

# CROATIA 2019 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 2015, and the president was elected by a majority of voters. Domestic and international observers stated that the presidential election and parliamentary elections held in 2016 were free and fair, and the State Election Commission reported no major irregularities during the May European Parliament elections.

The national police, under the control of the Ministry of the Interior, have primary responsibility for domestic security. The president is commander in chief of the Armed Forces. In times of disorder, the prime minister and the president may call upon the armed forces to provide security. The armed forces report to the Ministry of Defense. Civilian authorities maintained effective control over the security forces.

Significant human rights issues included: intimidation and isolated instances of censorship of journalists; reports of acts of unjustified police violence targeting irregular migrants, some of whom may have been asylum seekers; corruption; and discrimination and violence towards members of ethnic minority groups, including Roma and Serbs.

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

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

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

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

#### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities; however, a significant number of cases of missing persons from the 1991-95 conflict remained unresolved. The government reported that as of October 14, 1,477 persons remained missing, and the government was searching for the remains of 403 individuals known to be deceased, for a total of 1,880 unsolved missing persons' cases. The Ministry of Veterans Affairs reported that in the period from January 1 to October 14, the remains of 22 individuals were exhumed, and final identifications were made for 39 individuals. Progress remained slow due to jurisdictional, political, and technical challenges. On August 1, the Law on Missing Persons in the Homeland War entered into force. This law defines cooperation on the missing persons issue with other states, international organizations, and associations. The law also stipulates misdemeanor fines for institutions and individual persons that refuse to provide information regarding the whereabouts of missing persons. A protocol on cooperation in missing persons' cases signed on July 30 by the governments of Croatia, Serbia, and Bosnia and Herzegovina allows for the exchange of information and documents for identifying graves and individual remains among the three countries.

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

The constitution and law prohibit such practices, but there were reports of isolated and sporadic cases of physical and verbal mistreatment of prisoners and detainees. The ombudsperson's report for 2018 noted an increased number of complaints about violence in prisons and stated that prisoners often did not report incidents or reported them late because of shame, fear of revenge, lack of trust in the system, insufficient information about protection measures, or other reasons.

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

Some reports regarding prison or detention center conditions raised human rights concerns.

Physical Conditions: In her 2018 annual report, the ombudsperson for human rights noted that one of the most significant problems in the prison system was an insufficient number of employees, which directly affected implementation of programs, and affected human rights and security standards in prisons. The ombudsperson's report noted that overcrowding affected many areas and raised concerns over sanitary conditions. Several prisons remained overcrowded, such as Osijek Prison (161 percent of capacity). According to the report, at the end of

2018, 10 of the country's 14 prisons remained overcrowded at greater than 100 percent capacity. The report noted that, although the problem of overcrowding had improved, there were still instances of inmates in living spaces below the legal minimum of area per inmate. Prisoner complaints generally concerned inadequate facilities; quality and accessibility of medical care, including psychiatric services; mistreatment of prisoners; and violence among inmates.

Administration: The ombudsperson investigated credible allegations of mistreatment and issued recommendations to improve conditions for detained persons. In 2018 her office took actions in response to 169 cases of violations of the rights of persons in the prison system, conducted 47 investigations, and visited six prisons.

Independent Monitoring: The government permitted monitoring by independent, nongovernmental observers. The ombudsperson carries out tasks specified in the National Preventive Mechanism (NPM) and is authorized to make unannounced visits to detention facilities. She and other NPM members have access to information concerning these institutions, such as the number of detained persons, and any information concerning the treatment of such persons, in line with the law. The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment conducts periodic visits to prisons, and issues reports.

Improvements: The Ministry of Justice reported the overall security situation at the country's prisons improved during the year through increased staff capacity and the introduction of video surveillance in some prisons. The ministry reported that, in cooperation with UNICEF, children could access video conference calls in some prisons where their parents were incarcerated. Ministry of Justice officials began a European Social Fund project entitled "Improving the Quality of Justice through Capacity Building of the Prison, Probation and Victim and Witness Support Systems," with a total project value of 9 million kuna (\$1.4 million).

#### **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, and the government generally observed these requirements.

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

Other than those arrested during the commission of a crime, persons were apprehended with warrants issued by a judge or prosecutor based on evidence. Prosecutors may hold suspects for up to 48 hours in detention. Upon 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. As of June 30, the judiciary as a whole had a backlog of 500,578 cases, an increase of 93,516 cases compared to the number pending at the end of 2018 (407,062). An EU Commission report noted in February that the government took some steps to improve the judiciary and highlighted a decrease in the backlog among older cases, although according to the report the backlog remained sizable.

#### **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. They have the right to communicate with an attorney of their choice or to have one provided at state expense. Defendants enjoy the right to adequate time and facilities to prepare a defense. Any defendant who cannot understand or speak 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, and defendants may file an appeal through the domestic courts to the European Court of Human Rights (ECHR).

## **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. They may appeal to the ECHR 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. The backlog in domestic courts raised concerns regarding judicial effectiveness, efficiency, and the rule of law. Lengthy trials remained one of the main challenges in the judiciary and in some civil cases, especially property cases, proceedings lasted for more than a decade.

## **Property Restitution**

The government has laws in place to support its responsibilities as an endorser of the Terezin Declaration. The government, however, continued to lack a legislative framework to resolve property restitution issues. 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 apply 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. The government has taken no subsequent steps to amend the law.

In April the government reported 70,000 property restitution claims had been filed as of that date. The government reported approximately 64,000 of those claims (90 percent) were resolved; however, cases were not broken down by religion, ethnicity, or nationality, making it impossible to determine which were linked to the Jewish Holocaust victims. The government believed at least 244 resolved claims involved Jewish claimants, with 101 cases still pending in 2018. Of the 244 resolved claims, 104 resulted in the return of 271 properties valued at 602 million kuna (\$91 million), while 140 claims were resolved by compensation in cash or bonds amounting to a total of 60.2 million kuna (\$9.1 million). The government separately reported that since July 2018 it resolved a further 26 out of the remaining 101 pending cases. Additionally, the government reported it paid 8.6 million kuna (\$1.3 million) in cash and bonds and returned 16 properties, valued at 33 million kuna (\$5 million). Restitution of communal property remained a problem for the Serbian Orthodox Church and the Coordinating Committee of Jewish Communities in Croatia.

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

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

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

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

The constitution and law provide for freedom of expression, including for the press, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined in most cases to promote freedom of expression, including for the press. NGOs reported, however, that the government did not adequately investigate or prosecute cases in which journalists or bloggers received threats, and the Croatian Journalists' Association (CJA) reported that lawsuits against journalists and media outlets were used as a form of censorship.

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.” The law provides for six months’ to five years’ imprisonment for conviction of such “hate speech.” Conviction for internet hate speech is punishable by six months to three years’

imprisonment. Although the law and recent Constitutional Court decisions technically impose restrictions on symbolic speech considered “hate speech,” including the use of Nazi- and (the World War II regime) Ustasha-era symbols and slogans, NGOs and advocacy groups complained that enforcement of those provisions remained inadequate.

Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views without restriction. Restrictions on material deemed hate speech apply to print and broadcast media. Many private newspapers and magazines were published without government interference. Observers said, however, that information regarding actual ownership of some local radio and television channels was not always publicly available, raising concerns about bias, censorship, and the vulnerability of audiences to malign influence.

Violence and Harassment: NGOs reported that intimidation and threats, especially online threats, against journalists had an increasingly chilling effect on media freedom and that the government insufficiently addressed this problem.

On March 7, Office of Security Cooperation in Europe (OSCE) representative on freedom of the media Harlem Desir expressed concern about a March 6 police visit to the online news portal *Net.hr*, ostensibly to verify the identity and home address of journalist Djurdjica Klancir. Ivo Zinic, the head of Sisak County and a member of the Croatian Democratic Union, had previously filed a private defamation lawsuit against Klancir, and Desir alleged the police visit was conducted to intimidate Klancir. Zinic denied having anything to do with the police incident.

Censorship or Content Restrictions: Members of the press reported practicing self-censorship due to fear of online harassment, being sued, upsetting politically connected individuals, or losing their jobs for covering certain topics.

On September 16, Gordan Duhacek, a journalist for the online portal *index.hr*, was detained by police and later fined at Zagreb’s Misdemeanor Court for a July 2018 Twitter message that discussed police treatment of those arrested and contained an antipolice message. Duhacek also faced a court judgment for another tweet, a satirical rewrite of the lyrics of a patriotic song. The CJA labeled police treatment of Duhacek as intimidation. On September 17, OSCE representative Harlem Desir expressed concern about the case and stated, “Such treatment of journalists for their views is unacceptable. Freedom of expression is a fundamental human right and should be respected as such.” Dunja Mijatovic, the Council of Europe’s commissioner for human rights, said the arrest and fine for Duhacek “amount to

pure intimidation of the press” and called on authorities to protect media freedom and avoid undue pressure on journalists.

Libel/Slander Laws: The country’s public broadcaster, Croatian Radio Television (HRT), filed more than 30 lawsuits against its own and other journalists, including HRT journalist and CJA president Hrvoje Zovko, who complained of censorship at the HRT and was later dismissed from his position as HRT editor. On October 29, the Zagreb Labor Court found the HRT’s dismissal of Zovko illegal and ordered him reinstated. On March 2, several hundred journalists rallied in Zagreb against the curbing of media freedoms in the country. The CJA reported there were more than 1,000 ongoing lawsuits involving journalists or media outlets. The CJA viewed these lawsuits as attacks on the independence of the media. Responding to the CJA’s claims on February 6, Prime Minister Andrej Plenkovic said, “Croatia is a free country with free media and free media ownership structure,” and “to say today that there is no media freedom in Croatia means that the person making this claim is neither reading the papers, listening to the radio, nor watching television.” On March 6, the OSCE’s Desir expressed his concern about the high number of lawsuits filed against journalists and outlets, claiming that defamation laws were being misused to intimidate journalists.

### **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**

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

#### **e. Internally Displaced Persons**

Not applicable.

#### **f. Protection of Refugees**

Abuse of Migrants, Refugees, and Stateless Persons: International and domestic NGOs and international organizations outside of the country such as the Office of the UN High Commissioner for Refugees (UNHCR) reported police pushbacks of migrants, some of whom may have been asylum seekers, attempting to enter the country illegally, particularly on the country's border with Bosnia and Herzegovina, and alleged border police subjected migrants to degrading and abusive treatment, including theft and destruction of migrants' property during pushbacks. Human Rights Watch claimed that reported police pushbacks of migrants into Bosnia and Herzegovina were illegal under international law. Amnesty International also reported police abuse of migrants and pushbacks. Interior Minister Davor Bozinovic denied reports of migrant abuse. According to Bozinovic, the Ministry of the Interior received more than 200 complaints of alleged illegal and violent pushbacks of migrants, but, following investigations, found no evidence to support the allegations.

In March the ombudsperson received an anonymous complaint by a border police officer alleging that illegal mistreatment of migrants was ordered by police superiors. The ombudsperson notified the State Attorney's Office and requested an independent investigation. In the absence of a response from the State Attorney's Office, in June she notified parliament. The Ministry of the Interior ultimately dismissed those claims as unsubstantiated and inaccurate.

In November there were reports of two separate shootings of migrants by police, both resulting in injuries. In the first incident, police reported an Afghan migrant was shot accidentally when a police officer fired a warning shot. The officer evacuated the migrant, who was in critical condition, to a hospital. In the second incident, police reported a migrant was accidentally shot while resisting arrest. The investigation into the first shooting was completed in December and it was found to have been an accident. There was no additional information on the status

of the victim. The investigation into the second shooting was ongoing at year's end.

Interior Minister Bozinovic said the country encouraged and promoted strengthening legal pathways for persons in need of international protection and carried out an EU resettlement program for Syrian refugees from Turkey.

The government in most cases cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and 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 asylum seekers. NGOs reported authorities at the borders between Serbia and Bosnia and Herzegovina prevented some migrants from applying for international protection, although officials denied these reports.

Durable Solutions: During the year the government received 98 refugees and asylum seekers under the EU Resettlement Program, for a total of 250 refugees and asylum seekers since the program began in 2015. In accordance with decisions of the Council of the EU to relocate migrants from Italy and Greece, the government received an additional 81 asylum seekers and resettled 250 Syrian refugees from Turkey.

The government continued to participate in a joint regional housing program (RHP) with the governments of Bosnia and Herzegovina, 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 had provided housing to 289 families (674 individuals) in the country.

Temporary Protection: The Ministry of Interior reported that from January to December 11, the government provided asylum to 153 refugees who had a well-founded fear of persecution if they returned to their home country. The country also has a mechanism for subsidiary protection for those who do not qualify for asylum and granted protection to one person during the year.

#### **g. Stateless Persons**

According to the last census, from 2011, there were 2,886 persons stateless or at risk of statelessness in the country. Many of these persons were Roma who lacked citizenship documents. The Ministry of the Interior is responsible for granting stateless individuals 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: The country last held national parliamentary elections in 2016 and presidential elections in 2015. European Parliament elections were held in May. According to observers, elections took place in a pluralistic environment and were administered in a professional and transparent manner.

Participation of Women and Minorities: No laws limit participation of women or minorities in the political processes, and they did participate. Representation of minorities is guaranteed by law. Minorities have eight guaranteed 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. After the 2016 elections, the electoral commission noted all major political parties fell short of this threshold.

### **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. State prosecutors continued to prosecute several major corruption cases involving mayors, politicians, 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 frequently overturned on appeal. Corruption remained a problem, and significant numbers of high-profile corruption cases were underway.

Corruption: Several corruption cases against former high-level government officials reported in previous years were still pending. On May 23, the Supreme Court increased the corruption sentence of former prime minister Ivo Sanader to

six years' imprisonment, after prosecutors appealed an earlier four-and-a-half-year sentence from a lower court. Sanader was found guilty of assisting former Croatian Democratic Union member of parliament Stjepan Fiolic in a 2009 real estate deal that provided Sanader 17 million kuna (\$2.6 million) in proceeds. Separate trials continued against Sanader on other corruption-related charges. On December 30, in one of these, the Zagreb County Court sentenced Sanader to a first instance appealable ruling of six years' imprisonment for accepting a bribe of approximately \$11 million during 2009 negotiations with Hungarian energy firm Hungarian Oil and Gas Public Limited Company, which was seeking management control of Croatian energy firm Oil Company, Public Stock Company.

The Office for the Suppression of Corruption and Organized Crime launched an investigation into former administration minister Lovro Kuscevic, who, while mayor of a municipality on Brac Island, was suspected of initiating an unlawful change in the municipality's urban plan as well as enabling his brother-in-law to buy a government-subsidized flat. He resigned as minister in July and returned to parliament, which later stripped him of immunity from prosecution. The investigation covered three other officials suspected of abuse of office, incitement to abuse, and giving false depositions. The case was ongoing at year's end.

Financial Disclosure: The law requires that public officials declare their assets and income, and government officials generally complied with this requirement. This information was available to the public. Fines are the penalty for noncompliance. During the year the Commission for Dealing with the Conflict of Interest fined two members of parliament, Ivan Sincic and Anka Mrak Taritas, and one state secretary, Zeliko Uhlir, for irregularities in their financial disclosure forms.

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

A variety of domestic and international human rights groups sometimes operated without government restriction, investigating and publishing their findings on human rights cases. Domestic NGOs working on migrants' rights issues, however, reported police pressure. Two NGOs claimed their contracts to provide refugee services in asylum seeker reception centers were terminated due to their public criticism of police for alleged violence against migrants (see section 2.f.). Government officials generally 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, disabled persons, 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, Societal Abuses, and Trafficking in Persons**

### **Women**

Rape and Domestic Violence: The law criminalizes the rape of men or women, including spousal rape and domestic violence. The law was in most cases effectively enforced. A separate law provides misdemeanor sanctions for family violence. 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 misdemeanor punishments and further protects victims' rights. Violence against women, including spousal abuse, remained a problem. Six family members, including a 10-year-old child, were shot and killed in Zagreb by a 30-year-old man who later killed himself. Local media reported the suspect's former wife and her partner were among the victims. In another high-profile case, police charged five suspects with raping and blackmailing a 15-year-old girl in the Vrši municipality near the city of Zadar. The investigation continued at year's end.

Domestic violence NGO #spasime ("Save me") held protests in Zagreb, Dubrovnik, and Split to show support for victims and demanded that the "system" adequately protect victims. Prime Minister Plenkovic attended the protest held in Zagreb, met with protest leaders afterward, and said he was ready to address the issue of domestic violence.

Police and prosecutors were generally responsive to allegations of domestic violence and rape. According to the 2018 report by the ombudsperson for gender equality, the number of misdemeanor cases of domestic violence decreased by 10.7 percent since 2017; however, the same period saw an increase in the percentage of

criminal acts committed against close family members, indicating the severity of domestic violence offenses.

Sexual Harassment: The law criminalizes and provides for a maximum prison sentence of one year for sexual harassment of men and women; the law was generally enforced, although NGOs reported a lack of significant sanctions for perpetrators. Protection is also prescribed by the law. The ombudsperson for gender equality reported in 2018 a decrease in complaints by victims of sexual harassment who required protection of their identity or anonymity.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Women have the same legal status and rights as men with regard to family, employment, religion, inheritance, and voting. The law requires equal pay for equal work. In practice, women experienced discrimination in employment and occupation (see section 7.d.).

## **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: Amendments to the Penal Code which entered into force in January provided stricter penalties for the abuse of children. Penalties depend on the crime's gravity and include long-term imprisonment if the consequence is death of a child. Child abuse, including violence and sexual abuse, remained a problem. On February 28, a 54-year-old man threw his four children, ages three, five, seven, and eight, off the balcony of their home, significantly injuring one. Following the attack, all the victims were released to their mother. The father was detained for 30 days and indicted with a charge of attempted murder. Both parents were previously convicted in 2017 of child neglect. The ombudsperson for children reported that police and prosecutors generally were responsive in investigating such cases.

Early and Forced Marriage: The legal minimum age for marriage is 18; children older than 16 may marry with a judge's written consent (see Sec. 7.c.).

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, and authorities enforced the law. Amendments to the Penal Code which entered into force in January provided stricter penalties for the sexual exploitation of children. The Office of the Ombudsperson for Children stated that crimes and violence committed against children increased during the year, and claimed many crimes remained unreported. The Ministry of the Interior conducted investigative programs and worked with international partners to combat child pornography. The ministry operated a website known as Red Button for the public to report child pornography to police. The minimum age for consensual sex is 15.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's Annual Report on International Parental Child Abduction at <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 community 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, and some students reported bullying in schools. The January Holocaust Revisionist Report, a study examining how individual EU states deal with the legacy of involvement in or complicity with the Holocaust, pointed to the contemporary use of the wartime Ustasha salute, *Za Dom Spremni* ("For the Homeland, Ready"), and to the government's and the Croatian Catholic Church's apparent unwillingness to address the roles of the state and the church in the Holocaust as issues. The report also noted that the country lacked a consensus about what happened at the concentration camp in Jasenovac. On January 24, the Catholic Church unveiled a large banner on the Zagreb Cathedral commemorating International Holocaust Remembrance Day. Cardinal Josip Bozanic, archbishop of Zagreb, "declared it unacceptable to permit the re-emergence of anti-Semitism." Observers from minority religious groups noted that this was a conspicuous and positive gesture given complaints by minority groups that the Church minimized its complicated role in the country during the Holocaust.

The Jewish community also stated government officials did not sufficiently condemn, prevent, or suppress Holocaust revisionism. For example, the NGO Simon Wiesenthal Center urged authorities to ban a book denying crimes

committed by the country's pro-Nazi regime during the Holocaust, saying the book "denies that mass murders of Serbs, Jews, Roma, and Croatian antifascists were carried out frequently in the notorious Jasenovac concentration camp." The book was not banned. The law imposes a maximum sentence of three years for creating or distributing printed material which incites violence or hatred against a group of persons based on religion and national or ethnic origin, or approves, denies or diminishes the crime of genocide.

On April 14, the government held its official annual commemoration for victims killed by the Ustasha regime at Jasenovac. The Jewish community, along with the Serb National Council (SNV) and the Alliance of Antifascist Fighters, boycotted the official commemoration for the fourth year in a row and held their own commemorations on April 12. Jewish Community leaders said the separate commemoration was necessary due to the government's "tacit approval" of the use of the Ustasha salute and increased revisionism regarding the history of the country's World War II fascist regime. President Kolinda Grabar-Kitarovic visited the Jasenovac memorial site on her own on April 13.

On August 14, media reported that the High Misdemeanor Court fined a singer who used the Ustasha-affiliated salute "Za Dom Spremni" in the performance of a popular nationalist song. The court stated that the salute conveys hatred toward persons of different races, religions, and ethnicities, and fined the singer 965 kuna (\$150). The ruling contributed to a body of legal decisions that characterize the use of "Za Dom Spremni" as hate speech.

### **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**

The law prohibits 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 or other state services, but the government did not always enforce these provisions effectively. While the law mandates access to buildings for persons with disabilities, building owners and managers did not always comply, and there were no reported sanctions.

The 2018 Ombudsperson for Persons with Disabilities Report stated that the government inspected state care facilities for persons with disabilities and found cases of use of questionable forms of restraint, including separation and physical restraint, but no human rights violations were recorded. The ombudsperson, however, remarked that the findings proved that certain state facilities' protocols for restricting the behavior of persons with disabilities violated the UN Convention on the Rights of 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.

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

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 SNV, the Serb national minority faced hate speech, graffiti, physical assaults (including an assault against Serbian seasonal workers) and significant discrimination in employment registration of Serb schools in Eastern Slavonia, and in the justice system, particularly with respect to missing persons and war crimes cases.

On August 21, masked assailants wielding clubs and a machete attacked patrons and damaged property at a cafe frequented by Serbs in Uzdolje, during the airing of a Serbian soccer match. Police reported 16 suspects to the state prosecutor in connection with the attack and charged them with violent behavior, destruction of a property, and causing bodily injuries. As of December, 11 of the suspects remained in investigative detention. The state prosecutors reported at year's end the investigation was ongoing.

On February 9, a group of reported nationalists attacked Serbian water polo players in Split ahead of a match. Four suspects were arrested on February 11 and charged with several criminal acts, including hate crimes. The State prosecutors reported that at year's end the cases were still ongoing.

On July 12, the president of Constitutional Court, Miroslav Separovic, announced a July 2 ruling by the court that the use of the Serbian language and Cyrillic script for official purposes in Vukovar city should be enhanced. According to the

decision, ethnic Serb city councilors should have the same access to official documents in their own language and script as ethnic Croatian councilors.

The government allocated funds and created programs for development and integration of Romani communities, but discrimination and social exclusion of Roma remained a problem. According to a World Bank Group report from February, 93 percent of Roma lived below the national at-risk-of-poverty threshold in comparison to the overall rate of 19 percent, and only 30 percent of Romani women and men had completed primary education. Completion rates of schooling at upper secondary and higher-level educational institutions were 6 percent for Romani women and 24 percent for Romani men. The unemployment rate for Roma 16 years and older was 74 percent for men and 51 percent for women. The report further stated that Romani girls were disproportionately excluded from early childhood development opportunities in comparison with their male peers, and 78 percent of Romani girls left school early, in comparison with 60 percent of Romani boys.

In June approximately 1,000 individuals rallied in the northern town of Cakovec to protest the alleged dangerous and criminal behavior of the Roma in their community. Protesters claimed state institutions failed to “protect” them from the local Romani population. After the rally, Medjimurje County police affirmed their decision to allow the protest, which they said included no hate speech or incitement to racial, religious or ethnic intolerance. The Government Office for Human and National Minority Rights condemned the protest.

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

The law prohibits discrimination in employment and occupation, nationality laws, housing, access to education, and health care based on sexual orientation, gender identity, or gender expression. Representatives from minority groups said these provisions were not consistently enforced. In response to civil society concerns, the government revised the *2016-20 National Plan for Combating Discrimination* to address lesbian, gay, bisexual, transgender, and intersex (LGBTI) issues.

LGBTI 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 about the inefficient judicial system and fear of further victimization during trial proceedings. NGOs reported that investigations into hate

speech against LGBTI persons remained unsatisfactory. The Split Municipal State's Prosecutor's Office filed an indictment on October 3 against a 34-year-old, who was charged with inciting violence and hatred against LGTBI persons on Facebook during a pride parade in Split in mid-June.

Organizations which opposed the ratification of the Istanbul Convention continued promoting anti-LGBTI sentiment in their rhetoric, declaring same-sex couples, same-sex parents, and transgender persons a threat to the country and to traditional society. In June during Split's pride parade, graffiti appeared on an overpass stating, "only dead gay is OK." Following the pride parade in Zagreb, the Zagreb Pride Association noted a decrease in violence and discrimination.

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

Societal discrimination against persons with HIV/AIDS remained a problem. The NGO Croatian Association for HIV (HUHIV) reported some physicians and dentists refused to treat HIV-positive patients. HUHIV reported violations of the confidentiality of persons diagnosed with HIV, with some facing 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/AIDS. Additionally, HUHIV reported that an HIV diagnosis was no longer listed on government-supplied sick leave forms, protecting the privacy of HIV-positive individuals.

## **Section 7. Worker Rights**

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

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

Some limitations exist. There are restrictions on strikes and union activity for civilian employees of the military. Workers may strike only at the end of a contract or in specific circumstances cited in the contract, and only after

completing mediation. Labor and management must jointly agree on a mediator if a dispute goes to mediation. If a strike is found to be illegal, any participant 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 laws effectively. Penalties were sufficient to deter 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 all forms of forced or compulsory labor. Through July 31, the state prosecutor reported one case of criminal charges for forced labor, which remained pending at the end of the year.

Penalties for conviction of forced labor were sufficiently stringent to deter violations, if enforced, but the government did not effectively enforce the law. The government collaborated with several NGOs on public awareness programs.

There were isolated reports that Romani children were at risk of forced begging. 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 15 may work only in special circumstances and with the approval of the ombudsperson for children. In 2017 (the last year for which data were available), there were 233 such requests, of which 183 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 and the Pension System, the ministry's Office of the State Inspectorate, and the ombudsperson for children are responsible for enforcing this regulation and did so adequately.

There were isolated instances of violations of child labor legislation. Labor inspectors identified 34 violations involving 21 minors in 2017. Violations involved minors working overtime or past curfew and occurred mainly in the hospitality, retail, services, food service, and tourism sectors. Some children were reportedly subject to early marriage that could result in domestic servitude. The government effectively enforced the law. Penalties were generally sufficient to deter violations (see also section 7.b.).

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

The law prohibits discrimination in employment and occupation. Nonetheless, sporadic discrimination in employment or occupation occurred on the bases of gender, disability, sexual orientation, HIV-positive status, and ethnicity, particularly for Roma. According to the ombudsperson 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. A World Bank Group report in February stated that, overall, the country made progress on promoting gender equality into its policy agenda. Eurostat reported the wage gap was higher among older employees. The government did not effectively enforce the law and the penalties for discrimination were not sufficient to deter violations.

According to the 2018 annual report of the ombudsperson for disabilities, legislative changes strengthened the system for professional rehabilitation to facilitate employment of those with disabilities. The ombudsperson for disabilities noted progress in 2018 in the employment of persons with disabilities but said the government should take additional steps to reduce workplace discrimination and barriers to employment. NGOs noted discrimination and harassment against LGBTI employees in the workplace, particularly in the health and hospitality sectors. According to the NGO Freedom House, although legislation protects LGBTI 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 LGBTI persons sometimes 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 government effectively enforced wage laws, and penalties were sufficient to deter violations. The minimum wage was slightly above the official poverty income level. The law limits overtime to 10 hours per week and 180 hours annually.

Responsibility for identifying unsafe situations remains with occupational safety and health experts and not the worker.

The Office of the Labor Inspectorate enforced the labor law through on-site inspections. According to the 2018 *Labor Inspectorate Annual Report*, there were 236 inspectors, sufficient to enforce compliance. The inspectorate conducted 25,645 workplace inspections in 2018 and reported 5,992 violations of labor laws. The inspectorate referred 2,674 of these violations to misdemeanor courts for further action, and it temporarily closed 200 companies during the first six months of 2018 for labor law violations. The inspectorate issued fines for labor violations which were sufficient to deter future violations. Nonsafety violations of labor law were most common in the hospitality sector. The government effectively enforced the laws.

Some employees worked in the informal sector without labor protections. There were instances of nonpayment of wages, as well as nonpayment for overtime and holidays. The law allows employees to sue employers for wage nonpayment and provides a penalty sufficient to deter 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 to bypass mandatory employer contributions to social insurance programs. During 2018 inspectors filed 122 reports (down 14 percent from 2017) seeking criminal proceedings against employers for nonpayment of wages or for not registering employees properly with state health and pension insurance.