

# CROATIA 2017 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Republic of Croatia is a constitutional parliamentary democracy. Legislative authority is vested in the unicameral parliament (Sabor). The president serves as head of state and nominates the prime minister, who leads the government. Domestic and international observers stated that the latest parliamentary elections held in September 2016 were free and fair.

Civilian authorities maintained effective control over the security forces.

The most significant human rights issues included restrictions on expression and the press, including violence against journalists; and corruption.

The government took significant steps to prosecute and punish individuals who committed abuses of human rights.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no reports the government or its agents committed arbitrary or unlawful killings.

#### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities; however, a significant number of cases of missing persons from the 1991-95 conflict remained unresolved. The government reported that as of June 30, 1,532 persons remained missing, and the government was searching for the remains of 420 individuals known to be deceased, for a total of 1,952 unsolved missing persons cases. The Ministry of Veterans Affairs reported that in the period from January 1 to October 15, the remains of 54 individuals were exhumed, and in the same period final identifications were made for 22 individuals. The government continued to prioritize the resolution of outstanding missing persons cases, but progress had slowed since 2016. Technical challenges and inadequate cooperation with neighboring countries hampered resolution of cases.

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

The constitution and law prohibit such practices. There were no reports the government employed them.

#### **Prison and Detention Center Conditions**

The treatment of prisoners was considered generally humane, although overcrowding remained a problem in some prisons.

Physical Conditions: The Office of the Ombudsman for Human Rights reported an easing of prison overcrowding, although it persisted in some high-security prisons. As of December 31, 2016, prisons were at 80 percent capacity. Several prisons remained overcrowded, including those in Karlovac (at 132 percent capacity), Dubrovnik (118 percent), and Osijek (128 percent). A majority of prisoner complaints concerned the quality and accessibility of medical care and inadequate facilities, specifically a lack of living space.

Administration: The ombudsman's office visited prison facilities and issued recommendations for the Ministries of Justice and Health to investigate alleged mistreatment of some prisoners, improve facilities, and improve health services.

Independent Monitoring: The government permitted monitoring by independent nongovernmental organization (NGO) observers. On March 14-22, the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visited the country to review measures taken by authorities to implement the CPT's recommendations from a visit in 2012. The CPT visit focused particularly on the treatment of and detention conditions for prisoners, as well as legal safeguards for patients in psychiatric institutions. At year's end the CPT's report of the visit was not yet publicly released.

### **d. Arbitrary Arrest or Detention**

The constitution and the law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his/her arrest or detention in court, and the government observed these requirements.

#### **Role of the Police and Security Apparatus**

The national police, under the control of the Ministry of the Interior, have primary responsibility for domestic security. In times of disorder, the prime minister and the president may call upon the armed forces to provide security. The intelligence service is under the authority of the prime minister and the president. Civilian authorities maintained effective control over police, the armed forces, and the intelligence services. The government had effective mechanisms to investigate and punish abuse. There were no reports of impunity involving the security forces during the year.

Although the government nominated members for the parliamentary council for civilian oversight of security and intelligence agencies, after the previous council's mandate expired in October 2015, as of year's end parliament had not yet confirmed them.

### **Arrest Procedures and Treatment of Detainees**

Other than those arrested during the commission of a crime, persons were apprehended with warrants issued by a judge or prosecutor based on evidence. Prosecutors may hold suspects for up to 48 hours based on their decision on detention. Upon request of the state prosecutors, an investigative judge may extend investigative detention for an additional 36 hours. Authorities informed detainees promptly of charges against them. There was a functioning bail system, and courts may release detainees on their own recognizance. Authorities allowed detainees prompt access to a lawyer of their choice or, if indigent, to one provided by the state.

#### Detainee's Ability to Challenge Lawfulness of Detention before a Court:

Detainees may challenge their detention in court and are entitled to release and compensation if their detention is determined to have been unlawful.

### **e. Denial of Fair Public Trial**

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence and impartiality. Cases of intimidation of state prosecutors, judges, and defense lawyers were isolated. As of June 30, the judiciary suffered from a backlog of 474,345 cases, down from 520,000 in 2016.

County courts in Osijek, Rijeka, Split, and Zagreb exercised exclusive jurisdiction over war crimes cases.

## **Trial Procedures**

The constitution and law provide for the right to a fair and public trial, and the judiciary generally enforced this right. Defendants enjoy the presumption of innocence. Defendants must be informed promptly and in detail of the charges against them. Defendants have a right to a timely trial and to be present at their trial. They have the right to communicate with an attorney of their choice or to have one provided at state expense. Defendants enjoy the right to adequate time and facilities to prepare a defense. Any defendant who cannot understand or speak the language used in court has free access to an interpreter, from the moment charged, through all appeals. Defendants have the right to confront witnesses against them and present witnesses and evidence on their behalf. Defendants may not be compelled to testify or confess guilt. Defendants and prosecutors may file an appeal before a verdict becomes final, and defendants may file appeal through the domestic courts up to the European Court of Human Rights.

## **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

## **Civil Judicial Procedures and Remedies**

Individuals may seek damages for, or cessation of, an alleged human rights violation. Individuals may appeal to the European Court of Human Rights after all domestic legal remedies have been exhausted or after a case has been pending for an excessive period in domestic courts. The backlog in domestic courts raised concerns regarding judicial effectiveness, efficiency, legal certainty, and the rule of law. Administrative remedies were also available.

## **Property Restitution**

The country is a signatory to the Terezin Declaration. The government had insufficient laws or mechanisms in place to address property restitution issues, and NGOs and advocacy groups reported that the government had not made progress on resolution of Holocaust-era claims, including for foreign citizens.

According to the 1996 law on Compensation for the Property Taken during the Former Yugoslav Communist Regime, restitution of property seized during the Communist era was limited to individuals who were citizens of the country in 1996, when parliament passed the restitution law, and claims could only be filed

within a specified window, which closed in January 2003. Consequently, the law did not apply to persons whose property was expropriated but who left the country and obtained citizenship elsewhere. A 2002 amendment to the law allowed for foreign citizens to file claims if their country of citizenship concluded a bilateral agreement with Croatia. In 2008 a court ruled that a bilateral treaty is not a requirement for restitution claims; however, a 2011 attempt to amend the legislation was not successful.

In September the Ministry of Culture reported that its Directorate for the Protection of Cultural Heritage, in coordination with the Jewish Community of Zagreb, began a study of available archives to identify Jewish cemeteries and burial sites not listed on the Official Registry of Cultural Goods, although the study was not completed by year's end. The government also reported designating representatives to work with organizations dedicated to Holocaust-era property issues, notably mapping and preservation of Jewish cemeteries and research on Jewish cultural goods in museums, in accordance with the Terezin Declaration.

Restitution of communal property remained a problem for the Serbian Orthodox Church and the Coordination of Jewish Communities in Croatia, the umbrella organization representing Jewish communities throughout the country, particularly the Jewish Community of Zagreb, an umbrella organization. There had been no restitutions of Jewish communal property since 2014, although several requests were pending. Jewish organizations reported significant problems with the process of restitution of private property seized during and after World War II.

#### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution and law prohibit such actions, and there were no reports the government failed to respect these prohibitions.

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Expression, Including for the Press**

The constitution and law provide for freedom of expression, including for the press, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press.

Freedom of Expression: The criminal code sanctions individuals who act “with the goal of spreading racial, religious, sexual, national, ethnic hatred or hatred based on the color of skin or sexual orientation or other characteristics.” The law provides for six months to five years imprisonment for conviction of such “hate speech.” Conviction of internet hate speech is punishable by six months to three years imprisonment.

In December two members of parliament reported receiving death threats after they criticized a moment of silence in the parliament that honored convicted war criminals in the International Criminal Tribunal for the Former Yugoslavia (ICTY) case of *Prlic et al.*

Press and Media Freedom: Independent media were active and expressed a wide variety of views without restriction. Restrictions on material deemed hate speech applied to print and broadcast media. While many private newspapers and magazines were published without government interference, observers cited lack of transparency in media ownership as a challenge to media and government accountability. In several cases information regarding the actual ownership of local media outlets was not publicly available. On July 14, the Parliamentary Information, IT, and Media Committee relieved four of the five members of Croatian Radio Television’s (HRT) Supervisory Board, after the board reported on numerous alleged irregularities and possible illegalities in the HRT’s management. The HRT branch of the Croatian Journalists Association (CJA) warned that removal of these board members would endanger the independence of one of HRT’s most important bodies and threaten HRT’s transformation into a responsible and credible public service.

Violence and Harassment: In January state prosecutors in Zlatar indicted Ivan Goluban for hate crimes and threats against Sasa Lekovic, president of the CJA. Police had arrested Goluban in November 2016 for threatening Lekovic.

In February the European Federation of Journalists (EFJ) supported the CJA in denouncing an attack against freedom of speech and the rights of ethnic minorities by the NGO In the Name of the Family. On February 13, In the Name of the Family in a press conference called for a ban on state funding for Serb National Council weekly magazine *Novosti* and for criminal prosecution of *Novosti* journalists, editors, and publishers for “insulting the Republic of Croatia and spreading hatred and intolerance towards the majority of Croatian people.” The CJA and the EFJ called upon political leaders to condemn the attack.

On September 13, the CJA condemned a September 12 public burning of copies of *Novosti* by members of the far-right Autonomous Croatian Party of Rights (A-HSP) in front of the Serbian National Council headquarters, demanding the state cease cofinancing of *Novosti*. The CJA demanded Prime Minister Andrej Plenkovic clearly condemn threats to *Novosti* and other journalists. On September 14, Prime Minister Plenkovic condemned the incident during a government session.

On May 12, the CJA condemned an attack against Mladen Mirkovic, a journalist at the Pozega-based web portal 034portal.hr, by the Croatian Democratic Union (HDZ) mayor of Pozega, Vedran Neferovic. The CJA called upon police to investigate reports that Neferovic physically attacked Mirkovic and threatened to kill him and other journalists at the portal. Prime Minister Plenkovic condemned the attack and barred Neferovic from running in local elections as a member of the HDZ.

On October 16, the International Federation of Journalists and EFJ joined their affiliate, the CJA, in condemning the physical attack of Index.hr journalist Drago Miljus by members of the Split Police Department. Miljus was covering a crime scene when police beat him and threw his cell phone into the ocean. Following the incident the Split Police Department opened an investigation into the incident.

On December 10, Natasa Bozic Zaric, a journalist for N1 TV, reported receiving death threats after a televised discussion about the *Prlic* trial at the ICTY, during which Zaric asked a guest if military medals for Croatian generals convicted of war crimes should be revoked. Zaric reported the incident to police, but there were no arrests or charges brought as of year's end.

Censorship or Content Restrictions: A number of journalists continued to report that publishers, media owners, and journalists frequently practiced self-censorship to avoid reporting negatively on advertisers or those politically linked to key advertisers. There were reports of self-censorship by journalists who feared losing their job for reporting on certain topics.

In February the CJA reported the Office of the President refused to answer questions submitted under the freedom of information law by journalists at Index.hr, claiming that the number of questions in the inquiry was excessive. In the same report, the CJA noted that the government did not hold regular press conferences and only half of all ministers had appointed a spokesperson.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. According to Eurostat, 74 percent of the population used the internet in 2016.

## **Academic Freedom and Cultural Events**

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

### **b. Freedoms of Peaceful Assembly and Association**

The constitution and law provide for the freedoms of peaceful assembly and association, and the government generally respected these rights.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement**

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

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.

Abuse of Migrants, Refugees, and Stateless Persons: NGOs reported several cases of police abuse of refugees at border areas. Border police officials denied these reports.

## **Protection of Refugees**

The Ministry of the Interior, in cooperation with the Red Cross and other NGOs, including the Jesuit Refugee Service, Association of Baptist Churches, Croatian Law Center, Center for Peace Studies, and Rehab Center for Stress and Trauma,



continued to provide applicants for international protection with legal counseling as well as psychological and humanitarian support.

Access to Asylum: The law provides for the granting of asylum or subsidiary protection, and the government has established a system for providing protection to asylum seekers. During the year 170 individuals were returned to the country from other EU member states under the Dublin III Regulation. Under the EU's relocation scheme, 77 Syrian, Yemeni, and Eritrean asylum seekers arrived in the country from Greece and Italy. There were reports that border officials did not allow access to the asylum system for refugees arriving from Serbia or Bosnia and Herzegovina, although government officials denied these reports.

On December 19, the family of a six-year-old Afghan refugee girl filed a criminal complaint against the border police after the girl was killed by a train in Serbia near the Croatian border on November 21. According to the girl's mother, border police refused her request for asylum after she and her family entered Croatia, directing them back into Serbia along the train tracks, where the girl was later killed. The border police refuted this account, stating they encountered the family only after the girl was killed inside Serbia.

Safe Country of Origin/Transit: The government maintained a list of safe countries of origin, which included neighboring countries as well as Albania, Morocco, Tunisia, Algeria, and Turkey.

Durable Solutions: The government committed to receive 1,583 refugees and asylum seekers (1,433 under the EU relocation scheme and 150 under the EU resettlement scheme). In November the country received 40 Syrian refugees from Turkey, the first of 150 Syrian refugees the country committed to receive under the EU resettlement scheme.

On November 19, the government began refurbishment of the main refugee housing center in Zagreb, Hotel Porin, during which time it temporarily relocated asylum seekers from Porin to the Remetinec and Laniste neighborhoods. Some residents in those neighborhoods initiated a petition protesting the move. The Croatian NGO Are You Syrious, which assists refugees and migrants, publicly supported the temporary move; the following day an unidentified person threw a concrete block at a van belonging to the NGO.

The government continued to participate in a five-year joint regional housing program with the governments of Bosnia and Herzegovina, Montenegro, and

Serbia to provide durable integration or return housing solutions (local integration or voluntary return) for 73,592 refugees in the region from the 1990s conflicts associated with the dissolution of the former Yugoslavia. Many of these potential returnees awaiting durable housing solutions were particularly vulnerable, often elderly or unemployed.

Temporary Protection: In July the government granted subsidiary protection to 11 persons who did not qualify as refugees.

### **Stateless Persons**

In June UNHCR estimated 2,873 persons were stateless or at risk of statelessness. Many of these persons were Roma from other parts of the former Yugoslavia who had difficulty providing documents needed to determine citizenship in order to apply for legal residency. The Ministry of the Interior is responsible for granting stateless individuals residency in the country and eventual citizenship.

### **Section 3. Freedom to Participate in the Political Process**

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### **Elections and Political Participation**

Recent Elections: The country last held national parliamentary elections in September 2016. In May the country held local elections. According to observers, the elections both took place in a pluralistic environment and were administered in a professional and transparent manner.

Participation of Women and Minorities: No laws limit participation of women and/or members of minorities in the political processes, and they did participate. Representation of women in major political parties remained low, however. The law requires that the “less represented gender” make up at least 40 percent of candidates on a party’s candidate list, with violations punishable by a fine. This law applied to local elections for the first time in May. The Electoral Commission noted that all major political parties fell short of this threshold. The law stipulates fines of between 20,000 to 50,000 kuna (\$3,100 to \$7,700) per electoral list against parties not meeting the threshold at the third regular election following the entry of

force of the law, which was considered to be the May local elections. There were no reports of fines being imposed on political parties during the year.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, and the judiciary generally implemented statutory penalties in cases in which there was a conviction. High-profile corruption convictions, however, were frequently overturned on appeal. Corruption remained a problem, and significant numbers of high-profile corruption cases were underway. State prosecutors continued to prosecute corruption cases, which involved local mayors, politicians, and public figures.

Corruption: The retrial of former prime minister Ivo Sanader continued, after the Supreme Court in 2015 annulled his 2014 conviction on corruption charges, citing procedural errors.

In October the Zagreb County Court began trial proceedings against former HDZ transportation minister Bozidar Kalmeta and several other codefendants for corruption charges related to the embezzlement of 2.85 million euros (\$3.42 million).

On November 15, the Office for the Suppression of Corruption and Organized Crime (USKOK) arrested Zagreb Commercial Court Judge Vesna Malenica and four other individuals, alleging corrupt practices in bankruptcy proceedings. According to press reports, the State Judicial Council stripped Malenica's immunity. The investigation was underway at year's end.

On December 11, USKOK indicted member of parliament Tomislav Saucha for abuse of power and fraud during his service as chief of staff to former prime minister Zoran Milanovic. Saucha and his then assistant, Sandra Zeljko, were accused of stealing \$100,000 in state funds by falsifying travel vouchers. Saucha denied any involvement in the alleged crimes.

Financial Disclosure: The law requires public officials to declare their assets and income, and government officials generally complied with this requirement. This information was available to the public. Administrative sanctions for noncompliance were generally a fine.

#### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses 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 Human Rights Bodies: The country has an active ombudsman who investigated complaints of human rights abuses, and it has three separate ombudsmen for gender equality, disabled persons, and children. The law authorizes the ombudsman to initiate shortened procedures in cases where there is sufficient evidence of the violation of constitutional and legal rights to mitigate lengthy administrative and court procedures. In November the ombudsman's office published its 2016 annual report, which reported opening 5,433 human rights-related cases in 50 locations during 2016. Most complaints regarded the judiciary (320), labor and "official" relations (294), the health care system (218), and police (203). Private citizens filed nearly 90 percent of complaints, while the ombudsman's office independently initiated 87 proceedings.

In July, Council of Europe Commissioner for Human Rights Commissioner Nils Muiznieks expressed concern that the new Law on the Ombudsman for Children threatened the independence of that office, because the law allows for dismissal of the ombudsman for children upon parliamentary vote of nonconcurrency with the ombudsman for children's annual report. Ombudsman for Children Ivana Milas Klaric reported that the new law jeopardized her office's independence and announced she would not reapply for her position.

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

### **Women**

Rape and Domestic Violence: Conviction of rape, including spousal rape, is punishable by up to 15 years imprisonment. Police and prosecutors were generally responsive to crimes and accusations associated with domestic violence and rape, but there were isolated reports that local police departments did not consistently adhere to national guidelines regarding the treatment of victims of sexual assault.

Conviction of domestic violence is punishable by up to three years imprisonment. Violence against women, including spousal abuse, remained a problem.

On October 6, Prime Minister Plenkovic removed Pozesko-Slavonska County prefect Alojz Tomasevic from his party leadership position after police detained

Tomasevic on October 3 on domestic violence allegations. Plenkovic called on Tomasevic to resign from his elected position if criminal charges were filed against him.

Sexual Harassment: The law provides a maximum prison sentence of one year for conviction of sexual harassment. The ombudsman for gender equality repeatedly expressed concerns that victims of sexual harassment dropped official complaints due to fear of reprisal.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: [www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/](http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/).

Discrimination: Women enjoy the same legal status and rights as men. The law requires equal pay for equal work. In practice, women experienced discrimination in employment and occupation.

## **Children**

Birth Registration: Citizenship is derived by birth in the country's territory or from at least one parent who is a citizen. Authorities registered all births at the time of birth within the country or abroad.

Child Abuse: Child abuse including violence and sexual abuse was a problem. The government had an active ombudsman for children. Police and prosecutors generally were responsive in investigating such cases.

Early and Forced Marriage: The legal minimum age for marriage is 18; children older than 16 may marry with a judge's written consent. NGOs cited early and forced marriage as a problem in the Romani community.

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation of children and child pornography, and authorities enforced the law. The Ministry of the Interior conducted investigative programs and worked with international partners to combat child pornography. The ministry operated a website known as Red Button for the public to report child pornography to police. The minimum age for consensual sex is 15.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html).

### **Anti-Semitism**

According to the Coordination of Jewish Communities in Croatia, the country's Jewish community numbered between 2,000 and 2,500 persons. Jewish community leaders reported evidence of Holocaust denial and publicly expressed dissatisfaction with the government's response to a veterans group's placement of a plaque bearing the World War II-era Ustasha salute "Za Dom Spremni" (For the Homeland, Ready) near the World War II-era Jasenovac death camp in 2016. President Grabar-Kitarovic and Prime Minister Plenkovic both condemned the placement of the plaque in Jasenovac. In September the government relocated the plaque from Jasenovac to a veterans' cemetery in the nearby town of Novska but did not make a legal determination on the use of the controversial Ustasha-era salute.

In February approximately 30 members of the A-HSP staged a march during which party members waved flags bearing an unofficial coat of arms associated with the World War II fascist Ustasha movement and their A-HSP party flag with the slogan "Za Dom Spremni." According to the police, the actions were intended to "incite fear and intolerance in society." Police arrested A-HSP leader Drazen Keleminec during the rally for disturbing the peace.

On April 23, Prime Minister Plenkovic, the speaker of parliament, the special envoy from the Office of the President, and government ministers attended the annual official commemoration at Jasenovac. For the second consecutive year, the country's two Jewish communities boycotted the government's commemoration and organized their own, citing concerns about the controversial plaque near Jasenovac as well as efforts by nationalists to glorify the country's Nazi-collaborationist Ustasha regime. Serb and other organizations also held separate commemorations.

In March, Prime Minister Plenkovic announced the creation of a special council of legal experts, academics, and historians to provide the government with legal, institutional, and legislative recommendations regarding the use of symbols of totalitarian regimes. The government directed the council to issue its recommendations by March 2018.

On October 17, the Constitutional Court ruled that the naming of a street in the town of Slatinski Drenovac after the date of establishment (April 10) of the Nazi-allied Independent State of Croatia (NDH) was unconstitutional. The court stated its decision could be applied to cases regarding the use of other Ustasha-related slogans and symbols and represented the court's legal opinion that the character of the NDH contradicted the values of the constitution.

In August singer Marko "Thompson" Perkovic led pro-Ustasha chants during a concert commemorating the country's Victory and Homeland Day in Slunj. Police filed misdemeanor charges against him for violating public peace and order.

On November 18, members of the veterans group Croatian Defense Forces (HOS) marched in a commemorative parade in Vukovar, marking the 26th anniversary of the siege of that city. The HOS members flew flags and displayed insignia bearing the World War II-era Ustasha salute "Za Dom Spretni."

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, but the government did not always enforce these provisions effectively. While the law mandates access to buildings for persons with disabilities, building owners and managers did not always comply, and there were no reported sanctions.

Children with disabilities attended all levels of school, although NGOs stated the lack of laws mandating equal access for persons with disabilities limited the access of students with disabilities to secondary and university education.

### **National/Racial/Ethnic Minorities**

While constitutional protections against discrimination applied to all minorities, there was discrimination against ethnic Serbs and Roma. The November ombudsman's report noted that ethnic discrimination, particularly against the Serb and Romani minorities, dominated unequal treatment complaints in 2016.

On September 2, an estimated 20 members of the A-HSP staged a demonstration in front of the Serbian National Council (SNV) offices in Zagreb, protesting the government's decision to relocate the plaque bearing the phrase "Za Dom Spremni" from Jasenovac. A-HSP leader Drazen Keleminac burned a copy of the SNV newsletter *Novosti*, calling it an anti-Croatia publication. After a second incident in which members of the A-HSP burned *Novosti* (see section 2), police filed criminal charges against Keleminac for "public incitement of violence and hatred."

The government allocated funds and created programs to assist in development and integration of Romani communities, but widespread discrimination and social exclusion of Roma remained a problem. The government supported Roma education initiatives, but Romani children faced obstacles to education, including discrimination in schools.

### **Acts of Violence, Discrimination and Other Abuses Based on Sexual Orientation and Gender Identity**

The law prohibits discrimination based on sexual orientation or gender identity. The lesbian, gay, bisexual, transgender, and intersex (LGBTI) community reported, however, that discrimination remained a problem. The government decided to revise the *2016-20 National Plan for Combating Discrimination*, a strategic document that set out priorities and targets and directed government efforts towards a comprehensive system of protection against discrimination, following criticism from groups that objected to aspects of the plan that addressed LGBTI and gender equality and other issues.

LGBTI NGOs noted uneven performance by the judiciary on discrimination cases. LGBTI activists reported that members of their community had limited access to justice, with many reluctant to report violations of their rights due to concerns regarding an inefficient judicial system and fear of further victimization during trial proceedings.

Two significant incidents of violence against LGBTI persons occurred. In February an unidentified attacker released tear gas at an LGBTI party at a Zagreb nightclub, affecting approximately 300 persons. In June, approximately one week before the Zagreb pride march, a Brazilian citizen suffered physical injuries from the security guards at a popular Zagreb club after he was seen being intimate with another man.



## **HIV and AIDS Social Stigma**

Societal discrimination against persons with HIV/AIDS remained a problem. The NGO Croatian Association for HIV (HUHIV) reported some physicians and dentists refused to treat HIV-positive patients. HUHIV reported violations of confidentiality of persons diagnosed with HIV, with some facing discrimination including employment discrimination after disclosure of their status. There were reports that transplant centers refused to place HIV-positive patients on their lists of potential organ recipients.

HUHIV reported that the recently implemented *National Plan for Fighting HIV* helped combat the stigmatization and discrimination of persons with HIV/AIDS. In addition, HUHIV reported that an HIV diagnosis was no longer listed on government-supplied sick leave forms, protecting the privacy of HIV-positive individuals.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of workers to form or join unions of their choice, bargain collectively, and conduct legal strikes. The government generally respected these rights. The law prohibits antiunion discrimination and allows unions to challenge firings in court. The law requires reinstatement of workers terminated for union activity.

Some limitations exist. There are restrictions on strikes and union activity for civilian employees of the military. Workers may strike only at the end of a contract or in specific circumstances cited in the contract, and only after completing mediation. Labor and management must jointly agree on a mediator if a dispute goes to mediation. If a strike is illegal, any participant may be dismissed and the union held liable for damages.

The law allows the government unilaterally to amend collective agreements in the public sector. Employees of local or regional governments may not bargain collectively. Manual labor and retail employees were often hired on fixed-term contracts that made it difficult for them to unionize; some employers hired workers for trial periods lasting three months, during which employees could be dismissed

without cause. Workers on temporary contracts generally did not form or join unions due to fear of termination at the end of the trial period.

The government and employers generally respected freedom of association and the right to collective bargaining. The government was generally effective in enforcing laws. Penalties of one to 15 years imprisonment were considered sufficient to deter violations. Judicial procedures were subject to lengthy delays. The inefficiency of the court system hampered attempts to seek redress for antiunion discrimination and legal violations.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. The state prosecutor reported no incidents of forced labor in 2016 or during the first six months of the year.

The government was partially effective in enforcing applicable laws. Identification of victims of forced labor was limited, although penalties for conviction of forced labor, one to 15 years imprisonment, were sufficiently stringent to deter violations if enforced. The sentencing rate of offenders for forced labor remained low, however, and was insufficient to deter violators. The government collaborated with several NGOs on public awareness programs.

There were isolated incidents of forced labor in private homes. Croatians, Bosnians, and Romanians were subjected to forced labor in agriculture. Romani children were at risk of forced begging (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The minimum age for the employment of children is 15, the age at which compulsory education ends for most children. Minors between ages 15 and 18 who have not completed compulsory education may work only with prior approval from the government labor inspectorate and only if they would not suffer physically or mentally from the work. Children under 15 may work only in special circumstances and with the approval of the ombudsman for children. In 2016 there were 245 such requests, of which 243 were approved, usually for children to be filmed or to work in theatrical performances. The law prohibits workers under age

18 from working overtime, at night, or in dangerous conditions, including but not limited to construction, mining, and work with electricity. The Ministry of Labor and the Pension System, the ministry's Office of the State Inspectorate, and the ombudsman for children are responsible for enforcing this regulation and did so adequately.

There were isolated instances of violations of child labor legislation. Labor inspectors identified 38 violations involving 24 minors. Violations involved minors working overtime or past curfew and occurred mainly in the hospitality, retail, services, food service, and tourism sectors. Some children were reportedly subject to early marriage that could result in domestic servitude (see section 6, Children).

#### **d. Discrimination with Respect to Employment and Occupation**

Discrimination in employment or occupation occurred with regard to gender, disability, sexual orientation, HIV-positive status, and ethnicity, particularly for Roma. According to the ombudsman for gender equality, women experienced discrimination in employment, including in pay and promotion to managerial and executive positions. Women generally held lower-paying positions in the workforce. The 2014 report of the ombudsman for gender equality estimated that women earned 10 percent less than men. In addition, salaries were much lower in occupations filled mostly by women, while men more often filled higher-paying management positions.

The ombudsman for gender equality reported that women, regardless of education level, were more likely than men to lose their jobs. According to the ombudsman, government inspections were ineffective in uncovering and sanctioning employer violations.

The ombudsman for persons with disabilities reported that 2016 was the first year to mark an increase in employment of persons with disabilities, with a 34 percent increase in employment since 2014. The ombudsman for persons with disabilities concluded this increase was a direct result of new legislation that targets rehabilitation and employment of persons with disabilities and includes quotas and incentives for employers. The ombudsman reported underutilization of social and labor services provided by this legislation, stating the private sector lacked mechanisms to provide for and monitor reasonable accommodations for employing persons with disabilities.

LGBTI NGOs noted discrimination and harassment against LGBTI employees in the workplace, specifically in the health sector. Neither state nor private employers have regulations for protection against discrimination on the basis of sexual orientation or gender identity. According to the NGO Freedom House, while national labor legislation protects LGBTI employees against discrimination at the workplace, employers did not have adequate policies and procedures in place to guarantee protections. NGOs reported that LGBTI persons refrained from publicly expressing their sexual orientation or gender identity because they were vulnerable to termination of employment or demotion.

### **e. Acceptable Conditions of Work**

The State Bureau of Statistics reported that the minimum wage was slightly above official poverty income level. The law requires premium pay for overtime worked beyond the 40-hour workweek. Overtime is limited to 10 hours per week and 180 hours annually. The law does not address compulsory overtime. The law also entitles employees to at least four weeks of paid annual leave and seven days of personal leave in addition to national holidays. The law includes protections for women who recently gave birth, nursing women, persons who lost the ability to perform their jobs, and persons at risk of injury at their place of work.

The government set health and safety standards harmonized with EU laws and regulations, which are appropriate for the main industries in the country. Responsibility for identifying unsafe situations remains with occupational safety and health experts and not the worker. Workers may remove themselves from situations that endanger their health or safety without jeopardizing their employment, and authorities effectively protected employees in this situation.

The Office of the Labor Inspectorate provided for compliance with the labor law through on-site inspections. According to the *Labor Inspectorate Annual Report for 2016*, there were 236 inspectors. The inspectorate conducted 35,723 workplace inspections in 2016 (up 80 percent from 2015) and reported 5,867 violations of labor laws. The inspectorate referred 2,365 of these violations to misdemeanor courts for further action, and it temporarily closed 292 companies during the first six months of the year for labor law violations. The inspectorate issued fines for labor violations, which were deemed sufficient to deter future violations. Violations included employing workers without work permits, illegal labor contracts, failure to pay wages or benefits, failure to grant leave, failure to register employees with the pension authority, employing workers not registered with a

health insurance agency, and failure to report overtime. Nonsafety violations of labor law were most common in the hospitality sector.

There were reports of employees working in the informal sector without labor protections. Nonpayment of wages and wage arrearages as well as nonpayment for overtime and holiday work were problems. The law allows employees to sue employers for wage nonpayment and provides a penalty of up to three years in prison for convicted employers. The law, however, exempts employers who fail to pay wages due to economic duress. Workers may sue employers who do not issue pay slips to their employees in order to bypass mandatory employer contributions to social insurance programs. During 2016 inspectors identified 5,138 persons who were not paid the minimum wage by their employers; the employers were fined. During the same period, municipal prosecutors initiated 133 criminal proceedings against employers.

Of 35,723 inspections in 2016, 8,149 inspections involved work safety standards that prompted 1,997 orders for implementing measures proscribed by the labor law, particularly in the construction sector. The inspectors issued 267 misdemeanors and 738 fines totaling 7,748,000 kuna (\$1.23 million) for various violations of safety standards.