

# CROATIA 2021 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, based on majority support of parliament. The latest presidential election was held in December 2019 with a second round for the top two candidates held in January 2020. President Zoran Milanovic was elected by a majority of voters. Domestic and international observers stated that presidential elections and parliamentary elections held in July 2020 were free and fair.

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 president is commander in chief of the armed forces. The armed forces report to the Ministry of Defense and to the president as commander in chief. Civilian authorities maintained effective control over the security forces. Domestic and international nongovernmental organizations reported some members of the border police committed abuses.

Significant human rights issues included credible reports of: instances of intimidation and censorship of journalists and the existence of a criminal libel provision in the penal code; reported acts of unjustified police violence, including pushbacks, against irregular migrants, some of whom may have been asylum seekers; ongoing legal cases involving serious government corruption; and crimes involving violence targeting members of minority groups, particularly Serb, Romani, and lesbian, gay, bisexual, transgender, queer, and intersex individuals.

The government took significant steps to identify, investigate, prosecute, and punish individuals who committed abuses of human rights or engaged in official corruption.

## **Section 1. Respect for the Integrity of the Person:**

### **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 Ministry of Veterans Affairs reported that as of November 23, 1,455 persons remained missing, and the government was searching for the remains of 398 individuals known to be deceased, for a total of 1,853 unsolved missing persons' cases. The ministry reported that during the year field searches were conducted in 31 locations in eight different counties, and remains of five individuals were exhumed from four locations. Remains of 20 persons were identified. Progress on missing persons remained slow primarily due to lack of reliable documents and information regarding the location of mass and individual graves, as well as other jurisdictional and political challenges with neighboring countries.

On May 12, Veterans Minister Tomo Medved attended the opening of a newly renovated DNA laboratory at the Institute of Forensic Medicine and Criminology in Zagreb. The government invested 5.08 million kuna (\$829,000) in the lab.

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

The constitution and law prohibit such practices, but, according to the Office of the Ombudsperson, there were several reports of physical and verbal mistreatment among prisoners.

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

Some prison conditions were inadequate due to overcrowding, a propensity for

violence among inmates, and a lack of health professionals working in the prison system.

**Physical Conditions:** The ombudsperson's 2020 annual report stated that the COVID-19 pandemic and two devastating earthquakes that hit Zagreb and Sisak-Moslavina county in March and December 2020, respectively, affected the prison system. The March 2020 earthquake in the city of Zagreb caused minor damage to the prison hospital building while the earthquake in Sisak-Moslavina county caused significant damage to the prisons in Sisak and Glina. COVID-19 exacerbated some prison conditions, including a lack of organized social activities for inmates. The ombudsperson's report stated overcrowding remained a problem in some prisons and that many detained persons resided in conditions that did not meet legal and international standards. Some inmates reported physical, sexual, and psychological violence perpetuated by other inmates. Those individuals often belonged to vulnerable groups, such as the Romani community or individuals with intellectual challenges. Some prisons, for example in Lepoglava, sought to suppress violence among prisoners by transferring abused prisoners to other facilities and collecting relevant data regarding incidents better. The ombudsperson's report stated that such actions were often considered reactive and insufficient. The ombudsperson's report noted a lack of adequate facilities and employees, especially health workers within the prison system.

In addition the ombudsperson reported the most frequent complaints were inadequate health care, followed by inappropriate conduct of prison officials, inadequate accommodation conditions, inadequate legal remedies for complaints, and violence among inmates. The ombudsperson's report described regular site visits to 20 police stations and three detention centers in the country. The report described partial compliance with the standards of the Council of Europe's Committee for the Prevention of Torture (CPT) at seven police stations. Although the standards stipulate that detention facilities must be equipped with water and flush toilets, some facilities did not have them. Video surveillance in some police stations included coverage of a sanitary facility located outside the detention room, which endangered the right to privacy. In some stations, due to lack of space, medical examinations were carried out in the corridors, contrary to medical confidentiality standards. After observing these issues during initial visits, the

report noted that some police stations implemented recommendations regarding the conditions in follow-up visits.

**Administration:** The ombudsperson's report stated detained persons frequently turned to the ombudsperson to address these issues due to the ineffectiveness of legal remedies. The ombudsperson investigated credible allegations of mistreatment and issued recommendations to improve conditions for detained persons. During 2020 the National Preventive Mechanism (NPM) conducted 26 visits of locations housing persons deprived of liberty, including 20 police stations, three police detention units, one educational institution, and restricted psychiatric wards in two hospitals.

**Independent Monitoring:** The government permitted monitoring by independent, nongovernmental observers. The ombudsperson carried out tasks specified in the NPM and is authorized to make unannounced visits to facilities where individuals are deprived of liberty. The CPT and the European Network of National Human Rights Institutions also made visits in recent years.

**Improvements:** In November 2020 the reconstruction of the water system and sanitary facilities and renovation of 22 prison rooms in Osijek prison was completed at a cost of approximately 1.8 million kuna (\$294,000).

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

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

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

Other than those apprehended during the commission of a crime, persons were arrested with warrants issued by a judge or prosecutor based on evidence. Prosecutors may hold suspects for up to 48 hours in detention. Upon the request of prosecutors, an investigative judge may extend investigative detention for an additional 36 hours. Authorities informed detainees promptly of charges against them. The law requires a detainee be brought promptly before a judicial officer, and this right was generally respected. The law limits release on bail only in cases

of flight risk. In more serious cases, defendants were held in pretrial detention. Authorities allowed detainees prompt access to a lawyer of their choice or, if indigent, to one provided by the state.

### **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.

### **Trial Procedures**

The constitution and law provide for the right to a fair and public trial, and the independent judiciary generally enforced this right.

Defendants enjoy the presumption of innocence. They must be informed promptly of the charges against them. Defendants have a right to a fair, public, and timely trial and to be present at their trial. Despite an overall decrease in the number of backlogged court cases during the past 10 years, due to the COVID-19 pandemic's effects on court operations and the March and December 2020 earthquakes which damaged some court buildings, the backlog in domestic courts (508,578 cases as of September 30) increased from the 462,200 backlogged cases reported at the end of 2020. This continued to raise concerns regarding judicial effectiveness, efficiency, legal uncertainty, and the rule of law.

Lengthy trials remained one of the main problems in the judiciary. The European Commission's rule of law report in July and the report of the Office of the Ombudsperson also both noted the deleterious effects of the COVID-19 pandemic and the earthquakes in Zagreb and Sisak-Moslavina county on the speedy delivery of justice in the country. The European Commission's report stated, "the Croatian justice system has seen improvements in reducing length of proceedings and backlogs, but further improvements are still needed to address serious efficiency and quality challenges." The report also noted that the level of perceived judicial independence remained very low. In the commission's survey, 68 percent of respondents cited interference or pressure from government and politicians as the main reason they felt the courts lacked independence, while 63 percent cited pressure from special interests.

Defendants 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 Croatian has free access to an interpreter from the moment charged through all appeals. Defendants have the right to confront witnesses against them and to 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. During 2020, the latest year for which data was available, the ombudsperson received 206 complaints regarding the judiciary, 6 percent more than in 2019. Of these, 94 related to the work of the courts, an increase of 12 percent. Most of the complaints were related to procedural delays, while others related to accusations of abuse of position by officers of the court, complaints regarding case outcomes, and court performance in general.

### **Political Prisoners and Detainee**

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. They may file an application (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. Administrative remedies were also available.

### **Property Seizure and Restitution**

The government has endorsed the Terezin Declaration but does not have adequate legal mechanisms in place to address Holocaust-era property restitution. The country has not effectively compensated claimants for property seized during the Holocaust period (1941-45) and has inconsistently permitted noncitizens to file claims.

Nongovernmental organizations (NGOs) and advocacy groups reported the government did not make significant progress on resolution of Holocaust-era claims, including for foreign citizens. The law limits restitution of property seized

during the Communist era to individuals who were citizens of the country in 1996 and permitted claims to be filed only within a specified window, which closed in January 2003. Consequently, the law does not provide effective compensation to persons, including Holocaust survivors, whose property was expropriated but who left the country and obtained citizenship elsewhere. A 2002 amendment to the law allows foreign citizens to file claims if their country of citizenship has a bilateral restitution treaty with Croatia. In 2010, however, the Supreme Court ruled that the government cannot require such a treaty as a necessary condition for restitution. In 2011 the Ministry of Justice attempted unsuccessfully to amend the legislation to reflect this finding and reopen claims. At the time the government estimated the amendment might benefit between 4,211 and 5,474 claimants. As of year's end, the government had taken no subsequent steps to amend the law.

The government reported 70,000 property restitution claims filed as of year's end. The government reported approximately 66,200 of those claims (almost 95 percent) were resolved, but cases were not broken down by religion, ethnicity, or nationality, making it impossible to determine precisely which were linked to Jewish Holocaust victims. In September the government reported the resolution of 294 claims, mainly from the postwar period, worth a total of 749 million kuna (\$122.4 million), involving Jewish claimants. Of the 101 pending cases monitored by the government since 2018, 46 were resolved; some in cash compensation 14.7 million kuna (\$2.4 million) and some in returned property compensation (estimated worth 42.2 million kuna or \$6.9 million, based on present real estate market values). Of those pending cases monitored since 2018, 55 remained outstanding. Restitution of communal property remained a problem for the Serbian Orthodox Church and the Coordinating Committee of Jewish Communities in Croatia. The government reported that since 1999 it resolved 344 property claims related to the Serbian Orthodox Church, which included the right to compensation in bonds. The Serbian Orthodox Church and representatives of the Catholic Church stated that several claims remained outstanding. The Department of State's Justice for Uncompensated Survivors Today (JUST) Act report to Congress, released publicly on July 29, 2020, can be found on the Department's website: <https://www.state.gov/reports/just-act-report-to-congress/>.

#### **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**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The constitution and law provide for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent media and a functioning democratic political system combined in most cases to promote freedom of expression, including for members of the media, but judicial ineffectiveness at times delayed resolution of cases.

**Freedom of Expression:** The law 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.” A conviction for internet hate speech is punishable by up to three years’ imprisonment. The law provides for six months’ to five years’ imprisonment for those who organize or lead a group of three or more persons to incite violence or hate via print media, radio, television, computer system or networks, during public gatherings or in other way against certain categories or groups. Under the law, libel and insult also represent criminal acts and are punishable by a fine. Insults shall not be criminally prosecuted if committed in the conduct of journalism, in a public interest, or for other justifiable reasons. Although the laws and recent Constitutional Court decisions technically impose restrictions on symbolic speech considered “hate speech,” including the use of Nazi and (the World War II [fascist, pro-Nazi] regime) Ustasha-era symbols and slogans, NGOs and advocacy groups complained that enforcement of those provisions remained inadequate, and that courts’ jurisprudence remained inconsistent.

**Freedom of Expression for Members of the Press and Other Media, Including Online Media:** Restrictions on material deemed hate speech apply to print and broadcast media. On October 1, parliament amended the Electronic Media Law to



make providers of electronic publications responsible for the entire content published including user-generated content only if providers fail to register a user or fail to warn users in a clear and visible way concerning the rules regarding online comments. The amendments regulate the rights, obligations, and responsibilities of legal and natural persons that provide audio or audiovisual media services and services related to electronic publications and video platforms, transposing several EU directives into national legislation. The amendments also define mechanisms to determine jurisdiction over various providers of media services and increases transparency in the publication of information outlining the ownership structure of media service providers. The law was amended in cooperation with the Croatian Journalists' Association (CJA) and the Association of Newspaper Publishers of the Croatian Employers' Association.

The law bans inciting violence or hatred against groups or a member of a group on grounds of race, gender, language, religion, political or other beliefs, national or social origin, property status, trade union membership, education, social status, marital or family status, age, health, disability, genetic inheritance, gender identity, expression or sexual orientation, and anti-Semitism and xenophobia, ideas of fascist, Nazi, communist and other totalitarian regimes.

**Violence and Harassment:** NGOs reported intimidation and threats, especially online threats, against journalists. Organizations including the CJA, the European Federation of Journalists (EFJ), the Union of Croatian Journalists (SNH), and the Croatian Political Science Association condemned verbal attacks on the country's media and called for more government engagement to address the issue. In May the EFJ joined their affiliates in the country, including the SNH and the CJA, in condemning President Milanovic's calling journalists who work for public broadcaster Croatian Radio and Television (HRT) "tricksters," "mercenaries," and "an embarrassment to the country." The EFJ also condemned remarks regarding media by Prime Minister Andrej Plenkovic.

**Censorship or Content Restrictions:** Members of the press reported practicing self-censorship due to fear of online harassment, lawsuits, upsetting politically connected individuals, or possible adverse employment effects for covering certain topics.

**Libel/Slander Laws:** The law criminalizes libel, but no criminal penalties were imposed. The country has both criminal and civil laws against libel. According to results of an annual survey conducted by the CJA, at least 924 lawsuits were filed against journalists and media, with claimed damages of almost 79 million kuna (\$13 million). Of the 924 lawsuits, 892 were for civil alleged violations of honor and reputation against publishers, editors, and journalists, while 32 were criminal lawsuits. The CJA was defending itself against three active lawsuits. The HRT had active lawsuits against 36 of its own journalists, including the president of the CJA, Hrvoje Zovko, and the president of the CJA branch at the HRT, Sanja Mikleusevic Pavic.

## **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.

## **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 <https://www.state.gov/religiousfreedomreport/>.

## **d. Freedom of Movement and the Right to Leave the Country**

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

## **e. Status and Treatment of Internally Displaced Persons**

Not applicable.

## **f. Protection of Refugees**

The government sometimes cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

**Access to Asylum:** The law provides for the granting of refugee status and subsidiary protection status, and the government has established a system for providing protection to refugees and asylum seekers. Despite restrictions caused by the COVID-19 pandemic, the Ministry of the Interior reported it continued to work with asylum seekers and persons granted international protection, and it provided access to the asylum procedure in accordance with epidemiological measures and recommendations adopted by the European Commission.

**Abuse of Migrants and Refugees:** As in previous years, national and international NGO reports accused the country's border police of violent pushbacks and abuse of irregular migrants.

The television network RTL released news footage on October 6 appearing to show masked men in Croatia forcefully pushing back migrants into Bosnia and Herzegovina (BiH). The footage was taken in collaboration with a consortium of European journalists associated with Lighthouse Reports as part of an eight-month investigation. The video showed masked men in vests and wielding batons used by Croatia's riot police. Head of the Border Police Zoran Niceno said the Police Directorate formed a task force to investigate the incident, which reportedly took place in June, and emphasized that such physical violence had no place in police procedures, a sentiment echoed by Minister of Interior Davor Bozinovic. Prime Minister Plenkovic stressed the country's duty to protect the border and to prevent illegal migration but noted everything must be in accordance with the law. Police Director General Nikola Milina said on October 8 that authorities suspended three police officers in connection with the incident and added that police were in close

contact with the state prosecutors and the country's Independent Monitoring Mechanism.

In the first half of the year, the NGO Danish Refugee Council alleged there were 3,629 pushbacks from Croatia to BiH, and 144 pushbacks from Croatia to Serbia, as well as 275 chain pushbacks from Slovenia, Italy, and Austria, through Croatia, to BiH. A significant increase in the number of alleged pushbacks from Croatia was recorded in the second quarter and mostly involved Afghan, Pakistani, Syrian, and Moroccan nationals. During the same period, the Croatian NGO Center for Peace Studies, an advocate for the rights of migrants, stated it received 224 inquiries from 178 groups of potential asylum seekers (including 82 that included children) and other migrants, involving at least 658 persons, requesting legal advice or other assistance.

In April media reported that an Afghan woman alleged that a border police officer sexually assaulted her, holding her at knifepoint and forcing her to strip during a search of a group of irregular migrants on the border with BiH. *The Guardian* newspaper reported the woman said she tried to cross the Croatian border with a group of four others, including two children, but they were stopped by an officer who allegedly pointed a rifle at them, and tore up their papers when they requested asylum. The European Commission described the reported incident as a "serious alleged criminal action" and urged Croatian authorities "to thoroughly investigate all allegations and follow up with relevant actions." In response, the Ministry of Interior stated police would investigate the allegations but that based on preliminary checks there were no recorded dealings with "females from the population of illegal migrants" on the day in question.

On June 8, the Interior Ministry concluded an agreement to establish an Independent Mechanism for Monitoring the Conduct of Police Officers of the Ministry of the Interior in the Field of Illegal Migration and International Protection (the Mechanism). According to one of the implementers, the agreement was concluded with professional associations in medical and legal sciences, national societies dealing with humanitarian aid and protection, associations for the protection of human rights and promotion of a culture of dialogue, and prominent scholars dealing with the protection of human rights of migrants and seekers of international protection, who will conduct the monitoring.

The purpose of the Mechanism is to monitor the treatment of irregular migrants and seekers of international protection through announced and unannounced observations in police stations, shelters for foreigners, and announced visits to “other appropriate places” such as Croatia’s green border with BiH. In addition to individual observations, the Mechanism has the right to inspect final case files on complaints regarding the conduct of police officers. Reports on observations and other materials and documentation on the work of the Mechanism shall be consolidated in a semiannual and final report, which shall be made public. Some NGOs criticized the Mechanism for a lack of public information on the details of the agreement and insufficient oversight at the green border where they alleged most human rights violations occurred.

**Durable Solutions:** The government continued to participate in a joint regional housing program (RHP) with the governments of BiH, Montenegro, and Serbia. The RHP aimed to contribute to the resolution of the protracted displacement situation of the most vulnerable refugees and displaced persons following the 1991-95 conflict. As of September the RHP increased the number of assisted families and provided housing to 332 families (786 individuals) in the country.

In March the country offered to participate in the EU’s scheme to relocate unaccompanied minors from overcrowded reception centers in Greece. The Ministry of Interior reported 19 Afghan nationals affiliated with the EU delegation in Kabul arrived in Zagreb for resettlement on August 28. The group included three families (including 10 children), and one single person.

**Temporary Protection:** The country also has a mechanism for subsidiary protection for those who do not qualify for asylum, but no one was granted subsidiary protection during the year.

## **g. Stateless Persons**

According to UNHCR, at the end of December 2020, an estimated 2,900 stateless persons lived in the county. Many of these persons were Roma who lacked citizenship documents. The Ministry of the Interior is responsible for granting stateless individuals who fulfill legal requirements residency 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:** Parliamentary elections were held in July 2020, presidential elections in January 2020, and European Parliament elections in 2019. According to observers, all elections took place in a pluralistic environment and were administered in a professional and transparent manner.

**Participation of Women and Members of Minority Groups:** No laws limit participation of women, members of minority groups, persons with disabilities, or lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons in the political processes, and they did participate. By law minority groups are guaranteed eight seats in the 151-seat parliament. Representation of women in major political parties remained low. 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 quota was not respected on 315 local election lists out of a total of 2,462 (13 percent), a slight decrease from the last local elections in 2017 when 14 percent of lists were in violation. One candidate list had less than 40 percent male representation. The percentage of women elected to parliament in 2020 was 23 percent (35 of a total of 151 parliamentarians), the highest percentage since parliament’s constitution in 1990. Four ministers in the 16-member cabinet were women.

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

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. Corruption remained a problem, and there were significant reports of government corruption during the year. State prosecutors continued to prosecute several new major corruption cases involving judges, local city officials, and public figures, and the judiciary generally imposed

statutory penalties in cases in which there was a conviction. High-profile convictions for corruption, however, were sometimes overturned on appeal.

**Corruption:** The ombudsperson's report for 2020 reported citizens still believed there were not enough final court verdicts to demonstrate successful suppression of corruption. On October 29, parliament adopted a new 2021-30 anticorruption strategy.

Several corruption cases against former high-level government officials reported in previous years were still pending. The Supreme Court largely upheld convictions in two high-profile and longstanding corruption cases involving former prime minister Ivo Sanader, one in which the ruling Croatian Democratic Union political party was also convicted as a legal entity and ordered to return approximately 14.1 million kuna (\$2.31 million), plus a fine of 3.3 million kuna (\$541,200).

In another case, on June 9, media reported three judges from Osijek County Court were arrested on corruption charges. All three were allegedly involved with convicted former Dinamo soccer club manager Zdravko Mamic, who publicly accused several judges of corruption following his own conviction for corruption in March. The investigation continued, and no indictments against the judges were filed.

Media reported separate high-profile investigations linked to former mayor of Zagreb Milan Bandic, who died in February. One investigation alleged that then HRT director general Kazimir Bacic, acting on behalf of businessman Milan Loncaric, was a middleman passing a bribe of 50,000 euros (\$57,500) to Bandic for the Gardens of Light cultural project. As a reward for his role, Bacic was believed to have been given an apartment worth 133,000 euros (\$153,000) by Loncaric. Parliament's Media Committee unanimously decided in July to relieve Bacic of his duties after he was arrested on the corruption charges.

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

In most cases domestic and international human rights groups operated without

government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views.

**Government Human Rights Bodies:** The country has an ombudsperson for human rights who investigated complaints of human rights abuses, as well as three additional ombudspersons for gender equality, persons with disabilities, and children. The law stipulates that parliament cannot dismiss the ombudsperson for human rights because of dissatisfaction with his or her annual report. Parliament may dismiss the other three if it does not accept their annual reports. Ombudspersons admitted that this limited their ability to do their jobs thoroughly and independently and imposed political influence over their work.

The law authorizes ombudspersons to initiate shortened procedures in cases where there is sufficient evidence of the violation of constitutional and legal rights.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** The law criminalizes the rape of women or men, including spousal rape and domestic violence. The law was in most cases enforced. Sentences range from fines to jail, depending on the crime's severity. Rape, including spousal rape, is punishable by a maximum of 15 years' imprisonment. Conviction for domestic violence is punishable by up to three years' imprisonment. The law provides for stricter penalties for violence among closely related family members and violence against women. Sexual intercourse without consent is classified as rape, punishable with three to 10 years' imprisonment. The law provides sanctions (fines and up to 90 days' imprisonment) for misdemeanor domestic violence. The ombudsperson's 2020 report noted during the COVID-19 pandemic, there was a significant increase in domestic violence of a criminal nature, and women represented the vast majority of domestic violence survivors. The report stated that during the last two years there was a 50 percent increase in the total number of women killed and the number of women killed by intimate partners. In addition to domestic violence, the ombudsperson stated survivors of domestic violence still did not have adequate legal protection.



**Sexual Harassment:** The law criminalizes sexual harassment of women and men. The maximum punishment for sexual harassment is two years' imprisonment. The ombudsperson for gender equality reported a general lack of effective and dissuasive sanctioning of perpetrators, and judicial practice was generally not gender sensitive, due in part to insufficient education on international standards.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. Vulnerable populations, including persons with disabilities, had the ability to provide informed consent to medical treatment affecting reproductive health, including for sterilization. The government provided access to sexual and reproductive health services for survivors of sexual violence.

**Discrimination:** Women have the same legal status and rights as men regarding family, employment, labor, religion, inheritance, personal status and nationality laws, property, access to credit, owning or managing businesses or property, and voting. The law requires equal pay for equal work. The government did not enforce the law effectively. Women experienced discrimination in employment and occupation. The ombudsperson for gender equality in 2020 (the most recent data available) worked on 515 discrimination cases, a 2 percent increase compared with 2019. The largest number of complaints was related to the area of exercising labor rights (25 percent), followed by the area of social security, including social welfare, pension, and health insurance (23 percent) and administration (14 percent).

## **Systemic Racial or Ethnic Violence and Discrimination**

According to an opinion of the Council of Europe published on June 10, the country continued to apply the provisions of the Framework Convention for the Protection of National Minorities (the Framework Convention) to 22 constitutionally recognized national minorities. The country has laws which provide for protection of members of national minorities from racial and ethnic discrimination and abuse. The legislative framework pertaining to national minorities is in conformity with the provisions of the Framework Convention. Comprehensive antidiscrimination legislation is in place as are structures to promote equal treatment and address individual cases of discrimination at national

and regional levels.

The opinion noted, however, that discrimination against persons belonging to certain groups “persists,” notably for Roma and Serb national minorities, including returnees. The opinion also noted an increase in hate crime and “incidents of hate speech in the media and in political discourse” since the previous one. The opinion was also critical of the extent to which public debate related to national minorities was “dominated by antiminority rhetoric and prejudice, with persons belonging to the Serb and the Romani national minorities being the most affected.”

Constitutional provisions against discrimination applied to all minorities. According to the ombudsperson for human rights, ethnic discrimination was the most prevalent form of discrimination, particularly against Serbs and Roma.

According to the Serb National Council (SNV), the Serb national minority continued to face discrimination, including hate speech and anti-Serb graffiti. Serbs were subject to discrimination especially in Eastern Slavonia. The SNV also said members of the Serb national minority faced significant discrimination in employment, and there were unresolved, long-standing issues of registration of Serb schools in Eastern Slavonia and in the justice system, particularly with respect to missing persons and unprosecuted war crimes cases.

On May 5, police filed criminal charges against 21 individuals, including one minor, for inciting hate and violence after they participated in an early-morning rally on May 2 at which they chanted anti-Serb slogans, including “ubij Srbina” (kill Serbs). The incident occurred in the village of Borovo Selo near the town of Vukovar and coincided with the 30th anniversary of the killing of 12 Croatian police officers by Serb paramilitaries during the 1991-95 Homeland War (war in the former Yugoslavia). The commemoration date also coincided with Orthodox Easter, celebrated by ethnic Serbs in Croatia. Senior government officials strongly and swiftly condemned the incident. Prime Minister Plenkovic called the incident “unacceptable,” and President Milanovic stated it was a “disgrace and deserving of absolute condemnation.” Deputy Prime Minister Boris Milosevic, an ethnic Serb, stated he was “appalled by the messages” and promised that “they won’t stop the progress of peace.”

Media quoted a member of parliament representing national minorities saying there remained cases of Romani patients being separated from other patients at a local hospital in northeastern Croatia. Local authorities denied the allegations, saying Romani patients were equally treated and that segregation of Romani students was no longer present following a 2010 antidiscrimination ruling from the European Court of Human Rights (*Orsus v. Croatia*) involving Romani children in the country's schools.

## **Children**

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

**Child Abuse:** The law provides stricter penalties than were imposed previously for grave criminal acts of sexual abuse and abuse of children. Penalties depend on the crime's gravity and include long-term imprisonment if the child dies as a consequence of the abuse. Child abuse, including violence and sexual abuse, remained a problem. The trend of the number of complaints continued to increase, and the ombudsperson for children reported in 2020 (the latest year data was available) receiving 1,923 requests for assistance and complaints, 10 percent more than 2019. Among the complaints in 2020, those regarding children's personal rights dominated. Complaints increased regarding judicial protection, connected to the actions of police officers, employees of social welfare centers, special guardians, courts, and state prosecutors' offices.

According to the ombudsperson's report, complaints pointed to the need to sensitize officials better regarding the needs and rights of children. There was a small decrease in the number of complaints associated with family and institutional violence against children, due, according to the report, to movement restrictions from the COVID-19 pandemic and the reduced ability of children to contact trusted individuals to report violence and abuse. Complaints were most frequently reported by parents, followed by institutions such as schools and kindergartens. The ombudsman for children reported in 2020 that complaints of violence committed against children decreased and claimed many crimes remained unreported.

On April 4, media widely reported on a child abuse case involving a two-and-a-half-year-old girl who died in the hospital after sustaining serious injuries allegedly at the hand of her mother. Both parents of the girl were immediately arrested, and the mother was charged with inflicting grievous bodily injuries, while the father was charged with violating the child's rights, child neglect, and abuse of the girl and her three siblings. The parents were reportedly suspected of abusing the girl between November 2020 and March 31. After a preliminary report that noted administrative errors at the local social welfare department, including returning the girl from a foster family to her parents, the head of the Center for Social Welfare in the town of Nova Gradiska was relieved of his duties. Minister of Labor, Pension System, Family and Social Policy Josip Aladrovic told reporters on April 26 he supported a ministry report that identified welfare-service issues in Nova Gradiska. He also presented an action plan aimed at improving the social welfare system, which envisaged the hiring of 200 new staff, assessing that the system's main issues were poorly connected institutions and a shortage of expert personnel, supervision, and support.

**Child, Early, and Forced Marriage:** The legal minimum age for marriage is 18; children older than 16 may marry with a judge's written consent.

**Sexual Exploitation of Children:** The law prohibits commercial sexual exploitation of children; the sale, offering, or procuring of a child for prostitution; and child pornography. The law provides for jail penalties ranging from six months to long-term imprisonment for the sexual exploitation of children, depending on the age of the victim and severity of the crime. Authorities enforced the law. The Ministry of the Interior conducted investigations 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 <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

## **Anti-Semitism**

The World Jewish Congress estimated the country's Jewish population at 1,700. Some Jewish community leaders continued to report anti-Semitic rhetoric, including the use of symbols affiliated with the Ustasha and historical revisionism. Members of the Jewish community were also affected by historical revisionism and anti-Semitism. President Milanovic, Speaker of Parliament Gordan Jandrokovic, Deputy Prime Minister Milosevic, and Culture and Media Minister Nina Obuljen-Korzinek marked International Holocaust Remembrance Day on January 27 by laying a wreath in the Jewish section of Zagreb's Mirogoj Cemetery. Civil society organizations, including the Croatian Antifascist League and the SNV, issued a statement on January 27 demanding a law to ban and criminally prosecute the use of Ustasha insignia, denial of World War II concentration camps, and glorification of pro-Nazi Ustasha war criminals. The initiative came just days after the Jewish Community of Zagreb initiated a discussion in parliament on a bill to outlaw Ustasha insignia. The government issued a statement strongly opposing any form of discrimination, exclusiveness, or intolerance, and stressing the importance of Holocaust education.

On February 5, Minister of Foreign and European Affairs Gordan Grlic-Radman attended a ceremony to reinstall a damaged stumbling block (Stolperstein) for Chief Rabbi Miroslav Salom Freiburger, organized by the Center for the Promotion of Tolerance and Holocaust Remembrance, in partnership with the Bet Israel community and the Stiftung-Spuren Foundation. Grlic-Radman expressed regret that the monument was damaged, sending a clear message on behalf of the government regarding the importance of preserving collective memory and paying respects to all victims of the Nazi regime. He said that the country's efforts and commitment to the culture of Holocaust remembrance had been recognized by the international community and that the country would chair the International Holocaust Remembrance Alliance in 2023.

On April 22, the president, prime minister, speaker of parliament, and representatives of victims' groups (Jews, Roma, Serbs, and antifascists) commemorated the victims of the World War II Jasenovac concentration camp and condemned the World War II Nazi-affiliated Independent State of Croatia (NDH). Prime Minister Plenkovic called the atrocities committed under the NDH "the most

tragic period in Croatian history” and underlined that patriotism cannot be contrary to the tolerance of others.

On August 26, Prime Minister Plenkovic told reporters the use of the salute was already banned by law and stated potential amendments of the law would be discussed.

## **Trafficking in Persons**

See the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Persons with Disabilities**

Children with disabilities attended all levels of school with nondisabled peers, although NGOs stated the lack of laws mandating equal access for persons with disabilities limited educational access for those students. 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.

The government did not always effectively enforce the law’s prohibitions of discrimination against persons with physical, sensory, intellectual, or mental disabilities, including in access to education, employment, health services, information, communications, buildings, transportation, and the judicial system and other state services.

The ombudsperson for persons with disabilities described the impact of the COVID-19 pandemic on persons with disabilities in her annual report. The report stated that, although persons with disabilities were prioritized for protection from the virus, there was a “notable lack” of professionals available to assist persons with disabilities during the pandemic. The report also noted deficiencies in social services for those with special needs, necessitating a move to care homes for some of them where individual attention was not possible.

## **HIV and AIDS Social Stigma**

Societal discrimination against persons with HIV or 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 the confidentiality of persons diagnosed with HIV, causing some to face discrimination, including in employment, 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 government's *National Plan for Fighting HIV* helped combat the stigmatization and discrimination of persons with HIV or AIDS.

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

Representatives from minority groups said the law's prohibitions of discrimination in employment and occupation, nationality laws, housing, access to education, and health care based on sexual orientation, gender identity, or gender expression were not consistently enforced and reported sporadic incidents. LGBTQI+ NGOs noted the continuation of the judiciary's uneven performance in discrimination cases. They reported members of their community had limited access to the justice system, with many reluctant to report violations of their rights due to concerns regarding the inefficient judicial system and fear of further victimization during trial proceedings. NGOs reported that investigations into hate speech against LGBTQI+ persons remained unsatisfactory. On July 3, during the Zagreb Pride parade, there were incidents of violence and spitting on participants, verbal abuse, and the burning of a rainbow flag, according to the organizers' statement and media reports. The attacks allegedly took place during and after the march, and police arrested several suspects. During a July 6 meeting, Prime Minister Plenkovic reportedly stated that the entire governing coalition would openly stand against violent incidents such as the ones that occurred after the Pride Parade. He asserted there was no room in Croatian society for hate speech, and he praised Deputy Prime Minister Milosevic for his participation in the Pride parade.

On May 17, in a Facebook post on the occasion of International Day against Homophobia, Transphobia, and Biphobia, Rijeka's Archbishop Mate Uznic asked forgiveness from homosexuals who felt rejected by the Roman Catholic Church. Uznic expressed regret that there were still Catholics who disagreed with the spirit

of the apostolic exhortation of *Amoris Laetitia*, released by Pope Francis in 2016, which stated, “every person, regardless of sexual orientation, ought to be respected in his or her dignity and treated with consideration, while every sign of unjust discrimination is to be carefully avoided, particularly any form of aggression and violence.”

The Zagreb Pride organization reported on August 13 that a group of LGBTQI+ tourists from several different countries were thrown out of the Lost in the Renaissance Festival on the southern Adriatic island of Korcula. The organizing Aminess Hotels and Campsites company and the mayor of the city of Korcula strongly condemned the incident and expressed sincere regrets.

On April 21, the Zagreb Administrative Court granted same-sex couples the right to adopt children. The court ruled in favor of a same-sex couple who had challenged a 2019 law meant to increase the number of foster parents. Soon after the court ruling, however, the Ministry of Labor, Pensions, Family and Social Policies announced it would appeal.

## **Section 7. Worker Rights**

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

The law provides for the right of workers to form and join independent unions of their choice, bargain collectively, and conduct legal strikes. The law prohibits antiunion discrimination and allows unions to challenge dismissals in court. The law requires reinstatement of workers terminated for union activity.

Some limitations of these rights exist. Members of the military are not allowed to organize or to participate in a strike, while civilian employees of the military are permitted to organize but not to strike. 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 found to be illegal, participants may be dismissed and the union held liable for damages.

The government and employers generally respected freedom of association and the right to collective bargaining. The government generally enforced relevant laws



effectively. Penalties were commensurate with similar violations. Judicial procedures were lengthy in the country overall and could hamper redress for antiunion discrimination.

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

The law prohibits and criminalizes all forms of forced or compulsory labor.

The government effectively enforced the law. Penalties for conviction of forced labor were commensurate with other serious crimes. Inspection was sufficient to enforce compliance. The government collaborated with several NGOs in public-awareness programs. As of September 22, state prosecutors reported one ongoing investigation against one perpetrator who exploited one victim and a separate ongoing investigation that involved one perpetrator and four Nepalese victims who were allegedly exploited in agriculture and construction, for labor purposes, without being compensated. There were isolated reports that Romani children were at risk of forced begging (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

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

The law prohibits the worst forms of child labor. 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 younger than age 15 may work only in special circumstances and with the approval of the ombudsperson for children. In 2020 (the last year for which data were available), there were 171 such requests, of which all were approved, usually for children to act in film or theatrical performances. The law prohibits workers younger than 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, the Pension System, the Family, and Social Policy; the State Inspectorate; and the ombudsperson for children are

responsible for enforcing this regulation.

The government effectively enforced the law. Criminal penalties were generally commensurate with similar serious violations (see also section 7.b.). There were isolated instances of violations of the child labor law. Labor inspectors identified 14 violations involving eight minors in 2020. The violations involved minors working overtime or past curfew and occurred mainly in the hospitality and construction sectors. Some children were reportedly subject to early marriage that could result in domestic servitude. Romani children were reportedly at risk of forced begging (see also section 7.b.).

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

The law prohibits discrimination based on race, color, sex, sexual orientation, marital status, pregnancy, family obligations, age, language, religion, political or other beliefs, national or social origin, wealth status, birth, social position or standing, political party membership or nonmembership, union or nonunion membership, or physical or mental disabilities.

The government enforced the law in all sectors, but sporadic discrimination in employment or occupation occurred based on gender, disability, sexual orientation, HIV-positive status, and ethnicity, particularly for Roma. Penalties were commensurate with similar crimes, and inspection and remediation were sufficient. Some companies, state institutions, and civil society organizations, however, sometimes chose to pay a fine rather than comply with quotas for hiring persons with disabilities. In her 2020 report, the ombudsperson for gender equality asserted no appropriate measures would yet effectively encourage the participation of women in economic decision-making positions, and women had lower average salaries (13 percent lower) and pensions (22 percent lower) than men. According to citizens' complaints, age and motherhood continued to be the main challenges of gender discrimination against women in the labor market.

The 2020 annual report of the ombudsperson for disabilities assessed limited growth of employment of persons with disabilities, putting persons with disabilities at greater risk for poverty, especially because of low salaries and pensions, and reported that in comparison with 2019, only 3 percent more persons with

disabilities were hired in 2020.

According to LGBTQI+ advocacy organizations, although legislation protects LGBTQI+ employees against discrimination at the workplace, employers did not have adequate policies and procedures in place to provide protection against discrimination based on sexual orientation or gender identity. NGOs reported LGBTQI+ persons sometimes refrained from publicly revealing their sexual orientation or gender identity because they were vulnerable to termination of employment or demotion.

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

**Wage and Hour Laws:** The law establishes a national minimum wage slightly above the official poverty income level. The law provides for a standard workweek of 40 hours and limits overtime to 10 hours per week and 180 hours per year.

The Office of the Labor Inspectorate effectively enforced wage and hour laws. Inspection was sufficient to enforce compliance, and penalties were commensurate with those for similar violations. In 2020, inspectors reported 3,757 violations of labor laws, including numerous violations for wage, hour, time off, and contract irregularities. During 2020, inspectors filed 63 reports seeking criminal proceedings against employers, of which some included multiple violations by the same employer for nonpayment of wages (45), or for not registering employees properly with state health and pension insurance (24), one charge for counterfeiting documents, and two charges for making false statements.

The law allows employees to sue employers for nonpayment of wages and provides a penalty commensurate with other similar violations, although the law 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.

There were concerns regarding poor working conditions in the health-care sector. Nurses particularly experienced high workloads, insufficient number of workers, the lack of opportunities for advancement or professional development, unpaid overtime hours, and disorders that could harm mental health (e.g., fatigue,

exhaustion, anxiety).

Due to the COVID-19 pandemic in 2020 and during the year, a series of government job-keeping measures allowed employers to maintain their employees by covering both health-care payments and a set monthly wage of approximately 4,000 kuna (\$652), on which, as of September 2, the government spent 18 billion kuna (\$2.9 billion).

**Occupational Safety and Health:** The law establishes occupational safety and health standards that are appropriate, and the government generally enforced them. Responsibility for identifying unsafe situations remained with occupational safety and health experts, not the worker.

The Labor Inspectorate conducted 20,623 workplace inspections in 2020, of which 12,982 were directly related to labor and 7,647 were related to safety at work. In regard to labor safety violations, the inspectorate issued 788 fines to employers for violations that affected the safety of employees, 162 employers were charged with misdemeanors for violating certain safety codes, and 91 persons faced criminal charges for endangering the lives of employees.

Accidents were most frequently reported in the construction sector, where foremen could be held criminally responsible for injuries or deaths resulting from safety violations.

**Informal Sector:** Generally, work in the informal sector is against the law, and there were no wage, hour, and occupational safety and health protections for such workers. Reliable data on the country's informal economy was extremely limited. In 2019 the statistics bureau assessed the informal economy's size to be approximately 6.5 percent of GDP but noted the data's unreliability and lack of systematic approach to assessing it.