

CROATIA 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Republic of Croatia is a constitutional parliamentary democracy. Legislative authority is vested in the unicameral parliament (Sabor). The president serves as head of state and nominates the prime minister, who leads the government, based on majority support of parliament. The latest presidential election was held in December 2019 with a second round for the top two candidates held on January 5. President Zoran Milanovic was elected by a majority of voters. Domestic and international observers stated that the presidential election and parliamentary elections held on July 5 were free and fair.

The national police, under the control of the Ministry of the Interior, have primary responsibility for domestic security. In times of disorder, the prime minister and the president may call upon the armed forces to provide security. The president is commander in chief of the armed forces. The armed forces report to the Ministry of Defense and to the president as commander in chief. Civilian authorities maintained effective control over the security forces. There were allegations that some members of the border police committed abuses of irregular migrants.

Significant human rights issues included: instances of violence against, and intimidation and censorship of, journalists and the existence of criminal libel laws; reported acts of unjustified police violence against irregular migrants, some of whom may have been asylum seekers; corruption; and discrimination and violence against members of ethnic minority groups, particularly Serbs and Roma.

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

CROATIA

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

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities; however, a significant number of cases of missing persons from the 1991-95 conflict remained unresolved. The Ministry of Veterans Affairs reported that as of October 20, 1,468 persons remained missing, and the government was searching for the remains of 401 individuals known to be deceased, for a total of 1,869 unsolved missing persons' cases. The ministry reported that from October 10, 2019, to October 20, the remains of 18 individuals were exhumed, and final identifications were made for 30 individuals. Progress remained slow primarily due to lack of reliable documents and information about the location of mass and individual graves, as well as other jurisdictional and political challenges with neighboring countries. The ministry reported that since January 1 it received seven new requests for searches, five for missing persons, and two for remains of those known to be deceased. In April the ministry implemented a regulation that provides monetary rewards for those who provide information or documentation that leads to the resolution of missing persons cases. This tool was being utilized to enhance the search for missing persons. On August 30, Prime Minister Andrej Plenkovic and Deputy Prime Minister and Minister of Veterans Affairs Tomo Medved marked International Day of Missing Persons by participating in a Conference on Missing Persons from the Homeland War.

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

The constitution and law prohibit such practices, but, according to the Office of the Ombudsperson, there were several reports of physical and verbal mistreatment of prisoners and detainees. Impunity was not a significant problem in the security forces.

CROATIA

Prison and Detention Center Conditions

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

Physical Conditions: The ombudsperson's 2019 annual report stated that in six of the 14 high-security units, the occupancy rate was more than 120 percent (considered critical according to the Council of Europe's European Committee on Crime Problems). The prisons with the greatest overcrowding were those in Karlovac (175 percent of capacity), Osijek (174 percent), and Požega (167 percent). The report noted that many prisoners resided in conditions that did not meet legal and international standards, and in some cases they were degrading and dangerous to inmates' health.

In addition the ombudsperson reported the most frequent complaints were inadequate health care, followed by accommodation conditions, prison officers' conduct, and inappropriate use of privileges. In its 2018 report, the Council of Europe's Committee for the Prevention of Torture (CPT) stated it received several allegations of physical mistreatment of prisoners by police officers, including slaps, punches, and kicks to various parts of the body.

The ombudsperson's report described regular site visits to 12 police stations in the country that showed partial compliance with the standards of the CPT. According to the report, in some police stations video surveillance coverage was limited, increasing the risk of an untimely response to incidents during police detention. In some stations, however, video surveillance extended to sanitary facilities, compromising the privacy of detained persons. Lacking their own detention facility, Varazdin border police used the local police station at Ivanec for short-term detention of irregular migrants, although the facility's size was insufficient for holding large groups and was difficult to keep sanitary. The report noted some police stations did not have dedicated vehicles for transportation of detained persons and sometimes used vehicles without ventilation and heating in violation of CPT standards.

Administration: The ombudsperson's report stated detained persons frequently turned to the ombudsperson to address these issues due to the ineffectiveness of

CROATIA

legal remedies. The ombudsperson investigated credible allegations of mistreatment and issued recommendations to improve conditions for detained persons. In 2019 her office took actions in response to 203 cases of violations of the rights of persons in the prison system, conducted 25 field administrative procedures, and the National Preventive Mechanism (NPM) implementers visited four prisons, 23 police stations, and four investigative units.

The report of the European Network of National Human Rights Institutions (ENNHRI) published in June noted that as of June 2018, the Ministry of the Interior continued to deny the ombudsperson immediate access to data on the treatment of irregular migrants in police stations. In 2019 the ombudsperson recommended that the Ministry of the Interior ensure unannounced and free access to data on irregular migrants to the ombudsperson and NPM implementers in line with existing legislation.

Independent Monitoring: The government permitted monitoring by independent, nongovernmental observers. The ombudsperson carried out tasks specified in the NPM and is authorized to make unannounced visits to detention facilities. The CPT and the ENNHRI also made visits in recent years.

Improvements: The ombudsperson's report noted some improvements regarding accommodation conditions from the previous year, such as the addition of 50 newly constructed places in the Pozega penitentiary. The Ministry of Justice and Administration reported the overall security and accommodation situation in all correctional institutions, including penitentiaries, prisons, juvenile correctional institutions, and the Diagnostics Center in Zagreb (a health-care facility), improved despite temporary measures introduced to prevent the spread of COVID-19. Beginning in March, prisoners were offered more frequent and longer telephone calls, and, with the support of UNICEF, video visits from children to their incarcerated parents were increased. Compared with 2019, prisoners were allowed more time outside and provided additional structured activities. The ministry reported the capacity of the prison in Bjelovar was increased.

d. Arbitrary Arrest or Detention

CROATIA

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

Arrest Procedures and Treatment of Detainees

Other than those apprehended during the commission of a crime, persons were arrested with warrants issued by a judge or prosecutor based on evidence. Prosecutors may hold suspects for up to 48 hours in detention. Upon 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. In 2019 the ombudsperson received 6 percent more complaints relating to the work of the Office of the Chief State Prosecutor, mostly due to lack of communication with citizens in reference to charges against them. The law limits release on bail only in cases of flight risk. In more serious cases, defendants were held in pretrial detention. Authorities allowed detainees prompt access to a lawyer of their choice or, if indigent, to one provided by the state.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence and impartiality. Cases of intimidation of state prosecutors, judges, and defense lawyers were isolated.

Trial Procedures

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

Defendants enjoy the presumption of innocence. They must be informed promptly of the charges against them. Defendants have a right to a fair, public, and timely trial and to be present at their trial. Despite the decreased number of cases, the backlog in domestic courts (462,200 as of September 30, down from 500,578 at the end of 2019) continued to raise concerns regarding judicial effectiveness, efficiency, legal uncertainty, and the rule of law. Lengthy trials remained one of

CROATIA

the main problems in the judiciary. In June the ENNHRI reported that during 2019, the last year for which data was available, the number of complaints received by the ombudsperson regarding the judiciary decreased by 22 percent compared with 2018. Regarding the content of complaints, 38 percent expressed dissatisfaction with the work of the courts, a decrease of 34 percent compared with 2018. Complaints pointed to inconsistent application of case law, as well as insufficiently reasoned court decisions that seemed arbitrary. Complaints about the manner in which judges conducted proceedings and made decisions showed a growing distrust in the legality of the proceedings and raised fears of corruption.

Defendants have the right to communicate with an attorney of their choice or to have one provided at state expense. Defendants enjoy the right to adequate time and facilities to prepare a defense. Any defendant who cannot understand or speak Croatian has free access to an interpreter from the moment charged through all appeals. Defendants have the right to confront witnesses against them and to present witnesses and evidence on their behalf. Defendants may not be compelled to testify or confess guilt. Defendants and prosecutors may file an appeal before a verdict becomes final, 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.

Property Restitution

The government has endorsed the Terezin declaration but does not have adequate legal mechanisms in place to address Holocaust-era property restitution. The country has not effectively compensated claimants for property seized during the

CROATIA

Holocaust period (1941-45) and has inconsistently permitted noncitizens to file claims.

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

The government reported 70,000 property restitution claims filed as of year's end. The government reported approximately 65,250 of those claims (more than 90 percent) were resolved, but cases were not broken down by religion, ethnicity, or nationality, making it impossible to determine which were linked to the Jewish Holocaust victims. In September the government reported the resolution of 280 claims, mainly from the postwar period, worth a total of \$119.4 million involving Jewish claimants. These included 36 of 101 pending cases that the government monitored since 2018. These 36 cases were resolved with cash compensation in 10 cases (\$1.7 million) and returned property compensation in 26 cases (estimated worth \$6.1 million, based on present real estate market values). Of those pending cases monitored since 2018, 65 remained outstanding.

Restitution of communal property remained a problem for the Serbian Orthodox Church and the Coordinating Committee of Jewish Communities in Croatia. The government reported that since 1999 it had resolved 323 property claims related to

CROATIA

the Serbian Orthodox Church, and there were no outstanding appeals. The Serbian Orthodox Church stated several outstanding claims remained.

The Department of State's Justice for Uncompensated Survivors Today (JUST) Act report to Congress, released publicly on July 29, 2020, can be found on the Department's website: <https://www.state.gov/reports/just-act-report-to-congress/>.

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

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

Section 2. Respect for Civil Liberties, 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 and a functioning democratic political system combined in most cases to promote freedom of expression, including for the press, but judicial ineffectiveness at times delayed resolution of cases.

Freedom of Speech: The law sanctions individuals who act “with the goal of spreading racial, religious, sexual, national, ethnic hatred, or hatred based on the color of skin or sexual orientation or other characteristics.” A conviction for internet hate speech is punishable by up to three years' imprisonment. The law provides for six months' to five years' imprisonment for those who organize or lead a group of three or more persons to commit hate speech. Although the laws and recent Constitutional Court decisions technically impose restrictions on symbolic speech considered “hate speech,” including the use of Nazi- and (the World War II regime) Ustasha-era symbols and slogans, NGOs and advocacy groups complained that enforcement of those provisions remained inadequate.

CROATIA

Freedom of 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.

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

On January 23, in Ivanbegovina, four men attacked *Slobodna Dalmacija* journalist Andrea Topic while she was investigating the property of then health minister Milan Kujundzic. Topic said she was photographing the property from the road when the men threatened her and intimidated her for half an hour by shouting, filming her, and sitting on and shaking her car. On July 28, media reported that the Imotski Municipal State Attorney's Office filed an indictment against the four men, charging them with unlawful deprivation of liberty. Kujundzic later resigned, and media attributed his resignation to press coverage of the unexplained large number of houses he owned.

The Croatian Journalists' Association (CJA) strongly condemned "this disgusting attack on [our] colleague Andrea Topic, who was only doing her job in the public interest. The attack is a consequence of a hostile atmosphere in Croatia that points the finger of blame on journalists for everything."

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

Libel/Slander Laws: According to results of an annual survey conducted by the CJA, 905 lawsuits were filed against journalists and the media, with claimed damages of almost 68 million kuna (\$10.5 million). Of the 905 lawsuits, 859 were for civil alleged violations of honor and reputation against publishers, editors, and journalists, while 46 were criminal lawsuits. Of the 23 media outlets that responded to the CJA's poll, 18 had a standing lawsuit alleging violations of honor and reputation. The CJA was defending itself against three active lawsuits. The country's public broadcaster, Croatian Radio and Television (HRT), had an active criminal proceeding against CJA President Hrvoje Zovko, including a claim for

CROATIA

damages of 250,000 kuna (\$39,200), claims against the CJA in the amount of 200,000 kuna (\$31,430), and within the same lawsuit, a claim for 50,000 kuna (\$7,860) against Sanja Mikleusevic Pavic, president of the CJA's branch at HRT.

Nongovernmental Impact: On April 12, several unidentified men attacked Zivana Susak Zivkovic, a reporter working for the news website *Dalmatinskiportal*, and Ivana Sivro, a camera operator for N1 TV. According to local news reports, the journalists were attacked while documenting an Easter mass held despite a ban on public gatherings due to COVID-19. The regional news website *Balkan Insight* reported that the rally by the masked, black-clad protesters was held to support a priest who called on worshippers to attend mass, breaching measures imposed to curb the spread of COVID-19 in the country, with two of the protesters displaying World War II Ustasha movement's insignia and a banner with the slogan "Journalists are worms." They were objecting to earlier media reports that the day of criticism of priest Josip Delas was held because he led a mass with 20 worshippers despite appeals from the archdiocese and the coronavirus crisis authorities in Split to avoid gatherings. Zivkovic suffered minor bruising from the attack, her employer reported. Another man hit Sivro in the arm and shoved her camera, as seen in a video published by N1 TV. Three men were under prosecution for the assault. In a statement, the Roman Catholic archdiocese of Split-Makarska apologized for the attack.

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.

CROATIA

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. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

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

Abuse of Migrants, Refugees, and Stateless Persons: Domestic NGOs working on migrants' rights issues documented 688 cases of pushbacks or abuse of irregular migrants. In May the British newspaper *The Guardian* accused border police of humiliating irregular migrants on religious grounds during the month of Ramadan. According to the report, police officers allegedly spray-painted crosses on the heads of migrants who attempted to enter the country illegally to mark, humiliate, and traumatize them. In the same article, *The Guardian* reported that on May 6-7, police pushed several mainly Afghan and Pakistani migrants and asylum-seekers back across the border with Bosnia and Herzegovina (BiH). The NGO Danish Refugee Council stated the migrants and asylum seekers were forced to enter a van and driven to the BiH border, although some requested asylum in Croatia. At the border they were reportedly beaten and their personal belongings burned. The Ministry of the Interior disputed the allegations and claims in *The Guardian's* article and stated the police respected migrants' fundamental rights and dignity and allowed them access to the international protection system if they were in need of such protection, in accordance with general human rights documents, European

CROATIA

Union regulations, and national legislation. The ministry also stated police took no action against migrants at the reported time in the area in question and had excellent relations with the Muslim community. On June 5, a human rights NGO, Centre for Peace Studies (CMS), filed a criminal complaint to the State Attorney's Office against "unknown perpetrators" from the police for "degrading treatment and torture of 33 persons and their violent, illegal expulsion from the Croatian territory to Bosnia and Herzegovina," based in part on the incident described in *The Guardian*. As their press release explained, "those were four separate cases [recorded in May] combined into one criminal complaint due to similarities in treatment." On July 23, the CMS filed a second criminal complaint against unknown perpetrators for torturing, humiliating, and pushing back 16 migrants from Croatia to BiH in late May. The Ombudsperson's Office said they had repeatedly made requests for investigations into allegations of violence against migrants.

On June 18, police arrested two Karlovac-based police officers for the beating of an Afghan asylum seeker who crossed the border from BiH. The officers were removed from service pending disciplinary proceedings and were detained for 30 days. One reportedly faced a charge of causing bodily harm, while the other faced charges for failing to report a crime. Interior Minister Davor Bozinovic condemned the beating incident and emphasized it was an isolated case. Karlovac police officials said there was zero tolerance for such violence.

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. Despite restrictions caused by the COVID-19 pandemic, the Ministry of the Interior reported that it continued work with asylum seekers and persons granted international protection, and it provided access to the asylum procedure in accordance with epidemiological measures and recommendations adopted by the European Commission on April 16.

Durable Solutions: In 2019 the government resettled 250 pledged Syrian refugees from Turkey according to the EU Resettlement Program from 2015. In August the Ministry of the Interior reported the government was unable to resettle 150 pledged refugees from 2019 due to operational and technical difficulties caused by the

CROATIA

COVID-19 pandemic and an earthquake that struck the city of Zagreb on March 22. The government continued to participate in a joint regional housing program (RHP) with the governments of BiH, Montenegro, and Serbia. The RHP aimed to contribute to the resolution of the protracted displacement situation of the most vulnerable refugees and displaced persons following the 1991-95 conflict. As of August the RHP had provided housing to 314 families (748 individuals) in the country. In March the country offered to participate in the European Union's scheme to relocate unaccompanied minors from overcrowded reception centers in Greece. Media reported that on September 11, following a fire that destroyed a migrant camp on the Greek island of Lesbos, the government would receive 12 unaccompanied minor female migrants under a European Commission plan to provide them permanent accommodation.

Temporary Protection: The Ministry of the Interior reported that from January to August 18, the government granted asylum to 27 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 in 2011, there were 2,886 stateless persons or persons 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: On July 5, the country held national parliamentary elections. The first round of the presidential election was held in December 2019, with a

CROATIA

second round for the top two candidates on January 5, 2020. European Parliament elections were held in May 2019. According to observers, elections took place in a pluralistic environment and were administered in a professional and transparent manner.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political processes, and they did participate. By law minority groups are guaranteed eight seats in the 151-seat parliament. Representation of women in major political parties remained low. The law requires that the “less represented gender” make up at least 40 percent of candidates on a party’s candidate list, with violations punishable by a fine. After the 2020 elections, the electoral commission noted that the largest political party, the Croatian Democratic Union (HDZ), failed to comply with the gender law on any of its election lists, while the main opposition Social Democratic Party (SDP) complied in all electoral constituency lists except for two. Many smaller parties also met the threshold. The percentage of women elected to the parliament was 35 of a total of 151 parliamentarians (23 percent), the highest percentage since parliament’s constitution in 1990.

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. On September 30, the European Commission issued the annual rule of law report for EU member states and noted the country’s anticorruption institutions were impeded by a shortage of specialized investigators and that lengthy court proceedings and appeals often hindered closure of cases, including those involving former senior officials.

CROATIA

Corruption: Several corruption cases against former high-level government officials reported in previous years were still pending.

On May 29, police arrested 13 prominent members of the governing HDZ party, including civil servants, elected officials, and businessmen, on suspicion of abuse of office and economic crimes related to the construction of the 1.8-billion-kuna (\$264 million) Krs-Padena windmill farm project near the town of Knin. Notable figures arrested include former state secretary of the Ministry of Administration Josipa Rimac, Director of Croatian Forests Krunoslav Jakupcic, Assistant Minister of the Economy, Entrepreneurship, and Crafts Ana Mandac, and other prominent local and regional officials. The government fired Rimac and Mandac after the arrests. On August 27, the Office for Suppression of Corruption and Organized Crime expanded its investigation to add 18 additional suspects. The investigation continued as of October.

In another case on September 17, media reported that the CEO of the state-owned oil pipeline operator JANAF, Dragan Kovacevic, and 10 other individuals were arrested on suspicion of influence peddling, bribery, and illicit preferential treatment. Kovacevic was accused of receiving 1.9 million kuna (\$292,000) in bribes from the CEO of a company that landed a 40-million-kuna (\$6.2 million) deal with JANAF. Parliament stripped the immunity of parliamentarians Drazen Barisic (HDZ) and Vinko Grgic (SDP) for involvement in the case, and police arrested both on September 19 pending investigation of charges of influence peddling, misuse of position and authority, and bribe taking.

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. Judges are not covered by this requirement but must make disclosures of assets under a separate law. During the year the Commission for the Resolution of Conflict of Interest fined three members of parliament, Franko Vidovic, Franjo Lucic, and Anka Mrak Taritas, for irregularities in their disclosure forms. Minister of Labor, the Pension System, the Family, and Social Policy Josip Aladrovic was also fined for irregularities in his form. Two former members of parliament, Ivan Kovacic and Marijan Kustic, were cited by the commission, but

CROATIA

no sanctions were imposed since more than 12 months had passed since the officials left their public duties. On January 28, Prime Minister Plenkovic replaced Minister of Health Kujundzic following a series of media reports that alleged he misrepresented the value of his property on his asset declaration forms.

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

In most cases domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views.

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

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

Section 6. Discrimination, 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 enforced. Sentences range from fines to jail, depending on the crime's severity. Rape, including spousal rape, is punishable by a maximum of 15 years' imprisonment. Conviction for domestic violence is punishable by up to three

CROATIA

years' imprisonment. Amendments to the penal code, which entered into force in January, introduced stricter penalties for violence among closely related family members and violence against women. In the amendments, sexual intercourse without consent is classified as rape, punishable with three to 10 years' imprisonment. A separate law (Law on Protection from Domestic Violence), last amended in January, provides sanctions (fines and up to 90 days' imprisonment) for misdemeanor domestic violence. According to the ombudsperson for gender equality, despite recent legislative changes, violence against women, including spousal abuse, remained a problem largely due to limited education on gender-based violence laws for investigators, prosecutors, and judges that often led to cases being decided in favor of alleged perpetrators.

On January 22, the municipal court in Slavonski Brod convicted Pozesko-Slavonska County Prefect Alojz Tomasevic to a 10-month sentence, suspended for two years, for domestic violence. State prosecutors reportedly did not request a prison sentence in the case, and Tomasevic remained in his position. Civil society organizations and the ombudsperson for gender equality criticized the verdict as too lenient and asserted that victims of domestic violence could have “no trust” in the country's judiciary with such a punishment.

On April 19, Interior Minister Bozinovic publicly acknowledged increased public reports of domestic violence during the COVID-19 pandemic. According to the 2019 report by the ombudsperson for gender equality, the latest available, the number of misdemeanor cases of domestic violence decreased by 6.3 percent compared with 2018, while the number of criminal acts committed against “closely related people” (i.e., domestic violence cases) increased by 28 percent. The report stated that 78 percent of the victims of domestic violence were women (29 percent more than in 2018).

Sexual Harassment: The law criminalizes sexual harassment of men and women. The government did not enforce the law effectively. The most recent amendments to the penal code in January increase the maximum punishment for sexual harassment from one to two years of imprisonment. The ombudsperson for gender equality reported a general lack of effective and dissuasive sanctioning of

CROATIA

perpetrators, and judicial practice was generally not gender sensitive, due in part to insufficient education on international standards.

On March 12, the Croatian Association of Employers (HUP) signed a consensual termination agreement with former deputy director Bernard Jakelic after more than 10 female employees presented sexual harassment claims over the course of his 24-year career. Upon his dismissal, Jakelic received a significant severance pay package. The ombudsperson for gender equality filed a criminal complaint against Jakelic with the state prosecutor and warned HUP against revictimizing victims with its decision to sign a consensual termination employment agreement with the perpetrator instead of firing him.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children; to manage their reproductive health; and to have access to the information and the means to do so, free from discrimination, coercion, or violence. No legal, social, or cultural barriers adversely affect access to contraception. The government provided access to sexual and reproductive health services for survivors of sexual violence, including survivors of conflict-related sexual violence.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: Women have the same legal status and rights as men with regard to family, employment, labor, religion, inheritance, personal status and nationality laws, property, access to credit, owning or managing businesses or property, and voting. The law requires equal pay for equal work. The government did not enforce the law effectively. Women experienced discrimination in employment and occupation.

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.

CROATIA

Child Abuse: Amendments to the penal code, which entered into force in January, provide stricter penalties for grave criminal acts of sexual abuse and abuse of children. Penalties depend on the crime's gravity and include long-term imprisonment if the child dies as a consequence of the abuse. Child abuse, including violence and sexual abuse, remained a problem. The ombudsperson for children reported in 2019 her office received almost 10 percent more overall complaints regarding children than in 2018. The office received 97 complaints of domestic violence against children, 35 more than in 2018 (a 56 percent increase). Violence was most frequently reported by parents, followed by institutions such as schools and kindergartens.

On March 18, media widely reported an incident from February 2019 in which a 54-year-old man allegedly threw his four children, ages three, five, seven, and eight, off the balcony of their home on the island of Pag, significantly injuring one. On March 18, the Zadar County Court convicted the perpetrator to 30-years' imprisonment and mandatory psychiatric treatment for attempted murder.

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

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation of children; the sale, offering, or procuring of a child for prostitution; and child pornography. Authorities enforced the law. Amendments to the penal code, which entered into force in January, provide 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>.

CROATIA

Anti-Semitism

The World Jewish Congress estimated the country's Jewish population at 1,700. Some Jewish community leaders continued to report anti-Semitic rhetoric, including the use of symbols affiliated with the Ustasha and historical revisionism. Historian Ivo Goldstein and Director of the U.S. Simon Wiesenthal Center Efraim Zuroff criticized the government for tolerating the rise of pro-Ustasha sentiment in the country.

During the observance of International Holocaust Remembrance Day on January 27, the Office of the Prime Minister characterized the Jasenovac concentration camp as a "painful and tragic part of the Croatian history" and stated that "remembering victims and strongly condemning atrocities are a pledge for Croatia's European future." On February 5, Prime Minister Plenkovic opened a Holocaust exhibition in Zagreb entitled *If I forget you...The Holocaust in Croatia 1941-1945--Final destination Auschwitz*. The exhibition was open until mid-April and was located near the site where Jews were transported to Croatian and other European concentration camps.

On April 22, the government held its official annual commemoration for victims killed by the Ustasha regime at Jasenovac, which was also attended by President Zoran Milanovic. For the first time since 2016, after having boycotted previous government commemorations, representatives from the Jewish community, Serb National Council (SNV), Romani community, and Alliance of Antifascist Fighters joined the official commemoration. Head of the Jewish Community of Zagreb Ognjen Kraus was quoted by the media saying he attended to "extend the hand of friendship and goodwill" but still sought tangible results from the government in the fight against historical revisionism. Serbian Independent Democratic Party (SDSS) president and member of parliament Milorad Pupovac stated the participation represented a show of solidarity in light of the March 22 earthquake in Zagreb and COVID-19 crisis.

On June 3, the Zagreb High Misdemeanor Court ruled that the use of salute *Za Dom Spretni* (For the Homeland, Ready) when used by singer Marko "Thompson" Perkovic in his song did not violate the law. The Zagreb-based

CROATIA

chapter of NGO Human Rights House claimed the constitution prohibits incitement of national, racial, or religious hatred.

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 and 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 2019 report of the ombudsperson for persons with disabilities stated there were insignificant advances in policies aimed at persons with disabilities. The ombudsperson further stated that systemic solutions were lacking for special categories of persons with disabilities and children with early on-set developmental challenges. The ombudsperson also noted the law still lacks provisions to provide for the basic rights for 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.

Members of National/Racial/Ethnic Minority Groups

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 increased hate speech and anti-Serb graffiti. Serbs were subject to physical assaults especially in Vukovar,

CROATIA

where Serb youths reportedly were attacked several times by Croatian youths. The SNV also said members of the Serb national minority faced significant discrimination in employment, and there were unresolved, long-standing issues of registration of Serb schools in Eastern Slavonia and in the justice system, particularly with respect to missing persons and unprosecuted war crimes cases.

On June 13, police arrested six Zagreb Dinamo soccer club fans after a photograph was circulated online of them posing with a banner depicting a vulgar and hateful anti-Serb message. Charges against the suspects were pending at year's end. Separately, on June 14, Zagreb police reported they were investigating anti-Serb graffiti near a children's park that depicted a "Serbian Family Tree," with several individuals hanging from its branches, accompanied by a Nazi SS logo.

The eight parliamentary seats held by representatives of the national minorities became the main partner to the ruling HDZ's coalition government following the July 5 parliamentary elections. Boris Milosevic, a member of parliament from the Serb national minority was appointed deputy prime minister in charge of social affairs issues and human rights.

On August 12, police confirmed they questioned a man from Perusic, later identified as the mayor of Perusic, Ivan Turic, on suspicion that he threatened a Romani woman with a handgun and shot at her children, allegedly because the woman's goats entered the man's field. Turic denied the accusations but confirmed police questioned him and told him to stay a minimum 328 feet away from the family who accused him.

The government and representatives of the Serb national minority publicly delivered positive messages of reconciliation on the 25th anniversary commemoration of Operation Storm in the town of Knin on August 5. In a speech at the event, Prime Minister Plenkovic acknowledged all victims, including Serbs, and expressed regret for war crimes committed by Croats. President Milanovic highlighted the victory, giving credit to the role of those who fought, but stated that unity required "different perspectives." He acknowledged that crimes had been committed during the war and emphasized the need for better relations with Serbia, pledging to do everything he could do to accomplish that goal and calling on the Serbian leadership to do the same. Deputy Prime Minister Milosevic from the

CROATIA

SDSS considered his participation at the commemoration to be a pledge for the future and the first step to reconciliation. Milanovic, Deputy Prime Minister and Minister of Veterans' Affairs Medved, and Milosevic attended a commemoration for Serb civilian war victims in the village of Grubori on August 25. At the event Milanovic stated the commemoration was a "debt of honor," adding that the "murder in Grubori was a moral disaster which harmed Croatia." Medved declared establishing trust between the majority Croatian people and ethnic minorities was a prerequisite for development and a safe future together, while Milosevic stated the acknowledgement of all civilian victims was a prerequisite for reconciliation [between Serbs and Croats] in the country. On September 28, Prime Minister Plenkovic headlined a commemoration for nine Serb civilians killed in Varivode in the aftermath of Operation Storm in 1995, the first time a prime minister attended the event.

Acts of Violence, Criminalization, 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. A June report published by NGO Zagreb Pride stated that 60 percent of lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons experienced some form of discrimination, either at school, at work, or through contact with institutions such as the police, judiciary, and health systems. In June an NGO reported that two LGBTI persons experienced discrimination because of their sexual orientation and gender identity, one of whom claimed being verbally insulted and humiliated on a bus commuting from Rijeka to Zagreb. In the other, during the police questioning of the perpetrator, a witness was verbally attacked and spat upon because of her sexual orientation. The perpetrator was sentenced to a misdemeanor fine of 5,000 kuna (\$770).

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

CROATIA

due to concerns regarding the inefficient judicial system and fear of further victimization during trial proceedings. NGOs reported that investigations into hate speech against LGBTI persons remained unsatisfactory. According to Zagreb Pride's report, since 2013 fewer than 10 percent of LGBTI persons had been subjected to physical or verbal violence at least once, of which 64 percent involved verbal abuse.

Anti-LGBTI organizations continued to promote 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 February during the traditional Mardi Gras festivities in the southern town of Imotski, three dolls depicting a same-sex couple and their child were publicly burned. Following the event, LGBTI organizations reported the organizers to police for public incitement of violence and hatred, while in Split the municipal state prosecutor pressed charges against them in June.

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, causing some to face discrimination, including in employment, after disclosure of their status. There were reports that transplant centers refused to place HIV-positive patients on their lists of potential organ recipients.

HUHIV reported that the government's *National Plan for Fighting HIV* helped combat the stigmatization and discrimination of persons with HIV/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

CROATIA

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

Some limitations of these rights exist. There are restrictions on strikes and union activity for members of the military, who are not allowed to organize or participate in a strike, while civilian employees of the military are permitted to organize but are not permitted to strike. Workers may strike only at the end of a contract or in specific circumstances cited in the contract, and only after completing mediation. Labor and management must jointly agree on a mediator if a dispute goes to mediation. If a strike is found to be illegal, 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 relevant laws effectively. Penalties were commensurate with similar violations. Judicial procedures were lengthy in the country overall and could hamper redress for antiunion discrimination.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes all forms of forced or compulsory labor. Through July 31, the state prosecutor brought one case of criminal charges for forced labor, which remained pending at the end of the year.

The government effectively enforced the law. Penalties for conviction of forced labor were commensurate with other serious violations. Inspection was sufficient to enforce compliance. The government collaborated with several NGOs on public awareness programs. Following the introduction of a national action plan in 2018, prosecutions and monitoring increased, and reports and prosecutions of forced labor fell precipitously.

There were isolated reports that Romani children were at risk of forced begging (see 7.c.). Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

CROATIA

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor. The minimum age for the employment of children is 15, the age at which compulsory education ends for most children. Minors between ages 15 and 18 who have not completed compulsory education may work only with prior approval from the government labor inspectorate and only if they would not suffer physically or mentally from the work. Children younger than age 15 may work only in special circumstances and with the approval of the ombudsperson for children. In 2019 (the last year for which data were available), there were 202 such requests, of which 195 were approved, usually for children to act in film or theatrical performances. The law prohibits workers younger than age 18 from working overtime, at night, or in dangerous conditions, including but not limited to construction, mining, and work with electricity. The Ministry of Labor, the Pension System, the Family, and Social Policy; the State Inspectorate; and the ombudsperson for children are responsible for enforcing this regulation.

The government effectively enforced the law. Penalties were generally commensurate with similar violations (see also section 7.b.). There were isolated instances of violations of the child labor law. Labor inspectors identified 35 violations involving nine minors in 2019. Violations involved minors working overtime or past curfew and occurred mainly in the hospitality and construction sectors. Some children were reportedly subject to early marriage that could result in domestic servitude. Romani children were reportedly at risk of forced begging.

d. Discrimination with Respect to Employment and Occupation

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

The government enforced the law in all sectors, but sporadic discrimination in employment or occupation occurred on the basis of gender, disability, sexual orientation, HIV-positive status, and ethnicity, particularly for Roma. Penalties

CROATIA

were commensurate with similar crimes, and inspection and remediation were sufficient. Some companies, state institutions, and civil society organizations, however, sometimes chose to pay a fine rather than comply with quotas for hiring persons with disabilities. 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.

The 2019 annual report of the ombudsperson for disabilities assessed limited growth of employment of persons with disabilities, putting persons with disabilities at greater risk for poverty, especially because of low salaries and pensions. The Agency for Professional Rehabilitation and Employment of Persons with Disabilities reported that in 2019 companies, state institutions, and civil society organizations had to pay 200 million kuna (\$31.6 million) in fines for not satisfying hiring quotas of 3 percent of employees being persons with disabilities in workplaces with more than 20 employees. According to LGBTI advocacy organizations, 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 revealing their sexual orientation or gender identity because they were vulnerable to termination of employment or demotion.

e. Acceptable Conditions of Work

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

The law establishes occupational safety and health standards that are appropriate. Responsibility for identifying unsafe situations remains with occupational safety and health experts, not the worker. Workers may remove themselves from situations that endangered health without jeopardy to their employment.

The Office of the Labor Inspectorate effectively enforced the law. Inspection was sufficient to enforce compliance, and penalties were commensurate with those for

CROATIA

similar violations. The inspectorate conducted 25,124 workplace inspections in 2019 and reported 9,992 violations of labor laws, including numerous violations for wage, hour, time off, and contract irregularities. During 2019 inspectors filed 144 reports (up 15 percent from 2018) seeking criminal proceedings against employers for nonpayment of wages (108), or for not registering employees properly with state health and pension insurance (57).

There were instances of nonpayment of wages in the hospitality and construction sectors, as well as nonpayment for overtime and holidays. The law allows employees to sue employers for wage nonpayment and provides a penalty commensurate with other similar violations, although the law exempts employers who fail to pay wages due to economic duress. Workers may sue employers who do not issue pay slips to their employees in order to bypass mandatory employer contributions to social insurance programs.

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