

# CROATIA 2016 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 presidential and parliamentary elections held on September 11 were free and fair.

Civilian authorities maintained effective control over the security forces.

The most important human rights problems in the country were social discrimination and instances of violence directed against members of ethnic minorities, including ethnic Serbs and Roma, women, and children. Corruption remained a problem.

Other human rights problems included overcrowding in some prisons; judicial delays; unresolved property restitution claims; political interference in government human rights oversight agencies; mistreatment of institutionalized children; anti-Semitism; trafficking in persons; inconsistent prosecution of cases involving discrimination against and abuse of lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; discrimination, including violations of confidence, against persons with HIV/AIDS; forced labor; discrimination in employment on the basis of gender, disability, sexual orientation, HIV-positive status, and ethnicity and violations of labor standards, including working hours, minimum wage, and timely payment of wages.

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 politically motivated disappearances. The government reported 1,572 persons remained missing from the 1991-95 conflict. The Ministry of Veterans Affairs reported 10 missing persons cases were resolved this year through DNA identification. Resolving outstanding missing persons cases remained a priority, and authorities sought cooperation from neighboring states to locate mass and individual graves.

### **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, although there were such reports in 2015.

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

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

Physical Conditions: The ombudsman reported prison overcrowding eased. The Ministry of Justice reported prisons were at 85 percent capacity. Several prisons remained overcrowded, including those in Rijeka (126-percent of capacity), Zadar (111 percent), Osijek (111 percent), Varazdin (109 percent), Požega (106 percent), and Bjelovar (102 percent). A majority of prisoner complaints concerned the quality and accessibility of medical care, and inadequate facilities, specifically a lack of living space.

Independent Monitoring: The government permitted monitoring by independent nongovernmental organization (NGO) observers. The ombudsman's office visited 12 prison facilities, and issued recommendations for the Justice and Health Ministries to investigate alleged mistreatment of some prisoners, improve facilities, and improve health services.

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

The constitution and the law prohibit arbitrary arrest and detention, and the government observed these prohibitions.

#### **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 and corruption. There were no reports of impunity involving the security forces during the year.

In October 2015 the mandate of the parliamentary council for civilian oversight of security and intelligence agencies expired. In June, due to the collapse of the governing coalition, parliament was dissolved only a few months into its term, and, as of year's end, a new council was not appointed.

### **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 72 hours. An investigative judge must issue a decision within 12 hours of arrest if prosecutors wish to extend investigative detention beyond 48 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. Authorities did not detain suspects incommunicado or confine them to house arrest.

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

Detainees are entitled to 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 provides for an independent judiciary, and the government generally respected judicial independence. The judiciary suffered from a backlog of 520,000 cases.

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 independent judiciary generally enforced this right. Defendants enjoy the presumption of innocence. Defendants must be informed promptly and in detail of the charges against them, with free interpretation as necessary, from the moment charged, through all appeals. Defendants have a right 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 and have access to government-held evidence relevant to their cases. They have the right to question 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, including an appeal before the European Court of Human Rights. All defendants enjoy these 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 520,000 case backlog in domestic courts raised concerns regarding judicial effectiveness, efficiency, and access to justice. Administrative remedies were also available.

## **Property Restitution**

By law, restitution of property seized during World War II and the communist era is limited to individuals who were citizens of the country in 1996 when parliament passed the restitution law. Consequently, it does not apply to persons whose property was expropriated but left the country and obtained citizenship elsewhere. The failure to amend the law to provide restitution for these individuals remained a problem.

Restitution of communal property remained a problem for the Serbian Orthodox Church and the Coordination of Jewish Communities in Croatia, the umbrella

organization representing the Jewish Community of Zagreb and several smaller communities throughout the country. There have been no restitutions of Jewish communal property since 2014, although several such requests were pending.

#### **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 Speech and Press**

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

Freedom of Speech and 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 2015, 29 individuals were investigated on such charges, and several of their cases remained open at year’s end.

On January 26, newly elected Deputy Speaker of Parliament Ivan Tepes led 5,000 to 7,000 persons on a march in Zagreb to protest a decision by the Electronic Media Council (EMC) to suspend broadcaster Z1 three days for airing hate speech directed at ethnic Serbs. During the march, some protesters gave Nazi salutes and shouted phrases from the World War II-era Nazi-aligned Ustasha regime.

Press and Media Freedoms: Independent media were active and expressed without restraint a wide variety of views. 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 March 10, the government proposed that the parliament reject the EMC's annual report, terminate the agency's mandate, and dismiss its director. Following parliament's vote on the same day to reject the EMC's annual report, EMC Director Marijana Rakic resigned, citing "unbearable pressure."

In June a delegation including representatives from the International Press Institute, the European Federation of Journalists (EFJ), the European Broadcast Union, the South East Europe Media Organization, the European Center for Press and Media Freedom, Reporters Without Borders, Austria and the Office of the Organization for Security and Cooperation in Europe (OSCE) Representative on Freedom of the Media visited the country. Their report, *Croatia: Media Freedom in Turbulent Times*, addressed the January 26 EMC protest, commenting that "not a single top politician from the governing coalition condemned a clear attempt--based on crude ethnopolitics--to harass and intimidate an independent media regulatory body." The report also noted police did not issue hate speech citations to any participants in the January 26 march.

Violence and Harassment: On March 31, journalist and writer Ante Tomic was physically attacked in Split. The Ministry of Culture released a statement saying it "condemns physical violence and attacks on all citizens. At the same time, this case reminds us about the importance of responsibility for words spoken and/or written in public." The EFJ stated such a statement after a physical attack against a respected journalist was "not only rude and outrageous but dangerous."

Censorship or Content Restrictions: In August the Union of Electronic Media urged the government to provide for Croatian Radio and Television's (HRT) independence following the September parliamentary elections, saying it was "essential that the HRT be allowed to maintain its editorial independence to provide impartial and relevant news, especially in these important weeks leading up to the elections in Croatia. Freedom of the media is critical to a healthy democracy and we strongly encourage the Croatian government to respect that freedom."

A number of journalists reported that publishers and media owners frequently practiced self-censorship to avoid reporting negatively on advertisers or those politically linked to key advertisers.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. According to the International Telecommunication Union, approximately 70 percent of the population used the internet in 2015.

### **Academic Freedom and Cultural Events**

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

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

The constitution and law provide for the freedoms of 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, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

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

The government, through the State Office for Reconstruction and Housing Care, 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.

### **Protection of Refugees**

Between January 1 and the effective closure of the so-called Balkan migration route on March 9, an estimated 105,000 migrants and asylum seekers arrived in the country (a continuation of arrivals that began in September 2015). Almost all of the migrants and asylum seekers expressed their intent to transit to other EU countries. Prior to the closure of the Balkan migration route, the Ministry of the Interior reported a majority of migrants and asylum seekers were able to depart the

country less than 48 hours after arrival, often transiting and departing the same day they arrived.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. As of December 1, approximately 700 migrants and asylum seekers remained in the country. Many of them arrived in Croatia just prior to the closure of the Balkan migration route in March, while others arrived later via irregular border crossings from Serbia. Another 516 individuals were returned to the country from other EU member states under the Dublin III Protocol. The Ministry of the Interior registered 2,034 asylum requests, up from 211 in 2015. Of these requests, 76 were granted asylum status, 152 requests denied, and 1,083 cases suspended after the applicant departed the country.

Safe Country of Origin/Transit: Prior to March 9, authorities permitted migrants and asylum seekers to transit the country if they could demonstrate they were citizens of Iraq, Syria, and Afghanistan. UNHCR repeatedly expressed concern that de facto determinations of asylum status should not be made on the basis of nationality.

Access to Basic Services: The sudden influx of asylum seekers into the country strained the housing capacity of the country's asylum system. It led the Ministry of the Interior to lodge a significant number of people, including families with young children, in temporary accommodation at the Hotel Porin in suburban Zagreb. The Hotel Porin was the primary reception center for migrants and asylum seekers. Through April the Ministry of the Interior operated a transit center to register and assist migrants and asylum seekers in the city of Slavonski Brod. Asylum seekers were also lodged at three facilities in Kutina, Jezevo, and Zagreb. Representatives from UNHCR and the Croatian Red Cross reported facilities were appropriate and that assistance focused on meeting the humanitarian needs of travelers.

Durable Solutions: The government committed to receive 1,600 refugees and asylum seekers under the EU relocation and resettlement scheme. Nine Eritrean nationals were relocated from Italy under this program, and 10 Syrian nationals were relocated from Greece.

The government participated in a five-year joint regional housing program with the governments of Bosnia and Herzegovina, Montenegro, and Serbia to help 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. Most of these potential returnees awaiting durable housing solutions were particularly vulnerable, often elderly or unemployed. Work continued on two residential buildings in Knin and Benkovac and a home for the elderly and persons with disabilities in Glina.

Temporary Protection: The government granted subsidiary protection to 10 persons who did not qualify as refugees or internally displaced persons. In 2015 the government provided subsidiary protection to five individuals.

### **Stateless Persons**

Citizenship is acquired by birth or by naturalization. It is also conveyed to children who would otherwise be stateless. As of 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 legal residency or citizenship. Ministry of the Interior officials assisted stateless individuals to obtain 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: On September 11, the country held parliamentary elections. According to observers, the elections took place in a pluralistic environment and administered in a professional and transparent manner.

Participation of Women and Minorities: The law requires that women make up at least 40 percent of candidates on a party's candidate list, with violations punishable by a fine. In the run-up to September parliamentary elections, the Electoral Commission noted several parties fell short of this threshold, but no parties were fined as of September 20.

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

The law provides criminal penalties for corruption by officials, and the government implemented these provisions effectively. Corruption remained a problem. A March Rand Corporation survey commissioned by the European Parliament indicated the highest risk of corruption in the country was in public procurement contracts.

Corruption: On May 16, the Zagreb County Court began the retrial of former prime minister Ivo Sanader following the Supreme Court's 2015 annulment for procedural errors of Sanader's 2014 conviction on corruption charges linked to the illegal funneling of money from public companies to a party slush fund in the so-called FIMI Media case.

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 generally resulted in a fine.

Public Access to Information: The law provides for public access to information held by many public institutions and establishes a relatively narrow list of exceptions outlining the grounds for nondisclosure. Authorities generally implemented the law effectively.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases.

In April the Ministry of Culture decreased the lottery revenues allocated by the National Foundation for the Development of Civil Society by 45 percent. This effectively cut off NGO access to small grants that were used as seed money to obtain supplementary outside funding. The ministry reportedly linked this decision to political views held by some recipient organizations that the government did not support such as organizations focusing on war crimes accountability and rights of lesbian, gay, bisexual, transgender, and intersex persons, among other issues. Representatives of more than 435 civil society organizations filed petitions with the government to preserve the existing model of support to civil society.

Government Human Rights Bodies: The country has an active ombudsman who investigated complaints of human rights abuses. The law authorizes the ombudsman to initiate shortened procedures in cases where there is sufficient evidence of the violation of constitutional and legal rights. Lengthy administrative procedures were a widespread problem. On May 20, parliament rejected the 2015 report of the ombudsman for human rights, marking the first time in the country's modern history the ombudsman's report was rejected based on its content. The report detailed incidents of hate speech, violations of minority rights, restrictions on media freedom, and other abuses that occurred during the tenure of the previous government. The ombudsman warned that parliament's decision not to endorse the report imposed "political pressure on the independence of ombudsman's office" and cast the vote to advance an ideological agenda.

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

### **Women**

Rape and Domestic Violence: Conviction of rape, including spousal rape, is punishable by one to 15 years' imprisonment. Police and prosecutors were generally responsive to crimes and accusations associated with domestic violence and rape. There were 21 indictments for rape during the year. Of 13 tried, nine resulted in convictions.

Conviction of domestic violence is punishable by up to three years imprisonment. While no individuals were charged with domestic violence during the year, an undetermined number of persons were charged with related offenses (e.g., assault, murder) associated with domestic violence cases. Violence against women, including spousal abuse, remained a problem. The Office of the Ombudsman for Gender Equality reported that police regularly detained both spouses for questioning in domestic violence cases. Support for safe houses, vocational training, and financial stipends for domestic violence victims remained limited. NGOs and local governments operated a number of shelters. Although the government financed most services, NGOs operating shelters stated funding was insufficient and irregular. Hotlines, counseling, and legal assistance were available for survivors of domestic violence but were not fully utilized by them.

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.

Reproductive Rights: The government respected the right of couples and individuals to decide the number, spacing, and timing of their children; manage their reproductive health; and have access to the information and means to do so, free from discrimination, coercion, or violence.

Discrimination: Women enjoy the same legal status and rights as men, including under family, labor, religious, personal status, property, nationality, and inheritance laws and in the judicial system. The law requires equal pay for equal work. Women experienced discrimination in employment and occupation (see section 7.d.).

The ombudsman for gender equality noted most individual complaints involving women were related to labor and social discrimination, followed by family violence and complaints against the judiciary. These complaints were primarily directed against state institutions and other legal persons rather than individuals. Of 404 cases received by the ombudsman in 2015, 93 were associated with domestic violence.

## **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. Children born in the country who would otherwise be stateless are also eligible for citizenship.

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 age 16 may marry with a judge's written consent. While statistics were unavailable, NGOs cited early and forced marriage as a problem in the Romani community. Common law marriages between minors age 16 and older were customary and often prompted by pregnancies. In some instances, these marriages were legalized when the partners reached adulthood.

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation of children and child pornography, and authorities enforced the law. The minimum age for consensual sex is 15. 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.

Institutionalized Children: The government has a multiyear effort to deinstitutionalize children. In 2015 Human Rights Watch (HRW) reported mental facility patients were physically restrained, forcibly medicated, or put in seclusion rooms for prolonged periods, including children, and noted there were no official guidelines for the use of restraints by facility staff. The HRW also stated children were not required to consent to treatment if the treatment was in the child's "best interests," which the HRW deemed a violation of fundamental individual rights.

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 increased anti-Semitism during the year.

In March spectators chanted slogans associated with the Nazi-aligned WWII-era Ustasha regime during a soccer match between Croatia and Israel. Prior to the match, President Kolinda Grabar-Kitarovic posted a call in Facebook for spectators to "show that we are fans who love our team but respect others, and say no to racism."

On April 22, government ministers attended the annual official commemoration at the site of the World War II-era Jasenovac death camp. Before of the event, Jewish and Serbian leaders announced they would not participate. The president of the Coordinating Committee of the Jewish Communities stated his group boycotted because the government was "downplaying the crimes committed" by the Ustasha regime. The Jewish community held a separate commemoration at the site, and representatives of Serbian organizations and the anti-fascists' league also held separate commemorations. President Grabar-Kitarovic met with the representatives of Jewish, Serbian, and Romani communities to hear their concerns, and Prime Minister Tihomir Oreskovic issued a statement condemning the Ustasha's crimes.

## 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 in employment, education, air travel, and other transportation, access to health care, and the provision of other government services, but the government did not always enforce these provisions effectively.

Funding for disability-related health care was inadequate as a result of the government's reduction of funding for programs for persons with disabilities as part of government-wide budget cuts.

While the law mandates access to buildings for persons with disabilities, building owners and managers did not always comply, and there were no 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. According to the Office of the Ombudsman for Disabilities, the lack of access for persons with disabilities reduced both their attendance and the number of schools from which they could choose. Many buildings were not wheelchair accessible, and there was a lack of sign-language interpreters for deaf persons and digital screen reading equipment for blind persons.

## National/Racial/Ethnic Minorities

While constitutional protections against discrimination applied to all minorities, there was some discrimination against ethnic Serbs and Roma. According to the 2011 census, Serbs were the largest minority ethnic group in the country, accounting for approximately 4 percent of the population.

There number of reports of discrimination and hate speech against Serbs increased. On April 19, the ombudsman for human rights expressed concern regarding "a noticeably harsher rhetoric in the public arena during the election in 2015" and called for "the regular and more consistent use of powers at the disposal of police

and judicial staff in the prevention and punishment of hate speech and hate crimes.” The ombudsman’s office reported that 67 individuals filed discrimination complaints based on race, ethnicity, or national identity in the first half of the year, one less than the total number of such cases filed in all of 2015.

On June 1, the Council of Europe’s Advisory Committee on the Framework Convention for the Protection of National Minorities reported “a surge in nationalism and political radicalization is having a negative impact on the enjoyment of minority rights, in particular in those areas that were heavily affected by conflict.” On August 5, singer Marko Perkovic (“Thompson”) led pro-Ustasha chants and songs during a concert commemorating the country’s Victory and Homeland Day. He and several individuals were charged with misdemeanors.

Discrimination against and the social exclusion of Roma was a problem. While 16,974 persons identified as Roma in the 2011 census, officials and NGOs estimated the Romani population numbered between 30,000 and 40,000. Roma faced widespread discrimination, including in obtaining citizenship, documentation, education, housing, and employment (see section 7.d.). According to the Council of Europe, only 6.5 percent of Roma in the country held permanent jobs.

The Government Office for Human Rights engaged Romani community leaders and NGOs in an effort to improve opportunities for Roma. Romani and pro-Roma NGOs received state and EU funding for local development projects, provision of social services, and education programs, particularly preschools and primary schools. The Government Office for NGOs provided training for Romani civil society, particularly Romani women and youth. Parliament, together with several other parliaments in Europe, proclaimed August 2 a day to commemorate World War II-era persecution of Roma, and the government funded historical research focusing on that period.

While education was free and compulsory through the eighth grade, Romani children faced serious obstacles, including discrimination in schools and a lack of family support. A high dropout rate among Roma remained a problem. In the 2015-6 school year, the Ministry of Science, Education, and Sports reported 5,420 Romani children were enrolled in primary school, 394 of whom were repeating grades. Preschools and kindergartens enrolled 1,026 Romani children. The government awarded 569 high school and 21 university-level scholarships to Romani high school and university students to cover fees, transportation, and housing allowances. The Ministry of Science, Education, and Sports promoted

better adoption of the Croatian language among Romani children through funding for preschool education and training for teachers. In total, the ministry spent 9,900,000 kunas (\$1,520,000) on Roma-targeted education initiatives. Romani community members participated in the development of Romani-as-a-second-language curriculum.

The government promoted the employment of Roma by reimbursing two years' salary to employers that hired Romani workers and by subsidizing self-employed Roma at a total cost of 10,835,300 kunas (\$1,670,000). The government concentrated efforts to improve housing on infrastructure and legalizing unregistered residences. The Ministry of Construction and Physical Planning provided 975,000 kunas (\$150,000) to legalize 671 private Romani homes in eight settlements. Romani community organizations received approximately 655,000 kunas (\$101,000) in support from the National Minority Council composed of Romani community representatives. The Ministry of Culture separately provided approximately 300,000 kunas (\$45,600) for Romani publications. In 2015 the government allocated 28,405,000 kunas (\$4,370,000) for the implementation of the national Action Plan for Roma Inclusion, while the EU contributed another 7,787,000 kunas (\$1,200,000).

### **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. NGOs indicated police were responsive to reported violations against LGBTI persons, but did not handle such cases in a consistent manner. Municipal prosecutors rejected criminal charges associated with LGBTI discrimination in several cases. NGOs also noted ambiguity in the penal code regarding penalties for violent behavior towards such individuals. Authorities opened 20 investigations of public incitement to violence and hatred in response to the online bullying and harassment of LGBTI persons in the first three months of the year.

LGBTI NGOs noted uneven performance by the judiciary on LGBTI discrimination cases. LGBTI activists reported that members of the LGBTI 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.

### **HIV and AIDS Social Stigma**



Societal discrimination against persons with HIV/AIDS remained a problem. The NGO Croatian Association for HIV (HUHIV) reported that some physicians and dentists refused to treat HIV-positive patients. HIV-positive individuals were eligible to receive care at a specialized infectious disease hospital in Zagreb. While HUHIV representatives acknowledged a centralized system was the best safeguard of patient privacy, it reported violations of confidentiality of persons diagnosed with HIV, with some facing discrimination including employment discrimination after disclosure of their status. There were also reports transplant centers refused to place HIV-positive patients on their lists of potential organ recipients.

HUHIV operated the Zagreb Checkpoint, a facility providing free, anonymous quick-tests to screen for HIV to improve screening for the general population. HUHIV staff assessed that official data underestimated the number of HIV-positive residents in the country. HUHIV reported that an HIV diagnosis was no longer listed on government-supplied sick leave forms, enhancing the ability of HIV-positive individuals to keep their status private.

## **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.

Restrictions on these rights exist. Civilian employees of the military are prohibited from joining unions or striking. Workers may strike only at the end of a contract or in specific circumstances cited in the contract after completing mediation. The law also requires workers to submit to mediation before striking when negotiating a contract. 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 for financial reasons. Employees of local or regional governments may not bargain collectively. Manual labor and retail employees were 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, although the International Trade Union Confederation's December 2015 report noted the City of Zagreb sought to negotiate with trade unions despite the existence of a valid collective agreement. The government was generally effective in enforcing laws, and resources and inspections were adequate. Penalties of one to 15 years' imprisonment for convicted violators 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 2015 and no such incidents 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. Government efforts to prevent and eliminate forced labor included collaborating with several NGOs in completion of a national action plan and 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.

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 if they would not suffer physically or mentally from the work. Approval was usually requested for children to be filmed or for theatrical rehearsals and performances. The law prohibits workers under age 18 from working overtime, at night, or in dangerous conditions defined by the law, including but not limited to construction, mining, and work with electricity. The Ministry of Labor and 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.

Isolated instances of child labor occurred. Labor inspectors identified 16 violations involving 12 minors. Violations involved children working overtime or past curfew and occurred mainly in the hospitality, retail, services, food service, and tourism sectors. Children were subjected to early marriage that could result in domestic servitude (see section 6, Children).

Resources and inspections for enforcement of, and penalties for, violation of child labor law were adequate to deter most violations. The law prescribes significant fines for violation of children's labor rights, ranging from 61,000 kunas to 100,000 kunas (\$9,390 to \$15,400) per violation. Perpetrators may be sentenced to three to 15 years' imprisonment for conviction of forced child labor under trafficking in persons provisions of the law. These provisions were considered sufficient to deter violations. The ombudsman for children coordinated efforts to prevent the exploitation of children and to assist in removing children from exploitive situations.

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

The law prohibits discrimination based on race, gender, disability, language, sexual orientation, and gender identity, social status, color, religion, political opinion, national origin or citizenship, age, language, or HIV-positive status or other communicable diseases. The government generally enforced these laws. Penalties for violations of employment discrimination law included fines up to 40,000 kunas (\$6,100) and were generally sufficient to deter violations.

Roma faced employment discrimination. Government programs to counter employment discrimination against Roma included reimbursing the first two years of salary for private employers.

Discrimination in employment or occupation occurred with regard to gender, disability, sexual orientation, HIV-positive status, and ethnicity. 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 gender ombudsman's 2014 report estimated that women earned 10 percent less than men. In addition salaries were much lower in occupations filled mostly by women, while higher-paying management positions were more often filled by men.

The government continued several programs during the year to increase opportunities for women in the workplace, including establishing a preference for women-owned companies to obtain government business loans.

The ombudsman 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 the country lacked facilities to promote employment of persons with disabilities, which resulted in a majority of persons with disabilities being routed into early retirement instead. The disability ombudsman indicated 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 health sector. Neither state nor private employers have regulations for protection against discrimination on the basis of sexual orientation or gender identity. 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 minimum wage as determined by the government was 3,120 kunas (\$480) per month; the net minimum monthly wage was 2,400 to 2,600 kunas (\$370 to \$400), depending on tax exemptions. The official poverty income level was 2,020 kunas (\$310) per month for single households and 4,242 kunas (\$652) per month for a four-member household. 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. It 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.

The government enforced the minimum wage and applicable labor laws, although there were extensive reports of employees working in the informal sector without such 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 2015 inspectors identified 12,944 persons who were not paid the minimum wage by their employers; the employers were fined.

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 2015*, there were 235 inspectors. The inspectorate conducted 19,622 workplace inspections in 2015 and reported 6,544 violations of the labor and workplace safety laws, including both minimum wage regulations and workplace health and safety laws. The inspectorate referred 2,667 of these violations to misdemeanor courts for further action, and closed 283 companies during the first six months of the year for at least 30 days for labor law violations, of which 83 chose to pay fines totaling approximately 3,380,000 kunas (\$520,000) in lieu of closure. 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.

During the same period, municipal prosecutors initiated 92 criminal proceedings against employers. The law provides for sentences for those convicted ranging from six months to five years' imprisonment, with workplace mistreatment carrying a penalty of up to two years' imprisonment and employer fraud carrying a five-year maximum sentence. These penalties were sufficient to deter such violations.

The law has well defined safety regulations, including special protections for workers in dangerous occupations, including but not limited to construction, mining, and work with electricity. It also addresses shift and on-call work and includes protections for minors between ages 15 and 18. Of the 19,622 inspections in 2015, 8,733 inspections involved work safety standards that prompted 2,107 requests for misdemeanor proceedings covering alleged violations of safety standards, particularly in the construction sector, where most safety violations were identified. The inspectors issued 771 fines totaling 7,800,000 kunas (\$1,200,000) for various violations of safety standards. Legal protections do not cover workers in the informal economy. Workers may remove themselves from situations that endanger their health or safety without jeopardizing their employment, and authorities effectively protected employees in this situation.