreading AIDS. The damaged party did not take legal action against the weekly. The UNDP also reported that official health requirement rulebooks were still

in place, which disqualify HIV positive from employment as merchant seamen, aircrew, and security guards.

Section 6 Worker Rights

a. The Right of Association

Workers are entitled by law to form or join unions of their own choosing, and workers exercised this right in practice. Approximately 64 percent of workers were members of unions. Unions generally were independent of the government and political parties.

The law prohibits antiunion discrimination and expressly allows unions to challenge firings in court. However, in general, citizens' attempts to seek redress through the legal system were seriously hampered by the inefficiency of the court system, where cases often languished for months or years before reaching a final resolution (see section 1.e.).

b. The Right to Organize and Bargain Collectively

The law protects collective bargaining and the right to organize, and workers exercised these rights in practice.

The law provides for the right to strike, with some limitations and workers exercised these rights during the year. Members of the armed forces, police, government administration, and public services were not permitted to strike. Workers may only strike at the end of a contract or in specific circumstances mentioned in the contract after they have gone through mediation. When negotiating a new contract, workers are required to go through mediation before they can strike over a new contract. Labor and management must jointly agree on a mediator if a dispute goes to mediation. If a strike is found to be illegal, any participant may be dismissed and the union held liable for damages.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits all forced or compulsory labor, including by children; however, there were reports that it occurred (see Section 5).

d. Prohibition of Child Labor and Minimum Age for Employment

There were laws and policies to protect children from exploitation in the workplace and provide for acceptable working conditions. While the government for the most part implemented these laws and policies effectively, there were cases of child labor, as illustrated by the well-publicized accidental drowning of two Romani children in August while taking a break from agricultural work. The drownings brought public attention to the problem of child labor, specifically the practice of Romani children being employed in agriculture.

In 2004 the State Inspectorate recorded 52 cases involving labor by children between the ages of 14 and 17. The children, 51 percent male, were employed in the hospitality, retail, industrial, construction, and media sectors. During the same period, the inspectorate catalogued 6 cases of children between the ages of 16 and 18 sustaining injuries while performing work. Three of the injuries occurred on construction sites, the other three injuries involved industrial machines

The minimum age for employment of children is 15 years, which was enforced by the Ministry of Economy, Labor, and Entrepreneurship in conjunction with the ombudsman for children and the State Inspectorate. The law prohibits workers under the age of 18 from working overtime, at night, or under dangerous conditions.

The law prohibits trafficking in children; however, it occurred (see section 5).

The law proscribes the worst forms of child labor. Recent changes to the criminal code criminalized trafficking in children for purposes of sexual exploitation and labor. The national ombudsman for

children coordinates the country's efforts to prevent the exploitation of children and to assist in removing children from exploitative situations. The State Labor Inspectorate has 92 inspectors whose duties include inspection for illegal employment of minors. The inspectorate forwards all cases of violations involving minors to the office of the ombudsman for children. Between January 1 and September 15, the inspectorate uncovered 165 labor law violations involving minors in the hospitality, tourism, retail sales, handicraft, agricultural, and entertainment industries.

e. Acceptable Conditions of Work

The national minimum monthly wage of \$308 (1,850 kunas) did not provide a decent standard of living for a worker and family. According to official data, over 100 thousand workers received less than minimum wage. The labor inspectorate enforces the minimum wage.

Nonpayment and late payment of wages continued to be a problem, although it lessened in recent years. Nonpayment of overtime or for work on holidays was also a problem. According to the Croatian Federation of Independent Trade Unions, 48,400 employees were not paid for their work in 2004. The labor inspectorate estimated that employers failed to register over 400 thousand workers as being employed.

The law provides for a standard workweek of 40 hours. Workers are entitled to a 30-minute daily break, 1 day off out of 7, and a minimum of 18 days of paid vacation annually. The law provides that workers are entitled to time-and-a-half pay for overtime and limits overtime to 10 hours per week. The labor inspectorate must be notified if overtime work for an individual employee continues for more than 4 consecutive weeks, for more than 12 weeks during a calendar year, or if overtime work of all employees of a certain employer exceeds 10 percent of the total working hours in a particular month. In 2004 the inspectorate reported receiving 1,710 reports of employers not registering employees, 942 reports of failure to pay salaries, 1,388 reports of failure to pay overtime, and 703 reports of employers extending work hours in violation of the law. Pregnant women, mothers of children under 3 years of age, and single parents of children under 6 years of age, may work overtime only if they freely give written consent to perform such work.

The government set health and safety standards, which were enforced by the Ministry of Health; the ministry's inspectorate has jurisdiction over enforcement of health and safety laws at the workplace and compiled annual data on injuries and health and safety code violations. In practice, many industries often did not meet the standards for worker protection. In 2004 the inspectorate initiated 1,894 misdemeanor procedures against 3,628 employers for violating safety standards. Also, there were 80 criminal complaints filed against 102 individuals as well as 206 fines levied. 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 state inspectorate, workers did not exercise this right in practice and normally only reported employers after they had left their job.