

Croatia Country Report on Human Rights Practices for 1999

Released by the Bureau of Democracy, Human Rights, and Labor, February 25, 2000

The Republic of Croatia is in principle a constitutional parliamentary democracy, with a powerful presidency. President Franjo Tudjman was reelected in 1997 to a second 5-year term in an election that observers considered "fundamentally flawed." President Tudjman and the ruling Croatian Democratic Union (HDZ) had maintained power since independence in 1991 by using the party's majority position to deny opposition parties the ability to compete on free and equal terms in elections. The HDZ agreed in November to hold new parliamentary elections in January 2000. President Tudjman died in December, and Parliament Speaker Vlatko Pavletic was named acting President until presidential elections, which were scheduled to be held by February 2000. The President serves as head of state and commander of the armed forces, chairs the influential National Defense and Security Council, nominates the Prime Minister who leads the Government, and approves certain appointments in local and regional government. During the year, the extensive constitutional powers of the presidency, the blurring of the roles and functions of the HDZ party with those of the government and the presidency, HDZ control of television and the continuing concentration of power within the one-party central Government combined to make the country's nominally democratic system in reality authoritarian. However, on January 3, 2000 the ruling HDZ party lost generally well-conducted parliamentary elections to an opposition coalition. The judiciary is nominally independent; however, it suffers from political influence and bureaucratic inefficiency.

The Ministry of Interior oversees the civilian national police, and the Ministry of Defense oversees the military and military police. The national police have primary responsibility for internal security but, in times of disorder, the Government may call on the army to provide security. The civilian authorities generally maintain effective control of the professional security forces, although the police sometimes committed serious human rights abuses.

The transition to a market-based, free enterprise economy is proceeding slowly. While agriculture is mostly in private hands and the number of small enterprises is increasing, industry and media enterprises are largely either still controlled by the State or deliberately were transferred in nontransparent, noncompetitive processes to individuals sympathetic to the ruling party. Unemployment remained high at 19 percent, and much higher in the areas affected by the war, and the standard of living for most of the population has yet to recover to prewar levels. The economy showed underlying weakness throughout the year in most industrial sectors, particularly in banking, which continued to be characterized by very low liquidity and serious losses due to bad loans, which in turn have caused bank closures, squeezing hundreds of thousands of depositors, employees, and small entrepreneurs.

The Government's human rights record remained poor; although improvement was noted in certain areas, serious problems continued in others. The Government's conduct of the flawed 1995 elections seriously limited citizens' right to change their government peacefully, although it agreed to hold parliamentary elections in January 2000 according to provisions of the Constitution. Police occasionally beat persons. The Government did not always respect due

process provisions for arrest and detention. Lengthy pretrial detention is a problem, especially for ethnic Serbs indicted for war crimes. The judicial system is subject to political influence, and the court system suffers from such a severe backlog of cases that the right of citizens to address their concerns in court is impaired seriously. Cases of interest to the ruling party are processed expeditiously, while others languish in court, further calling into question the independence of the judiciary. The courts sometimes deny citizens fair trials. The Government at times infringed on citizens' privacy rights.

The Government restricted press freedom, using the courts and administrative bodies selectively to shut down or restrain newspapers, radio, and television stations critical of the Government or simply outside of its control. A new telecommunications law, passed in June, in part addressed the concerns of independent radio and television broadcasters, however the HDZ party was to retain considerable influence over the administrative councils and the government-owned radio and television broadcaster for several years. Parliament failed to pass legislation governing the conduct of state-owned television and radio, resulting in campaign coverage for parliamentary elections held in January 2000 that blatantly favored the ruling HDZ party. Government intimidation including libel charges induced self-censorship by journalists; some 900 criminal and civil cases against journalists were ongoing, with legal costs for defendants mounting. There were incidents of overt censorship of the electronic media. The Government at times restricted freedom of assembly and circumscribed freedom of association with a law that prohibited groups from forming unless expressly authorized to do so by means of an intrusive registration process, although there were no reports that the Government used this law to hinder any organization during the year. The Government used the manipulation of laws, harassment, economic pressure, and its almost total control of the electronic media to control the political process. The Government's record of cooperation with international human rights and monitoring organizations was mixed: It cooperated with some requests from the International Criminal Tribunal for the former Yugoslavia (ICTY) but refused to comply with others, including the ICTY's search for evidence on alleged crimes committed during the Croatian military operations "Flash" and "Storm" in 1995, and its request to conduct a field investigation in the country. The implementation of government programs promulgated in 1998 for the return to the country of refugee citizens (mostly ethnic Serbs) and the restitution of their homes proceeded very slowly in many areas because of local government intransigence, unhelpful influence at the national level, and bureaucratic and legal confusion.

Violence and discrimination against women remained problems. The Government discriminates against Muslims. Ethnic minorities, particularly Serbs as well as Roma, faced continued serious discrimination. Government commitments to foster reconciliation among ethnic groups have not been met. While some progress was made, ethnic tensions in the formerly occupied areas reignited during the year. Abuses including ethnic-motivated harassment, assaults, and murders continued to occur. Police performance was generally satisfactory, but in many cases where the victim was an ethnic Serb, the police either did not investigate thoroughly or failed to take effective action against the criminal activity. There were continued departures of ethnic Serb citizens from the Danubian region (Eastern Slavonia). Poor economic conditions were a key reason for these departures and the Government did very little to encourage economic development in the region. Moreover, the Government not only failed to take steps to ensure a peaceful reintegration of the area, it often stoked tensions over exhumations of missing

persons and housing for returnees, thereby compounding the region's problems. Housing and employment regulations were administered in a manner biased against ethnic Serbs. There were occasional instances of trafficking in women through the country.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political killings by government officials.

There were three ethnically motivated killings of ethnic Serbs during the year (see Section 5).

Of the many major crimes committed by both sides during the conflict, the Government has been much more vigorous in the prosecution of those committed by ethnic Serbs than those committed by ethnic Croats. It has been only reluctantly cooperative regarding possible war crimes associated with the Croatian military operations "Flash" and "Storm" in 1995. In April the Croatian Helsinki Committee released a report stating that at least 410 Serb civilians died during the August 1995 operation "Storm." A September report issued by the Government indicated that criminal charges have been brought in 3,978 cases associated with "Flash" and "Storm." However, this number has not been confirmed independently by the ICTY, only 13 of these cases resulted in substantial prison sentences, and none of those convicted were senior officers. In September the Government refused to submit to the jurisdiction of the ICTY regarding these operations unless the ICTY were to convene a special chamber to rule on the issue. In August one (of two) ICTY indictees was transferred to the Hague. The extradition of the second indictee still was pending at year's end due to his poor health (see Section 4). In the Danubian region, five ethnic Serbs were convicted in May of war crimes in the "Sodolovci" case on very weak evidence; however, the Supreme Court reversed their convictions in November. Croatian military and paramilitary members involved in murders in Pakracka Poljana in 1991 were acquitted or sentenced to time served (see Section 1.e.).

Progress was made on the exhumation and identification of bodies at a number of sites in the Danubian region. Throughout the country, the bodies of 3,129 victims have been exhumed from mass and individual graves since the war (see Section 1.b.).

Dinko Sakic, commander of Croatia's Jasenovac concentration camp in 1944, was convicted in October of crimes against humanity and sentenced to 20 years' imprisonment, the maximum sentence. Sakic was extradited from Argentina in 1998.

b. Disappearance

There were no reports of politically motivated disappearances.

Government figures in December showed that 1,658 persons (mostly ethnic Croats) still were missing in cases unresolved from the 1991-95 military conflict. However, this number does not reflect an additional approximately 900 persons (mostly ethnic Serbs) believed to be missing from 1995, which were reported to the Government of the Federal Republic of Yugoslavia (FRY) or to international organizations. There has been significant progress on the recovery and identification of the remains of ethnic Croats; however, efforts to identify persons reported missing after mid-1995 (primarily ethnic Serbs) were hampered by political and bureaucratic obstacles. Progress was made on the exhumation and identification of bodies at a number of sites in the Danubian region (eastern Slavonia), including a well in Vukovar where 10 female bodies were located in August and a site in Ilok where 30 bodies were recovered in September. Throughout the country, 3,129 victims have been exhumed from mass and individual graves since the war, 81 percent of whom have been identified, and 53 percent of whom were civilians. At a March conference with government officials from Bosnia-Herzegovina and the FRY, the Government agreed to set up a subcommission on missing persons for the Danubian region and to hold regular meetings with FRY officials on missing persons. In December the Danubian subcommission finally became operational. There were no subsequent bilateral meetings with FRY officials after March in part due to the disruption caused by the NATO campaign in Kosovo.

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

The Constitution prohibits torture, maltreatment, or cruel or degrading punishment; and there were occasional credible reports that police beat persons and that these cases were not always investigated properly.

According to press reports in August, ethnic Croatian police officers in the Baranja region beat Roma. According to a Roma rights nongovernmental organization (NGO), in one incident an ethnic Croatian police officer allegedly beat a Rom and threatened him at gunpoint. The Rom reportedly filed a complaint against the officer.

In April during tense contract negotiations with Croatian railroads' management, the vice president of the Locomotive Engineers Union reportedly was beaten severely with metal bars by unknown assailants (see Section 6.a.).

According to press reports, in June an opposition Socialist Worker's Party head reported that unidentified assailants hit him in the head with a gun, for which he was hospitalized. According to the individual, this was the fourth or fifth such attack he suffered in the previous 12 months.

Ethnic minorities reportedly were beaten by unknown assailants in the Danubian region (see Section 5). According to press reports, unknown persons threw bombs at Romani houses in Vardarci. Roma allegedly reported the incidents to police, but no suspects were found.

Full control of the police in the Danubian region reverted to the Government in 1998, and the role of police monitoring was assumed by the Organization for Security and Cooperation in Europe (OSCE). The OSCE reported that overall police performance was satisfactory. Leaders

of the ethnic Serb community observed that the police generally conducted themselves well, and that in the Danubian region it was the judiciary that was more often responsible for failures in the legal system. Lack of police training and occasionally fear by police to carry out their duties were ongoing problems. In some cases, particularly where the victim of a crime was an ethnic Serb, police investigations were not thoroughly conducted. In the Danubian region monitors noted that police occasionally called ethnic Serbs to police stations for "voluntary informative talks," which amounted to brief warrantless detentions intended to harass Serb citizens.

Prison conditions meet minimum international standards. Jails are crowded, but not excessively so, and family visits and access to counsel are generally available, albeit not consistently at all phases of the criminal proceedings (see Section 1.d.).

The Government permits prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The Constitution contains the provision to protect the legal rights of all accused persons, but the Government does not always respect due process provisions for arrest and detention. Police normally obtain arrest warrants by presenting evidence of probable cause to an investigative magistrate. Police may carry out arrests without a warrant if they believe a suspect might flee, destroy evidence, or commit other crimes. Such cases are not uncommon. The police then have 24 hours in which to justify their decision before a magistrate. Inspectors working under the auspices of the Ministry of Finance (the so-called "financial police") do not require a warrant in order to enter premises and examine records, actions that can lead to the unilateral shutdown of the organization in question in advance of any due process (see Section 2.a.).

Detainees must be given access to an attorney of their choice within 24 hours of their arrest; if they have none and are charged with a crime for which the sentence is over 10 years' imprisonment, the investigative magistrate appoints the defense counsel. The investigative magistrate must, within 48 hours of the arrest, decide whether sufficient cause exists to hold a person in custody pending further investigation. Investigative detention usually lasts from a few days to a few weeks, but the Supreme Court may extend the deadline (for a total period of not more than 6 months) in exceptional cases. Once the investigation is complete, detainees are released on their own recognizance pending trial, unless the crime is a serious offense, the accused are considered a public danger, or the court believes that they may flee.

However, persons held under investigation sometimes were denied the right to have an attorney present during all parts of the investigative stage or appeal of investigative detention. During the year, suspects were allowed greater access to attorneys during the investigative stage, and fewer complaints were noted. In practice detainees generally are bound over for investigation unless it is clear that no case exists against them. There have been several cases of lengthy pretrial detention, including individuals who are awaiting the prosecutor's appeal of their acquittal. While there are provisions for posting bail after charges are brought, the practice is not common. The International Committee of the Red Cross in September counted

72 ethnic Serbs in detention for acts related to the conflicts in 1991-95; of these only 37 had received final convictions, while the rest were in various stages of their judicial processes.

The arrest in June of former intelligence official Miroslav Separovic appeared to be politically motivated; Separovic allegedly leaked state secrets to the press that resulted in a newspaper article on politically motivated fixing of soccer matches by intelligence agents. The charges against Separovic were dropped in August (see Section 2.a.).

The Government's application of the 1996 amnesty act for rebel Serbs remained problematic. Confusion arose from the fact that the Government initially issued a list of 13,575 persons who were given amnesty from indictments for rebellion during the military conflict, absent the appearance of new and credible evidence of war crimes, as well as a list of 25 individuals who were indicted for war crimes. During the year, the Government issued at least 91 new war crimes indictments, both individual and collective, for ethnic Serbs whose names appear on the amnesty list, claiming that they were based upon new and credible evidence. However, international monitors questioned the credibility of the evidence and the transparency of the process. In several cases, charges were reworded so that offenses that were eligible for amnesty were reinstated either as war crimes or common crimes. These indictments were issued without previously agreed-upon notification to the ICTY. In March the Government claimed that the list of persons amnestied had grown to 18,314; however, the identities of the 4,739 additions to the list were not announced. These events created great uncertainty among ethnic Serbs, because some who wished to return to the country were unwilling to do so until they knew that they would not be arrested, and others who believed themselves amnestied later were arrested.

In separate cases in April and July, Serb police officers in Borovo Selo and in Ilok (both in the Danubian region) were arrested for war crimes dating to 1991 and 1993 respectively, despite the fact that both previously were cleared for police duty by the Ministry of Interior. The Government indicated that there was new evidence justifying their arrests. In September both still were detained pending trial. In addition, in at least five other cases, ethnic Serb police officers in the region fled to the FRY when they learned that they were the subject of investigations. NGO's noted that even a small number of such apparently political cases created serious uncertainty among the 700 Serb police officers in the region. The appeal of Milos Horvat (sentenced to 5 years' imprisonment for genocide in 1997 based on what international monitors described as questionable standards of evidence) was heard by the Supreme Court in December 1998, 18 months after it was filed. In a June decision, the Supreme Court rejected Horvat's appeal of his conviction and also rejected the prosecutor's appeal of the 5-year sentence as too short.

The Constitution prohibits the exile of citizens. In 1998 the Government established procedures by which Croatian Serb refugees who fled the country in 1995 might regulate their citizenship status, obtain citizenship documentation, return to Croatia, and reclaim their property. Implementation of these procedures is moving forward; however, progress has been slow and uneven (see Section 2.d.). During the year, 8,625 persons who were refugees in the FRY and Bosnia-Herzegovina were able to return to Croatia. Government figures indicate that overall since the conflict, of approximately 250,000 ethnic Serbs who fled their homes, 33,000 have returned from abroad and 27,000 have returned to their homes after being displaced

within the country. An October survey by the U.N. High Commission for Refugees (UNHCR) estimated that the actual number of Serb returnees may be much higher than these government figures indicate. In a positive development, the Government opened a full-time consulate in Banja Luka, Bosnia-Herzegovina to facilitate documentation for citizens in Bosnia. The UNHCR and NGO's reported that the Croatian Embassy in Belgrade experienced lengthy delays in providing citizenship and travel documents to citizens (overwhelmingly ethnic Serbs) wishing to return to Croatia. Ethnic Serbs within Croatia requiring documentation also report persistent difficulties and delays, and contradictory requirements by local officials charged with issuing documents.

e. Denial of Fair Public Trial

The judiciary is nominally independent; however, it suffers from political influence. In practice bureaucratic inefficiency mars the system; the court system has a backlog of over 1 million cases.

The judicial system consists of municipal and district courts, the Administrative Court, and the Supreme Court. The independent Constitutional Court both determines the constitutionality of laws, governmental acts, and elections and serves as the court of final appeal for individual cases. A parallel commercial court system adjudicates commercial and contractual disputes. The State Judicial Council (consisting of a president and 14 members) is a body independent of both the judiciary and the Ministry of Justice charged with both the appointment and discipline, including removal, of judges, court presidents, and public prosecutors. The upper house of Parliament nominates persons for membership on the Council, and the lower house elects the members for 8-year terms. The 11 judges of the Constitutional Court are elected for 8-year terms in the same manner, while all other judges are appointed for life.

Judges are prohibited by the Constitution from being members of any political party. Nonetheless, the HDZ party wielded considerable influence over the judiciary, and critics charged that the State Judicial Council (whose members were appointed by the HDZ-dominated Parliament) was a political tool of the executive branch. While the Council is authorized to act independently in the appointment and review of judges, it occasionally has defied Constitutional Court rulings. Moreover, the terms of 8 of the 11 Constitutional Court justices expired in December, and the HDZ reached an agreement with the opposition parties to replace them with judges selected for their political loyalties rather than professional merit. For example, hardline HDZ supporter Vice Vukojevic who is known for his nationalist rhetoric was appointed to the Constitutional Court in December. Several prominent lawsuits to annul the new appointments to the Court on technical grounds were rejected. Observers believe that this agreement could yield a new court that is less independent and less qualified than the previous court. The outgoing president of the Constitutional Court publicly criticized the process by which the new court judges were selected and noted that none of those chosen were career judges.

The severe shortage of judges prevalent in recent years was reduced. However, a greater problem was that many of the newly appointed judges were inexperienced and did not consistently apply the rule of law. While the ruling HDZ party may not have intervened directly

in judicial deliberations, the newly hired judges were appointed by, and often were sympathetic to, the HDZ. Judges at times made decisions in a nontransparent manner seemingly at odds with the evidence or the law. The judicial system suffers from a massive backlog, estimated at 750,000 to more than 1 million cases, some dating back 30 years or more. Cases involving average citizens may drag on for years, while criminal libel suits or other cases affecting high-level government officials are heard within weeks under "urgent proceedings" (see Section 2.a.). According to the president of the Association of Croatian Judges, the Government failed to provide the financial means necessary for the regular operation of the courts. The case backlogs in Zagreb, Rijeka, and Split are compounded by government cutbacks on telephone, gas, water, and electricity throughout the country.

Although the Constitution provides for the right to a fair trial and a variety of due process rights in the courts, the courts sometimes denied citizens fair trials. Local authorities often refused to implement court decisions. For example, little or no progress was made in numerous cases of illegal evictions in which the legal owner had a positive court decision, yet was unable to gain access to his property. Judicial decisions overwhelmingly favored ethnic Croats in property claims involving returning refugees and displaced persons. Approximately 22 percent of all claims submitted to a court were decided in favor of a non-Croat claimant. In those cases in which the court ruled in favor of a non-Croat, only a handful of judicial orders for the eviction of a Croat occupant of a Serb-owned home have ever been carried out by the police (see Section 1.f.). Many of these cases involve either current or former members of the Croatian military or police forces, and local authorities refuse to act against them on behalf of the rightful owner. The only recourse for the defendant is to return to court to demand implementation of the first decision, a time-consuming and costly procedure that still may not result in implementation. Despite an April Constitutional Court ruling overturning a Zagreb city decree that had restricted public protests in the city, local officials continued to enforce the decree until a new law was passed in October (see Section 2.b.). Cases in the Danubian region (Eastern Slavonia) in which the plaintiff was an ethnic Croat were heard and decided in a matter of days or weeks, and judicial orders were carried out expeditiously, sometimes at the expense of the legal rights of Serbs. However, cases in which the plaintiff was an ethnic Serb often dragged on for months or years.

The Government continued to apply questionable legal standards in the implementation of the general amnesty adopted in 1996. There was credible evidence that crimes for which persons should have received amnesty were recategorized as either common crimes or war crimes (see Section 1.d.).

In May two cases starkly highlighted the contrasting treatment of ethnic Serb and ethnic Croat war crimes defendants. The county court in Osijek in the Danubian region convicted five ethnic Serbs (the "Sodolovci group") of crimes against civilian populations for participating in artillery attacks against civilian targets in 1991 and 1992 and sentenced them to terms of imprisonment ranging from 8 to 15 years. The indictments were for a generalized series of attacks, and the evidence did not conclusively connect the defendants to the attacks. The case focused on the fact that the defendants were members of a unit known to have been active in the area in the given time period. During the course of the trial Justice Minister Zvonimir Separovic visited the Osijek county court, discussed "current legal issues" with the president of the court, Petar Klajic, and other judges, and made public statements asserting that the

court system would not be subject to foreign pressure. Only 2 days after Separovic's visit, the court handed down its verdict. The verdict was criticized sharply in the ethnic Serb community. In November the Supreme Court overturned the verdicts and freed the defendants. Also in May, six ethnic Croats were released in the "Pakracka Poljana" case (four were acquitted and two convicted of minor offenses and sentenced to time served) for crimes against Serbs in Western Slavonia in 1991. This was the first major war crimes case brought against ethnic Croats for actions against Serbs. The judgements were reached despite a 1997 newspaper interview by defendant Miroslav Bajramovic in which he personally admitted to killing 70 Serbs in Pakracka Poljana and also implicated other defendants as well as Tomislav Mercep, a well-known hardline political figure who was never charged. Although Bajramovic's alleged crimes were well-known to the Government, charges were brought against him only in response to public criticism over the newspaper interview. The interview was not introduced as evidence during the trial, nor was any real effort made to obtain evidence or secure witness testimony to support the charges.

There were no reports of political prisoners.

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

At times the Government infringed on these rights. The Constitution declares the home inviolable. Only a court may issue a search warrant, which must state the justification for the search. Police may enter a home without a warrant or the owner's consent only if necessary to enforce an arrest warrant, apprehend a suspect, or prevent serious danger to life or property. While the authorities generally complied with these norms, there were notable exceptions in which the Government did not respect private property in practice. Despite developing a mechanism by which property could, in theory, be restored to the original owner, the Government failed to implement this program vigorously. Furthermore, there are no provisions for those individuals, primarily citizens of Serb ethnicity, who lost tenancy rights to their dwellings during the war to return to their previous homes.

There were many press reports and claims by a number of prominent figures that authorities authorized an extensive campaign of wiretapping against the independent media, opposition political figures, and others (see Section 2.a.). Leaks indicated the use of wiretapping by government intelligence services. In February the weekly Nacional reportedly filed charges against head of the Office for the Protection of the Constitutional Order and/or the Minister of Interior Ivan Penic for wiretapping and illegal surveillance activities of its journalists. An opposition Member of Parliament who was another alleged target of surveillance called for the President's intervention in the matter, the resignation of Interior Minister Penic, and the creation of a commission to investigate the work of the intelligence services. Penic reported that the Ministry of Interior began an investigation into these allegations of illegal surveillance activities. In December after claims that the intelligence services had bugged the offices or telephone of acting President and Speaker of the Parliament Vlatko Pavletic, a parliamentary commission concluded that this was not the case. However, Pavletic called for a curtailment of the conditions under which the intelligence services legally may use wiretaps. Later that month former Croatian Intelligence Service Director Miroslav Separovic published the names

of more public figures who he claims were monitored illegally by the intelligence services at the request of HDZ hardliners. The list includes opposition members as well as HDZ members.

Despite a 1997 Constitutional Court ruling that several elements of the Law on the Temporary Takeover of Specified Property (LTTP) were unconstitutional, the vast majority of Serb property owners who fled homes that were later occupied by ethnic Croats remained unable to access their property. A 1998 program for the return of refugees and displaced persons, which included mechanisms for property restitution and reconstruction, was implemented very slowly and only a handful of cases of property restitution were recorded by year's end, as both national and local authorities declined to take steps to displace temporary occupants in favor of the original owners, as stipulated in the return program. Further, only a handful of claims by ethnic Serbs for reconstruction have been considered. Despite orders from the national Government, local authorities (including local housing commissions) often did not take steps to regulate permits authorizing or revoking occupancy rights or to initiate lawsuits against individuals who refused to vacate occupied premises, a situation that remained largely unchanged throughout the year. Numerous returning ethnic Serb displaced persons and refugees continued to remain shut out of their homes, although in many cases the occupier's house had been reconstructed and there was no impediment to his return. In general in such cases, the Government failed to furnish reconstructed houses with basic utilities. Housing commissions were often purposefully dysfunctional, failed to resolve housing cases, and ignored judicial decisions. In Knin the housing commission resolved less than one dozen property disputes and allowed a 500-case backlog to accumulate. One of the very few cases of "multiple occupancy" (in which a family occupies more than one home, thus preventing rightful homeowners from returning) that was resolved during the year occurred in the Sisak area where an ethnic Croat kept his dog in the otherwise empty home of an ethnic Serb. Local authorities refused to evict the dog until July, after U.N. High Commissioner for Refugees Sadako Ogata and other Western diplomats personally raised the issue with the highest levels of the Government. Cases of disregard for the Government's return program and its legal provisions were common.

Throughout the year, the OSCE and local human rights organizations reported forcible evictions of ethnic Serbs from Croat-owned homes without receiving alternative accommodations on an almost weekly basis. Police response was mixed, due in part to conflicting instructions from higher authorities. Despite direct intervention from senior government officials to halt the evictions and clarify police instructions, homeowners were allowed to harass occupants until they were, in effect, forced to leave. In many cases, the actions of local political officials in the Danubian region called into question their impartiality. The housing commissions in the Danubian region (where temporary occupants were overwhelmingly ethnic Serb) were more active and effective in returning property to the original homeowners than were housing commissions in other regions (where the temporary occupants were primarily ethnic Croats). In Beli Manastir, OSCE officials and an NGO noted that an unofficial housing commission, headed by the deputy mayor and supported by the local police, improperly evicted several ethnic Serbs. Materials to repair and reconstruct war-damaged housing were being distributed in a manner that discriminated against Serbs, and villages where Serbs were a majority were being reconstructed at a slower pace than Croat-majority villages, despite the adoption in 1998 of a reconstruction program which aimed to ensure nondiscriminatory provision of such assistance.

An ongoing problem was the continued occupation of homes belonging to Croatian Serbs by refugees from neighboring Bosnia-Herzegovina and the FRY, as well as "priority category" ethnic Croat citizens, i.e., active duty or former members of the military, widows, and orphans. Ethnic Croats wishing to return to the Danubian region also were unable to return to homes occupied by Serbs. Many Serb returnees were unable to move into looted and devastated homes that the Government defined as habitable. Of the total 7,123 applications for repossession of property recorded by the government Office for Displaced Persons and Refugees (ODPR) at the end of August, less than one-fourth were listed as returned to their owners.

No progress was made to resolve the thousands of cases of citizens (mostly ethnic Serbs) who, due to their absence for more than 6 months during the war, lost their occupancy rights. Ethnic Serbs were affected disproportionately because no mechanism existed by which they could return to the country in order to claim their property or because they had lived in the occupied parts of the country and missed the chance to purchase their previous apartments.

There were no reports that the Ministry of Defense arbitrarily revoked the tenancy rights of individuals who had lived in their apartments for decades. Split resident Hasim Begovic fully recovered his apartment late in the year.

Incidents of grenade attacks against property and arson related to housing disputes were reported during the year (see Section 5).

The Constitution provides for the secrecy and safety of personal data, and this provision generally was respected. Unlike previous years, there were no further reports during the year that requests made by ethnic Serbs to return to their original homes in the formerly occupied areas were used by individuals to vandalize or in some cases destroy the property in order to prevent the Serb from returning. There were persistent reports to international organizations, although fewer in number than in 1998, that local housing commissions allowed authorizations for temporary accommodation to be transferred among temporary users, thus keeping a residence occupied even after the original owner's intention to return was known.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of thought and expression, specifically including freedom of the press and other media, speech, and public expression, as well as the free establishment of institutions of public communication; however, the Government restricted these rights in practice. The Government controls or influences much of the print media, controls or influences most of the electronic media (in particular, television), and influences and manipulates the judiciary. All this, combined with the Government's continued harassment--through job loss or banishment from the airwaves, overt censorship, intimidation, and criminal prosecution--of those journalists who criticized the ruling HDZ party, stifled many of these freedoms in practice. The Government maintained an unofficial campaign of harassment of the independent media throughout the year, and more than 300 criminal and

600 civil prosecutions of journalists are ongoing, many brought by government officials or their close relatives or associates. The law gives the public prosecutor the right to appeal an acquittal, thereby potentially exposing journalists to double jeopardy. There continued to be reports of government wiretapping of some independent journalists (see Section 1.f.). The new telecommunications law, passed on June 30, created opportunities for independent media, most notably by allowing local independent radio and television broadcasters to "network," or jointly produce and broadcast national programming, for 5 hours per day to compete with state-run television. However, the Government continued to control and manipulate the regulatory framework and the licensing of radio and television. In particular, the ruling party retained the ability to select the members of the managing council and the Council for Radio and Television for 3- to 5-year terms, and these members are to set prices and grant concessions through procedures that are still arbitrary and nontransparent.

Despite continued domestic and international protest, the Government took no steps to revise articles of the Penal Code that authorize the criminal prosecution of journalists who publish "state secrets" or insult the honor or dignity of the President, the Prime Minister, the Speaker of Parliament, or the Chief justices of either the Supreme Court or the Constitutional Court. Individuals may criticize the Government, although not always without reprisal. On May 6, a Zagreb court indicted four employees of Zagrebacka Banka for leaking confidential bank documents to the press in 1998. The court also indicted the reporter who wrote the article, which contained details about the undisclosed bank accounts of Ankica Tudjman, the wife of the President. There continued to be over 900 libel lawsuits against journalists and publishers, the majority continuing from previous years, filed by both government officials and private parties. The HDZ-sponsored laws, both criminal and civil, that permitted these suits were adopted in recent years amid criticism that they were overly broad. The HDZ has taken no action to amend or modify the laws. While defendants sometimes prevailed in such suits, the libel laws remained problematic because defending such cases represented a significant and ongoing financial and personal hardship for them. The Zagreb county court once again acquitted Davor Butkovic, editor of the weekly Globus, of criminal liability in March, ending his legal battle, which included a Government appeal of an earlier acquittal in 1998, leading to a "double jeopardy" trial for the weekly.

There are currently some 70 lawsuits (20 criminal cases and 50 civil cases) filed against the publishers of the independent satirical weekly Feral Tribune, with potential damages exceeding \$2 million (14 million kuna) and an unspecified amount of legal and court costs involved.

The ruling party and businesspersons with close ties to it continued to maintain a virtual monopoly on printing and distribution of magazines and newspapers. Acute financial difficulties stemming from poor overall economic conditions created ongoing difficulties for the media. The distributor Tisak reached the point of insolvency, failing to pay publications, particularly independent publications, thus threatening their financial stability. The Tisak debt to independent weekly Nacional alone was over \$500,000 (nearly 4 million kuna). A government bailout plan had not been implemented at year's end. The slow pace of the judicial process (see Section 1.e.) makes it extremely difficult for these publications to seek timely redress of their payment difficulties in the courts. Journals and publications also complained that they had little control over where their publications were sent, with large quantities at times being sent to remote villages, leaving the bigger, urban markets undersupplied.

In July the editor in chief of the Nacional stated that the independent print media, including Nacional, were under attack from the Government, which aimed to marginalize or eliminate independent media in the period prior to the parliamentary elections. Government harassment of Nacional intensified after the weekly ran a June article alleging that the Government rigged the Croatian soccer championship on orders from President Tudjman. The Ministry of Interior then launched an investigation of Nacional employees suspected of publishing a "state secret" and ordered police searches of Nacional offices and the homes of editor in chief Ivo Pukanic and his parents. In June authorities arrested Nacional's editor for his role in publishing alleged state secrets. On June 9, authorities arrested former Croatian Intelligence Service Director Miroslav Separovic for allegedly leaking "state secrets" about the soccer matches; authorities dropped the charges against Separovic in August (see Section 1.d.). Pukanic also was subjected to public death threats from the national soccer team's coach as a result of the soccer expose.

Police surveillance of journalists reportedly continued, with Nacional claiming that its journalists were under constant surveillance and that both their home and office telephones were tapped (see Section 1.f.).

On February 25, two unknown assailants beat a reporter and a photographer from the independent daily Jutarnji List. The two journalists had been taking photographs of a new house under construction that belonged to Assistant Defense Minister General Marinko Kresic for which allegedly he did not have a permit. The authorities arrested two suspects, and a military police spokesman denied that the attackers could have been members of that force.

The ruling HDZ party's control of the national electronic media continued to be pervasive and blatant. The HRT is the only national network and is the main source of news for 88 percent of the population. It broadcasts on three national television and radio channels. Technically under the control of Parliament, the HRT was, in practice, run by the ruling HDZ Party. The Government controlled the state network through the HRT Council which, like the Telecommunications Council, also was dominated by the HDZ. The HRT Council directly supervised operations and editorial content of state-run radio and television, effectively restricting access by opposition parties to criticize government policies (see Section 3). During the year, the growing realization that the HDZ might lose the upcoming parliamentary elections, fueled by polls showing the HDZ trailing, caused HDZ hardliners to consolidate their grip on the HRT. HRT coverage of the election campaign often was biased in favor of the HDZ party, but it improved noticeably over previous elections. A new HRT council was named in February, with a chairman who was a member of the HDZ party presidency, a new editor in chief who was a member of the HDZ main committee, and two new assistants who were HDZ hardliners.

In August the HRT announced that the news program One Plus One, which was subject to government censorship since mid-1998, would be cancelled. HRT also cancelled the respected programs of Ivo Loncar and Mirjana Rakic, the latter to be replaced with a progovernment commentator. The HRT took the program off the air on January 19 for a program it planned to broadcast which allegedly would incite "social disorder and violence" (the program included a pensioner's statement that an opposition party leader should be hung, among other things). The Telecommunications Council awarded the license for a fourth national channel to Nova TV

whose owners are identified closely with the HDZ party. During the year, the much anticipated reform of the HRT law did not occur. This legislation would be a key step for reform of electronic media and overall democratization. The electronic media's HDZ bias continued to be a concern, although inflammatory language in the media that was designed to exacerbate ethnic tensions has decreased in recent years.

Both public and private radio and television stations coexist. The June Telecommunications Law permitted "networking" by independent broadcasters to achieve national coverage. Revenue collection also is skewed greatly in favor of the HRT, which receives subsidies from government taxes on television (accounting for some two-thirds of the HRT's gross annual revenues), as well as some 80 percent of advertising revenue. These subsidies create an unfair advantage for the HRT over any independent television station that tries to compete, since the independents' ability to purchase programming, etc., is far less than that of the HRT. Similar problems exist in radio broadcasting. The enforcement arm of the Ministry of Finance, the financial police, often has been used by the Telecommunications Council to shut down stations deemed too critical of the Government, but there were fewer reports of such problems during the year. Journalists who sought reform of the HRT from within routinely were silenced and in many cases taken off the air while still on the HRT payroll.

Government censorship also influenced independent media. On January 29, the Ministry of Traffic, Communications, and Maritime Affairs shut down Adriatic Television (ATV), a Split-based county-licensed television station. The official reason was that ATV had not paid its annual licensing fee of approximately \$35,000 (217,000 kuna). However, opposition leaders and independent media observers speculate that the station was closed because opposition Croatian Social Liberal Party leader Drazen Budisa was scheduled to appear on a local program, titled, "Censorship." The National Association of Independent Television Stations and Forum 21 (an association of independent broadcast journalists) protested the decision and noted that while nonpayment is a legal basis for shutting down a station, the decision was unfair since the economic crisis and high licensing fees were destroying the independent electronic media. In February the editor in chief and his deputy of a local radio station in Varazdin were fired by the station's owners, functionaries of the HDZ party, after an interview with a Western diplomat was broadcast. In addition, on the day that an independent television station in Split planned to air a program with an appearance by an opposition politician, it was pulled off the air for nonpayment of its annual licensing fees. The station's director, an HDZ member, later cancelled the program.

Foreign newspapers and journals were available in larger urban areas throughout the country, although their high cost (about three times the price of local newspapers) made them expensive for most persons.

While academic freedom generally is respected, scholars reported that they were reluctant to speak out on political issues. Some scientists state that the government exerted subtle pressure on them through its control of research funds. In June the Dean of the Faculty of Philosophy at the University of Zagreb banned a panel discussion organized by a student group on the escalation of violence in the country, ostensibly because the panel discussants were not members of the academic community and because current political issues were not

to be discussed at the university because its autonomy must be preserved. The Dean stated that such events would continue to be banned in the future.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of peaceful assembly; however, the Government at times exercised arbitrary control to restrict this right during the year, although there were fewer incidents of such reports. The Government restricted this right by denying some groups access to Zagreb's main square and other gathering places. The lack of a clear policy to regulate such events and address questions of security and inconvenience, and the fact that HDZ party rallies and other public events have been staged regularly at these sites in the past, combined to make the government actions appear partisan and nontransparent. A new law on assembly that passed in October was only slightly less restrictive, since it permitted assembly for registered demonstrations at approved locations but did not make transparent the process for approving or denying such registration. However, this law was not applied in a way that noticeably favored the HDZ Party nor were those critical of the Government singled out for denial of permission to assemble, particularly in the period before the January 2000 parliamentary elections.

Numerous rallies and demonstrations took place throughout the country during the year, many of which were led by workers protesting poor social conditions and pay. On February 16, some 2,000 workers marched in Zagreb. When the group spontaneously decided to march to the square in front of the parliament building, where demonstrations are prohibited, they were met by some 200 police officers. Several police officers were injured, one seriously, in the ensuing scuffle. On March 31, the Constitutional Court overturned the law on peaceful assembly that had granted local governments the authority to decide the location of public gatherings. Public gatherings still must be approved in advance, but may only be restricted for security reasons, as decided by the Ministry of Interior. However, local officials continued to enforce the law, and denied access to strategic places in the city. In April shortly after the Constitutional Court's ruling, Zagreb authorities charged a prominent union leader with a misdemeanor for organizing a protest in front of a government building. On June 8, textile workers from Duga Resa were blocked from protesting in Zagreb by a large cordon of policemen brought into the city from all over the country. Approximately 500 police blocked the protesters' passage through side streets to prevent them from reaching the main government square.

The Constitution provides for the right of association; however, legislation adopted in 1997 increased the Government's ability to restrict this right, although there were no reports that the Government used this law to hinder any organization during the year. The 1997 Law on Associations gives the Government broad powers to prevent the founding of an association and to monitor all aspects of an association once founded. There were no reports of the Government abusing this law against associations or NGO's during the year, but several NGO's observed that the mere process of registering is an intrusive and unnecessary form of governmental oversight. All associations of at least 10 persons must register their activities. An association's activities may be suspended administratively based on only a "well-founded" suspicion that the group's activities contravene the Constitution or the law. Until such time as

the association proves itself innocent in a court of law, the Government can keep it closed indefinitely and dispose of its assets. The reregistration process is proceeding only slowly, and many local and international NGO's faced bureaucratic obstacles. According to the law, in the absence of any formal notification to the contrary, an NGO is to consider itself reregistered. However, without written confirmation of registration from the Ministry of Administration, NGO's face significant obstacles in their day-to-day functioning. Reports of harassment by the "financial police" (Finance Ministry officials who do not require a warrant in order to enter premises and examine records which can lead to the unilateral shutdown of the organization in question in advance of any due process) were fewer than in the past. In Osijek a human rights NGO was audited after its director took a new position with another NGO, for which President Tudjman had publicly expressed animosity. In a positive development, the Government established an office for NGO's that disbursed funding of approximately \$1 million (7 million kuna).

c. Freedom of Religion

The Constitution provides for freedom of conscience and religion and free public profession of religious conviction, and the Government respects these rights in practice. No formal restrictions are imposed on religious groups, and all religious communities are free to conduct public services and to open and run social and charitable institutions. Roman Catholicism, Eastern Orthodox Christianity, and Islam are major faiths, and there is a small Jewish community.

Croatian Protestants from a number of denominations and foreign clergy and missionaries actively practice and proselytize.

While there is no official state religion, approximately 85 percent of the population are Catholic, and the dividing line between the Roman Catholic Church and the State often had been blurred in the past. The ruling HDZ party periodically attempted to identify itself more closely with the Catholic Church. However, the Church more frequently sought an independent role for itself on political issues and was at times openly critical of the prevailing political climate. However, the Church has taken advantage of HDZ support to work actively to strengthen its influence elsewhere, such as in public schools. The head of the Catholic Church, Archbishop Josip Bozanic, was active in publicly promoting reconciliation and the return of refugees. In March the Archbishop met with Patriarch Pavle of the Serbian Orthodox Church, and in May he made a strong public challenge to the Government during his homily at a Statehood Day Mass attended by President Tudjman. In November the Croatian Catholic Bishops' Conference issued a statement calling on the faithful to participate in the December parliamentary elections and to overcome the "old, intolerant one-party mentality".

Religion and ethnicity are closely intertwined in society, but the majority of incidents of discrimination are motivated by ethnicity rather than religion (see Section 5). There were persistent reports of vandalism to Serb Orthodox cemeteries. The Ministry of Defense employed 19 Catholic priests to tend to Catholics in the military, but employed no Orthodox Christian or Muslim clergy. The Government requires that religious training be provided in schools, although attendance is optional. Schools are allowed to offer classes in minority

religions if they fill the necessary quota of minority students. However, lack of resources, minority students, and qualified teachers generally impeded catechism in minority faiths, so the Catholic catechism was the one predominately offered. According to numerous reports, although not obligatory, students felt pressured to attend religious training. In a positive development in September, the Government instructed public schools that reached the minimum quota of Muslim students to sign work contracts with Muslim instructors. In the past, Muslim teachers were not paid by the Government while Catholic teachers were. Jewish officials noted that basic information provided to students about Judaism is inaccurate, and their offers to improve the material went unheeded. There were several cases in which individual missionaries had difficulty in obtaining missionary visas, but it was unclear whether this was due to religious discrimination or bureaucratic inefficiency and failure by missionaries to fulfill all of the necessary requirements. Missionaries do not operate registered schools, but the Church of Jesus Christ of Latter-Day Saints provides free English lessons, often followed by religious instruction. The Muslim community has a secondary school in Zagreb; however, the Ministry of Education refuses to recognize the diploma from this school. Although in recent years the Government had discriminated against a particular group of Muslims in the issuance of citizenship documents, the Government began granting citizenship to them during the year. In the area of Topusko (in the region formerly occupied by rebel Serbs) most cases have been resolved of the approximately 2,500 Muslims who for several years were unable to obtain citizenship because their period of residency was interrupted by the military conflict.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution generally provides for these rights, with certain restrictions. All persons must register their residence with the local authorities. Under exceptional circumstances, the Government legally may restrict the right to enter or leave the country if necessary to protect the "legal order, health, rights, or freedoms of others."

While there are no reports that the Government revoked citizenship for political reasons, the failure to act expeditiously to verify the citizenship of hundreds of thousands of ethnic Serbs who fled the country after the military actions in 1995 is an ongoing and serious concern. The Government in 1998 adopted procedures by which these individuals could confirm their citizenship and return to Croatia; however, the effects of this step were minimized by continued slow and uneven implementation. The Joint Working Group was superseded in 1998 by the Returns Coordination Committee, which was not very active during the year, although observers believe that it could prove useful in facilitating returns. There were no reports of cases during the year of deportation proceedings against male members of mixed marriages involving Muslims. In a positive step, in July the Government opened a full-time consulate in Banja Luka, Bosnia-Herzegovina and expanded consular operations in Belgrade, Serbia to process citizenship applications which are being filed at the rate of approximately 500 per week. While the wait time in Belgrade for a decision on an application improved somewhat late in the year, it was still as long as 3 months in some cases.

A significant number of internally displaced persons remain, although not all of these persons are under the Government's direct care. While the government reported in September some

77,000 persons (50,000 internally displaced and 27,000 refugees, mostly from Bosnia-Herzegovina and the FRY) with refugee or displaced person status, this number does not reflect fully an additional 140,000 former refugees who have become citizens of Croatia.

International monitors and NGO's assess that the rate of ethnic Serb departures from the Danubian region was somewhat less than in past years. However, monitors had difficulty tracking the departures because in January the Government stopped sharing relevant data. The ethnic Serb population in the region fell from a prewar number of 70,000 to about 50,000 at year's end. Approximately 60,000 persons displaced by the conflict fled to the Danubian region from other areas of the country, but most of these have since returned home or moved to the FRY. About 3,000 displaced persons remain in the region. An estimated 40,000 persons in the region have emigrated because of poor economic conditions combined with discrimination directed at ethnic Serbs. The number of Croatian Serbs emigrating to the United Kingdom surged to several hundred per month by mid-year, many of whom were assessed to be economic migrants. Apparently concerned that its citizens could lose visa-exempt travel privileges in Europe, the Government attempted to disrupt the emigration. In addition to continuing to issue only one-time travel documents rather than passports to refugees returning from the FRY and Bosnia-Herzegovina, there were persistent reports of harassment of departing Serbs by officials at Zagreb airport, including delaying passengers until they missed their flights. In November the United Kingdom imposed a visa requirement on Croatians entering that country. Ethnically motivated incidents directed at ethnic Serbs included verbal and legal harassment, forcible evictions, beatings, and three murders. During the year in the Danubian region, international monitors recorded 1,017 cases of ethnically motivated intimidations and housing disputes. This figure included approximately 61 physical assaults (see section 5). Within the region, half of all reported incidents were reported in the area of Vukovar alone. The village of Berak (on the outskirts of Vukovar) was the scene of numerous incidents against Serbs during the year, especially after Croat returnees began demonstrating in May over the issue of missing persons. In the Danubian region, where ethnic Serbs were exempted from military service, there were occasional reports that local officials refused to issue passports to ethnic Serbs unless they could provide evidence of their military service.

Official government policy was that all citizens were free to return to their homes of origin throughout the country. However, in practice ethnic Serbs who departed during the military conflict and have since returned faced open discrimination and numerous bureaucratic obstacles in order to regain their property and the financial and health benefits to which all returnees are entitled under the law. In September, the OSCE reported that ethnic Serb refugees were generally able to return to the country but generally were not able to repossess their property. Half of all property repossession cases have been in the Danubian region where the Government's return program has been implemented selectively and where the majority of property claimants were ethnic Croats returning from other areas of the country. Incidents of beatings and even arson and bombing attacks against Serbs were reported, albeit less frequently than in the previous year (see Sections 1.a., 1.c., 1.f., and 5). Discrimination towards ethnic Serbs was apparent at all levels of the return process. During the year, over 70 percent of returns by internally displaced persons were to the Danubian region, and these returnees were overwhelmingly ethnic Croats. In December the Law on Expelled Persons and Refugees was amended so that some of its discriminatory measures were removed. However,

earlier in the year the Government enacted an interpretation of the law that favored temporary occupiers of property over refugees wishing to return to their property. In addition, the Government failed to act to eliminate language in the Law on Areas of Special State Concern and the Law on Reconstruction that discriminates against ethnic Serbs, despite a commitment to change these laws by September 1998.

The OSCE assessed that while the organized return process worked well, persons returning outside this process were not always treated fairly. Systems established between the Government Office for Displaced Persons and Refugees (ODPR) and the UNHCR worked well. The ODPR processed an average of over 450 return applications per week and closely coordinated with the UNHCR to receive returnees (overwhelmingly ethnic Serbs) from the FRY and Bosnia-Herzegovina. However, the Government did not provide benefits and entitlements consistently in a timely manner to returnees. Of particular concern were the growing number of persons intending to return whose cases were deferred because their prewar homes were occupied by settlers or had been destroyed. The Government did not encourage actively the return of citizens who did not have arrangements for alternative accommodation.

There were persistent reports that humanitarian and reconstruction assistance was not distributed fairly by government agencies. The Government allowed free access to all displaced persons by domestic and international humanitarian organizations and permitted them to provide assistance. However, the Government at times accused international organizations of bias in providing assistance only to ethnic Serb returnees.

The Government cooperates with the UNHCR and other humanitarian organizations assisting refugees. Although the Government has not yet passed legislation to implement the provisions of the 1951 U.N. Convention relating to the Status of Refugees and its 1967 Protocol, the Government formed a working group with the UNHCR to develop such legislation in 1999. The ODPR reported that the Government granted first asylum to 29,000 persons from the various parts of the former Yugoslavia as of September and that it was supporting financially another 100,000 displaced persons (not counting displaced ethnic Serbs in the Danubian region). Faced with the refugee crisis in Kosovo, the Government, in consultation with the international community, agreed to accept up to 5,000 Kosovar refugees and had begun to do so when the crisis ended. However, the UNHCR reported one instance in which a Kosovar Albanian was refouled to the FRY where he was mistreated by authorities. The Government later acknowledged its mishandling of the case. On April 11 border guards refused entry to 18 Kosovar Albanian asylum seekers on the grounds that they lacked the proper documentation, and there were other reports of Kosovar Albanians being expelled to Bosnia-Herzegovina.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Government's conduct of the flawed 1995 elections seriously limited the right of citizens to change their government. All citizens over 18 years of age have the right to vote by secret ballot. The President, elected for 5 years, exercises substantial power, authority, and influence but is limited constitutionally to two terms. Parliament comprises the (lower) House of Representatives and the (upper) House of Counties. During the year, the HDZ held a majority

in both houses, and often the role of the HDZ as a political party was blurred with the role of the Government. The HDZ continued to wield and expand its direct and indirect control over many aspects of public life including television and the press, banking, privatization, and the economy. However, on January 3, 2000 the ruling HDZ party lost parliamentary elections to an opposition coalition. In December President Tudjman, who was serving his second 5-year term, died in office. Tudjman was reelected President in June 1997 in an election judged to be "fundamentally flawed" and "free but not fair" by the OSCE. Elections to replace him were scheduled by February 7, 2000. During the year, the President's extensive powers, the HDZ's dominance, the Government's influence over the judiciary, and its control of the media combined to make the country's nominally democratic system in reality authoritarian.

The Government made some progress in addressing issues raised by the OSCE and other international organizations that have documented the flaws in the electoral system and criticized the 1997 presidential elections. The electoral law was based primarily on the compromise worked out in negotiations in May between the six largest opposition parties and the ruling HDZ party, although the final law reflected some changes made by the HDZ. Electoral laws previously had infringed directly on the right of citizens to change their government. The new electoral law passed by Parliament in October reduced the number of seats reserved for diaspora voters (some 2 percent of the population) from a fixed quota of 12 seats in Parliament (or some 10 percent of seats) to a nonfixed quota, which assigns diaspora voters a number of seats proportional to their share of the total electorate. In the 1995 elections, 90 percent of diaspora voters voted for the ruling HDZ. However, the law reduced the number of seats in Parliament reserved for the Serb minority. In addition, the Citizenship Law and electoral legislation grants citizenship, and thereby the franchise, based purely on ethnic grounds to ethnic Croats abroad with no genuine link to the country. Meanwhile the Government failed to ensure that Croatian Serbs, who fled in 1995 and who wish to assume the responsibilities of Croatian citizenship, were able to document their Croatian citizenship in order to vote and ultimately to return. The new election law also made provisions for independent monitoring by NGO's, the establishment of multiparty election commissions, and the elimination of separate, higher thresholds for coalitions.

In addition to the Government's interpretation and implementation of laws to suit the ruling party's agenda, the Government used its control of the electronic media to control the political process. Despite the May agreement to transform public radio and television into truly free and independent media, the June telecommunications law made only minor changes and the HDZ retained control over Croatian State Radio and Television throughout the year. Senior HDZ members were members of the board of directors of the state television network. Their influence not only restricted the ability of opposition parties to criticize government policies and activities, but limited the opposition's ability to fully engage the Government and the public in an open political dialog (see Section 2.a.).

Although there were no legal restrictions on participation by women or minorities in the political process, they are underrepresented in government and politics. There were only small numbers of women in Parliament, the executive branch, and the courts. In the Parliament that was dissolved in November, 4 of 68 upper house members and 11 of 127 lower house members were women.

The election law required minority representation in Parliament, with proportional representation for any minority that made up more than 8 percent of the population. No minority met that criterion. However, representation for the Serb minority was based on government estimates of the number of Serbs who fled the country between 1991 and 1995 and the assumption that they would not return. There were three lower house seats allocated to the Serb minority, and two Serb members were appointed to the upper house. However, the election law passed by the HDZ-dominated Parliament in October reduced the number of seats reserved for minorities in the Parliament from seven to five and of these, reduced the number of seats reserved for ethnic Serbs from three to one (less than 1 percent of the seats in the lower house), despite the fact that ethnic Serbs constitute approximately 6 percent of the country's population. Of the four remaining seats, one is reserved for the Italian minority, one for the Hungarian minority, one for the Czech and Slovak community, and one for the combined Russian, Jewish, German, Austrian, and Ukrainian minorities. There were no Muslim representatives in Parliament despite the fact that in the most recent census (1991) the country's 40,000 Muslims were the second largest minority after the Serbs, and the new election law did not reserve any minority seats for Muslims. Amendments to the Constitution passed by the HDZ-dominated Parliament in 1997 and adopted in 1998 excluded Muslims as a recognized minority (see Section 5).

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Human rights groups throughout the country were able to work to prevent abuses and bring their concerns to the attention of local and central authorities, as well as to the attention of domestic and international media. The government-appointed Ombudsman met periodically with human rights representatives; the response of other ministries varied. Human rights groups reported that, while they may have received responses to specific cases, the Government generally failed to remedy the underlying institutional problems that were the root cause of many of the cases. For example, numerous NGO's repeatedly raised the issue of the government's failure to issue instructions to ministries and local authorities to implement the Law on Convalidation adopted in October 1997 (which would allow documents issued in the formerly occupied areas to be recognized or "convalidated" by government offices--see Section 5). In a positive development, a number of NGO's, the largest being Citizens Organized to Monitor Elections (GONG) and Voice 99 (Glas 99), were active in organizing preelection informational campaigns.

Under the law, it is difficult for NGO's to solicit contributions or donations to support their work. This is due in part to the fact that there is no tax benefit to donors. The NGO also must pay tax on contributions classified as income. Thus, many human rights groups rely on international donations and government funding to continue their work. Another problem is the public perception of human rights organizations. Senior government officials promoted the view that any criticism of the State or the ruling party was disloyal, engendering suspicion of NGO's among the general population.

International organizations, including the European Community Monitoring Mission (ECMM), the OSCE, and the UNHCR among others, operated freely in Croatia, and there were no

reported instances of monitors being denied visas or the ability to move freely around the country. However, in the spring and summer there were a series of burglaries at offices of the OSCE, the UNHCR, and the Norwegian Refugee Council offices throughout the country, during which computers were stolen. In August the UNHCR and the OSCE requested an investigation amid press reports that government intelligence services may have conducted the burglaries. At year's end, the Government had not responded to this request and no arrests had been made. Officials of international organizations noted that the burglaries had a chilling effect on all international and nongovernmental organizations. While international organizations reported an overall satisfactory level of cooperation with officials in Zagreb, they also noted a lack of follow through on central government commitments by local authorities. OSCE police monitors operated in the Danubian region, monitoring the performance of the multiethnic police force. While cooperation generally was satisfactory, there were several incidents in which local police refused monitors' requests to review or investigate fully cases. As with local NGO's, the Government generally failed to respond substantively to international NGO reports of human rights abuses and tended to treat any specific case brought to its attention as an isolated incident.

Although the Government in general cooperated with international organizations and NGO's, especially in the spring and summer, these organizations again found themselves targets of criticism in the state-controlled press claiming that they were discriminating against Croats and in favor of ethnic Serbs in the distribution of humanitarian assistance. Some government officials, both at the national and local levels, fueled this negative attitude toward international organizations and NGO's with unhelpful statements calling for the Government to react strongly to what was viewed as inappropriate meddling in the internal affairs of a sovereign state. In September the president of a human rights organization in Zagreb received a threatening letter allegedly from members of the Croatian Party of Rights (HSP), after the organization had criticized the HSP for fomenting ethnic tensions. The Ministry of Interior referred the case to the police for investigation. There were no results of the investigation available at year's end.

The government-appointed Ombudsman addressed cases brought to his attention by the international community and local NGO's. However, the office continued to be weak, due to the small size of its staff and the Ombudsman's lack of legal authority to rectify problems directly. The Ombudsman was occasionally helpful in the analysis of legislation deemed to be detrimental to human rights causes. While the Government was perhaps somewhat more responsive to the Ombudsman than to NGO's, the overall response by the Government to the underlying problems raised by the Ombudsman remained unsatisfactory.

Committees in the Parliament and in the Government were tasked specifically with human and minority rights issues. Both met periodically throughout the year to discuss topics and legislation within their purview; however, neither played an active role in promoting human rights during the year. The government committee failed to meet with a leading human rights NGO despite a previous agreement to do so.

The Government's record of cooperation with the ICTY was mixed during the year. In July a newspaper published the minutes of an October 1998 meeting of the government office for cooperation with ICTY, which revealed high-level discussions of a government strategy to

obstruct the work of the ICTY. While the Government tried to minimize the importance of the minutes, calling them "merely internal discussions," the ICTY Chief Prosecutor noted that they perfectly described the Government's actual behavior. In August the President of ICTY reported the country's noncooperation to the U.N. Security Council. In November the Tribunal's Chief Prosecutor reported to the U.N. on Croatia's noncooperation. A few days later the Government refused an ICTY request to provide support and cooperation for a proposed field investigation in the country. The investigation was postponed. In a positive development, the Government transferred ICTY indictee Vinko Martinovic (also known as "Stela") as well as some requested documents to The Hague in August, albeit under pressure from the international community. However, at year's end the extradition of Mladen Naletilic (also known as "Tuta") had not been carried out due to Naletilic's poor health. ICTY requested the extradition of both Martinovic and Naletilic in December 1998. The Government failed to comply with a number of ICTY evidentiary requests, some dating to 1996. The Government has been particularly uncooperative in cases involving possible war crimes committed by Croats, and it has resisted ICTY requests for information regarding possible war crimes committed during and subsequent to operations "Flash" and "Storm" in 1995. Moreover, government officials welcomed persons who had been indicted by the ICTY for war crimes. In May Justice Minister Separovic headed a delegation which met Zlatko Aleksovski, an ethnic Croat convicted by the ICTY for crimes against prisoners of war, upon his return to the country. In September military officers participated in a ceremony in Siroki Brijeg, Bosnia-Herzegovina that included ICTY indictees among those being honored.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution specifies that individuals shall enjoy all rights and freedoms, regardless of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, education, social status, or other attributes. It adds that members of all national groups and minorities shall have equal rights. While the majority of these rights are observed in practice, serious deficiencies continued with regard to equality among various national/racial/ethnic groups, particularly Serbs and Roma. The Constitution provides for special "wartime measures" in case of need, but states that restrictions shall be appropriate to the nature of the danger and may not result in the inequality of citizenship with respect to race, color, sex, language, religion, or national or social origin.

Women

Although the Government collected only limited statistics on the problem, informed observers believed that violence against women, including spousal abuse, remained common. One NGO that operated a hot line and support services for women assessed that spousal abuse continued to be a large and unrecognized problem. Alcohol abuse and poor economic circumstances for veterans of the military conflict were cited as contributing factors. In June a government commission on equality indicated to NGO's that it would recommend that the Government track statistics on violence against women; however, at year's end it had not yet done so.

Amendments to the Penal Code which went into effect in 1998 removed violence perpetrated within the family (except against children) from the categories of crimes to be prosecuted automatically by the state attorney. The victim now must file a request to prosecute, thereby severely curtailing efforts by health care workers and police to act on suspected cases of violence in the home. In May the Constitutional Court upheld the constitutionality of this procedure. The nonpartisan Parliamentary Women's Caucus promised to seek amendments of these laws, but at year's end had not yet done so.

Based on anecdotal evidence, it is likely that some women were trafficked for the purpose of forced prostitution (see Section 6.f.).

Sexual harassment is a violation of the penal code section on abuse of position, but is not specifically included in the employment law. NGO's reported that in practice, women generally did not resort to the penal code for relief for fear of losing their jobs. In a positive development, the labor union of the Pliva pharmaceutical company signed a collective agreement that specifically forbids sexual harassment.

The law does not discriminate by gender. However, in practice women generally hold lower paying positions in the work force. Government statistics from previous years showed that, while women constituted roughly 50 percent of the work force, they occupied few jobs at senior levels, even in areas such as education and administration where they were a clear majority of the workers. Considerable anecdotal evidence has suggested that women hold by far the preponderance of low-level clerical and shopkeeping positions, as well as primary and secondary school teaching jobs. Women reportedly are often among the first to be fired or laid off. NGO's and labor organizations reported a practice in which women received short-term work contracts renewable every 3 to 6 months, creating a climate of job insecurity for them. While men occasionally suffered from this practice, it was disproportionately used against women to dissuade them from taking maternity leave. Legislation was passed during the year limiting the use of short-term work contracts to a maximum of 3 years.

While there is no national organization devoted solely to the protection of women's rights, many small, independent groups were active in the capital and larger cities. One of the most active was B.a.B.e. ("Be Active, Be Emancipated").

Children

The Government is committed to the welfare of children. Education is mandatory through age 14. Schools provide free meals for children, subsidized daycare facilities are available in most communities even for infants, medical care for children is free, and the Labor Code authorizes 1 full year of maternity leave and 3 years' leave for women with twins or more than two children.

The majority of students continue their education to the age of 18, with Roma being the only group reporting any notable exception. The Government blamed the problems of Roma largely on linguistic and cultural differences that make their integration in schools difficult. Romani children face some discrimination and problems, due largely to these cultural and linguistic

barriers at school. The Government's commitments to children suffered from less funding than in the past, as other priorities took a larger portion of government resources.

There is no societal pattern of abuse of children.

People With Disabilities

No legislation mandates access to buildings or government services for people with disabilities, and access to such facilities is often difficult. While people with disabilities face no openly discriminatory measures, job opportunities generally are limited. Special education also is limited and poorly funded.

Religious Minorities

Religion and ethnicity were closely related, and religion frequently was used to identify and single out non-Croats for discriminatory practices (see Section 2.c.). This close identification of religion with ethnicity caused religious institutions to be targets of violence. There were persistent reports throughout the country of the damage and defacement of Serbian (Orthodox) cemeteries with an estimated six such incidents in the Danubian region in November and December alone. In August attackers with stones broke windows at the home of Mufti Sevko Omerbasic, the head of the Islamic community in the country. In September one person was detained as the investigation continued.

In Cakovec the memorial plaque at the site of the synagogue destroyed during the Hungarian occupation in World War II was desecrated in the first week of August. The plaque later was rehung. The police were searching for the perpetrators but have detained no suspects. The Jewish community in Cakovec was decimated during World War II and the synagogue was torn down.

The Government announced in March that it planned to restore a memorial at Jasenovac to the victims killed at that concentration camp during World War II. Retreating Serb forces destroyed the memorial and looted the camp museum in 1995. Premier Zlatko Matasa announced during his visit to the camp in March that the restoration of the memorial was part of the Government's "policy of reconciliation."

In October the Parliament approved the appointment to the Constitutional Court of hardliner Vice Vukojevic, who is known for leading a parliamentary commission established in 1991 to determine the number of persons killed in concentration camps run by the country's Fascist Ustasha during World War II. Vukojevic's commission provided very low estimates of the number of Croats, including Jews, killed in all Croatian concentration camps; these estimates contradict all credible scholarship on the subject. The commission's report was criticized by the President of the Parliament, the press, and the director of the Simon Wiesenthal Center in Jerusalem. Faced with such criticism, the lower house of Parliament decided to return the report to the commission to be "completed."

National/Racial/Ethnic Minorities

Constitutionally, ethnic minorities enjoy the same protection as other self-identified ethnic and religious groups; however, in practice a pattern of open and severe discrimination continues against ethnic Serbs and, at times, other minorities in a wide number of areas, including the administration of justice, employment, housing, and freedom of movement. The Government often maintained a double standard of treatment based on ethnicity. Members of minority groups in principle have equal constitutional protections with Croat citizens, and their ethnic rights are provided for in the preamble to the Constitution. However, the Government's definition of what constitutes a minority group is discriminatory. In 1998 the Parliament decided to omit Muslims, Albanians, and Slovenes from those minorities listed in the Constitution on the grounds that they are not considered indigenous groups. Muslims are currently the second largest minority group in the country after Serbs, and some observers argue that their elimination from the Constitution may deny them rights stipulated in the (albeit partially suspended) Constitutional Law on the Rights of Ethnic and National Communities or Minorities. Government committees established in 1997 to promote reconciliation and trust between Croats and Serbs were not effective. The OSCE assessed that there was a lack of political will to carry out the program, and that its organizational structures were either inoperative or nonexistent.

There were three ethnically motivated killings, which were symptomatic of ethnic tensions in the formerly occupied areas that discouraged persons from returning to areas where they would be a minority. In May in Marinci in the Danubian region a 59-year-old Serb resident was shot and killed by a Croat who maintained that he had fired in self-defense. The suspect was released on bail. At year's end an indictment had been issued in the case but no trial date was set. In August a 39-year-old Serb resident of Berak in the Danubian region was beaten to death reportedly by a gang of Croats. Local police arrested one suspect, who was in custody and indicted at year's end, but no trial date was set in the case. In November in Tenja in the Danubian region, a 60-year-old ethnic Serb resident was shot to death by a local Croat who was arrested soon thereafter. According to international monitors, both the police and the judiciary worked effectively on the case. On December 29, the suspect pled guilty to the crime and was sentenced to 10 years in prison. The OSCE assessed that a surge of violence in Berak, which included anti-Serb protests in May, an attack on a Serb police officer, and numerous instances of harassment, caused two-thirds of the village's Serb families to flee. In August anti-Serb demonstrations occurred in nearby Sotin. Both the Sotin demonstrations and the protests in Berak were motivated by the desire to pressure Serbs to provide information about ethnic Croats missing since the war. The Government not only failed to take concerted action to reduce these tensions, but Justice Minister Zvonimir Separovic stoked an already tense climate during two visits to the region when he called for vigils to continue.

Intimidation and violence against Serbs continued in the Danubian region during the year, especially in the spring, in Borovo, Beli Manistir, Cakovci, Sotin, and Mirkovci. In August a human rights NGO wrote to the Prime Minister about the atmosphere of increasing fear among Serb returnees in Knin in the southern region of the country. Incidents included destruction of crops and physical assaults, including the case of a 75-year-old woman who watched as her Bosnian Croat neighbors slaughtered her livestock with a chainsaw and the unsolved October

arson of 10 haystacks that belonged to ethnic Serb returnees. The Helsinki Committee noted that the mayor of Knin failed to intervene to prevent such incidents. The mayor in April stated that Serb returns must be halted until all Croat war veterans could obtain housing, a plan that would violate Croatia's refugee return act. While the number of Serb returnees to the Knin area doubled to approximately 7,000 during the year, only a handful were able to return to their own homes, because the local housing commissions did not evict Bosnian Croats occupying their property.

The Constitution provides the legal basis and rights for education in the languages of national minorities and communities. The well-documented pattern of the discriminatory application of laws and administrative regulations was also evident in education. For example, in textbooks the history of the former Yugoslavia has been omitted in favor of a more nationalistic Croat interpretation, and new textbooks have tended to use derogatory adjectives in reference to minorities. In addition, apart from the Danubian region, there are still very few classes for Serb pupils that follow the approved Serbian school program. Serb students countrywide continued to use materials and follow the curriculum of the Croat students.

The Law on Citizenship distinguishes between those who have a claim to Croatian ethnicity and those who do not. The "Croatian people" are eligible to become citizens of the country, even if they were not citizens of the former Socialist Republic of Croatia, as long as they submit a written statement that they consider themselves Croatian citizens. Non-ethnic Croats must satisfy more stringent requirements through naturalization in order to obtain citizenship, even if they were previously lawful residents of Croatia in the former Yugoslavia (see section 1.d.). This double standard led to discrimination in other areas, in particular the right to vote (see section 3). While an application is pending, the applicant is denied rights such as social allowances, including medical care, pensions, free education, and employment in the civil service. Denials were frequently based on Article 26 of the Citizenship Law (which stipulates that citizenship can be denied to persons otherwise qualified for reasons of national interest) and Article 8 (which requires that a person's actions demonstrate that they are "attached to the legal system and customs of Croatia" and that they have maintained a permanent residence on the territory of Croatia for the 5 years preceding the application for citizenship). Persons returning under the Government's return program without citizenship status were denied returnee status and associated social benefits. These denials frequently were based on laws stipulating that citizenship can be denied for reasons of national interest and that a person's actions must demonstrate "attachment to the legal system and customs of Croatia" and that the person must have resided in the country for the 5 years preceding the application.

Unemployment among Serbs has been significantly higher than the national average (see Section 6.b.).

Committees established in 1997 to promote reconciliation between Croats and Serbs failed to initiate and carry out concrete programs that would contribute significantly to the peaceful reintegration of populations. Anto Djapic of the Croatian Party of Rights (HSP) mounted an aggressive campaign using ultranationalist rhetoric against the return of ethnic Serbs and cooperation with the ICTY war crimes tribunal. In inflammatory speeches given wide coverage in the state-controlled press, Djapic suggested that the HSP would organize "intervention"

squads against ethnic Serb returnees and would charge Serb politicians with war crimes. There was no strong government effort to criticize or distance itself from these statements.

Property destruction and other forms of harassment often arose from disputes between home occupiers of one ethnicity and returning homeowners of another. OSCE monitors reported a decrease in the number of ethnically motivated incidents over previous years, but verbal and legal harassment, forcible evictions, and assaults occurred regularly (see Section 2.d.). During the year in the Danubian region, international monitors recorded 1,017 cases of ethnically motivated intimidations and housing disputes. This figure included approximately 61 physical assaults and several incidents of grenade throwing onto property. In cases throughout the country, regardless of ethnicity, incidents of looting by the person occupying a home upon his or her departure were common. Police responses were often inadequate due to conflicting instructions on how to handle disputes over housing. The bias of some local officials and the inability of police to rectify the problems underlying the harassment caused many incidents to go unreported.

Despite the adoption in October 1997 of legislation that would allow the recognition of legal and administrative documents issued by the rebel Serb para-state, this legislation was not put into practice because several ministries failed to adopt implementing instructions. For example, ethnic Serbs who lived in the occupied regions must have applied for welfare benefits within 1 year of the law's passage. However, 1 year later many Serbs who had fled were still unable to return to Croatia and thus unable to apply. In August one NGO providing legal assistance had files on 9,000 unresolved convalidation cases in Osijek alone. Without the convalidation conferred by the law, citizens (almost exclusively ethnic Serbs) were unable to resolve a wide range of problems including pensions, disability insurance, unemployment benefits, the recognition of births, deaths, and marriages, and even confirmation of time served in prison. This made resumption of a normal life almost impossible for this group (see Section 4). Serb property owners displaced by the Law on the Temporary Takeover of Specified Property in favor of ethnic Croat refugees remained unable to access their property, despite the 1998 program for returns, which mandated multi-ethnic "housing commissions" to implement property restitution. A lack of alternative housing in many areas and the lack of political will to evict ethnic Croat occupiers without alternative housing in favor of Serb homeowners resulted in only a handful of restituted properties outside of the Danubian region (see Section 1.f.).

Although in recent years the Government had discriminated against a particular group of Muslims in the issuance of citizenship documents, the Government began granting citizenship to them during the year (see Section 2.d.).

The situation of other minority groups--Slovaks, Czechs, Italians, and Hungarians--did not reflect discrimination to the same extent as that of the Serb community. There were NGO and press reports of incidents of police officers beating Roma. According to press reports in August, ethnic Croatian police officers in the Baranja region beat Roma. In one incident an ethnic Croatian police officer allegedly beat a Rom and threatened him at gunpoint. The Rom reportedly filed a complaint against the officer with no known result. In another incident police officers reportedly assaulted two Roma, whom they had caught fishing illegally. Roma continued to face discrimination and failure by the Government to respond to their complaints.

In September a human rights NGO reported that the persecution of Roma in the Danubian region increased over the past 2 years. Incidents cited included assaults, harassment, and destruction of homes by ethnic Croats who blame the Roma for remaining in the region while it was under Serbian occupation. Before the war, 10,000 Roma lived in the region, but only 1,500 remain with thousands fleeing to the FRY since the Government regained control of the area in 1998. According to a Roma rights NGO, in the village of Popovac in the Danubian region where some 30 families lived before the war, only 3 remain after numerous incidents of violence and intimidation, including an attack on a Romani police officer in 1998. There are persistent reports of police intimidation.

Section 6 Worker Rights

a. The Right of Association

All workers are entitled to form or join unions of their own choosing without prior authorization. There is an active labor movement with one major and four minor national labor federations and independent associations of both blue- and white-collar members. Approximately 64 percent of workers are members of unions of one type or another. In general unions are independent of the government and political parties.

The law prohibits retaliation against strikers participating in legal strikes. Workers only may strike at the end of a contract or in specific circumstances mentioned in the contract. More importantly, the Supreme Court has ruled that workers may not strike for nonpayment of wages, a continuing problem that is likely to grow if the economy sinks deeper into recession. The only recourse in the event of nonpayment is to go to court--a process that may take several years.

When negotiating a new contract, workers are required to go through mediation before they can strike. Labor and management choose the mediator together. If they cannot agree, the Labor Law calls for a tripartite commission of labor, business, and government representatives to appoint one. However, nearly 4 years after this law became effective, the tripartite commission still had not established the required list of mediators, and union requests for their appointment have gone unanswered. In fact the commission has not met for over 1 year. In practice, both unions and managers often ignore the mediation process and deal directly with each other when a conflict arises. Arbitration is never mandatory but can be used only if both sides agree. Only after submitting to mediation and formally filing a statement that negotiations are at an impasse is a strike legal. If a strike is found to be illegal, any participant can be dismissed, and the union held liable for damages, although no strikes were found to be illegal during the year.

The right to strike is provided for in the Constitution with these limitations and with additional limits on members of the armed forces, police, government administration, and public services. Strikes occurred fairly frequently and increasingly without government sanction. A September strike at a food processor near Vukovar over unpaid wages and unfulfilled government promises brought Serbs and Croats together, a rare instance of ethnic cooperation in the Danubian region. Authorities continued to refuse to permit demonstrations

in Zagreb's main square or the square in front of Parliament. On February 16, some 2,000 workers marched in Zagreb, protesting the bankruptcy of the Diona retail food chain. When the group spontaneously decided to march to the square in front of the parliament building, where demonstrations are prohibited, they were met by some 200 police officers. Several police officers were injured, one seriously, in the ensuing scuffle (see Section 2.b.). On December 2, more than 1,000 employees of the Nama department store chain protested in Zagreb to demand payment of back wages. Government officials had announced on December 1 that the Croatian Privatization Fund only had enough money to pay half of the amount due to some 2,000 employees of the Nama chain.

After more than 5 years of negotiations, representatives of the five Croatian trade union confederations signed an agreement in July dividing Communist-era trade union office space. A 1998 law, however, transferred title of all union property to the government until an agreement among the unions can be approved by parliament. Union leaders in May contended that land registers demonstrate a government plan to confiscate the property permanently. The unions appealed to the International Labor Organization (ILO); in September a decision was still pending.

Unions may affiliate freely internationally.

b. The Right to Organize and Bargain Collectively

Collective bargaining is protected by law and practiced freely. The Labor Code governs collective bargaining contracts, protection for striking workers, and legal limitations on the ability of employers to conduct "lockouts" during labor disputes.

The transition to private enterprise and a free market economy kept labor unions under pressure at the same time that they were making progress towards establishing themselves as genuine trade unions, representative of their members rather than the Government. General unemployment remained the most significant hurdle, hovering at about 19 percent for most of the year. However, in some war-affected areas the figure was as high as 80 to 90 percent. Over 100,000 workers (10 percent of the workforce) failed to receive their salaries on time. When salary payments are not made, payments into the social welfare system lag as well, thereby denying workers health coverage.

The Labor Code directly deals with antiunion discrimination issues. It expressly allows unions to challenge firings in court. However, according to persistent reports, ethnicity was used as grounds for dismissal. An individual's ability to rectify a grievance is severely limited by the already overburdened court system, where cases languish for months or years before they are resolved (see Section 1.d.).

The Government occasionally employs coercion or other questionable methods to induce striking employees to return to work. For example, the management of Croatian railroads routinely interviews workers, often with a policeman present, about their intentions before, during, and after short-term strikes that are frequently called by the railway union. In April during tense contract negotiations with Croatian railroads' management, the vice president of

the Locomotive Engineers Union was beaten severely with metal bars by unknown assailants. In June when the Tourism and Catering Trade Union initiated a strike at two tourist companies over mismanagement and nonpayment of wages, Minister of Tourism Herak warned the union's president that she would be slandered publicly if the strikes continued.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, and there generally were no reports of these practices; however, there were occasional instances of women trafficked through the country for the purpose of forced prostitution (see Section 6.f.). While legislation does not explicitly cover children, the constitutional ban provides blanket coverage in this area, and the Government enforces this prohibition effectively. The Ministry of Labor and Social Welfare is the agency charged with enforcing the ban on coerced or forced labor.

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for the employment of children is 15 years, and it is enforced by the Ministry of Labor and Social Welfare. Under the Constitution, the provisions of which the Government enforces, children may not be employed before reaching the legally determined age and are not allowed to perform work that is harmful to their health or morality. There is no reported pattern of abuse of child labor. Workers under the age of 18 are entitled to special protection at work and are prohibited from heavy manual labor and night shifts. Education is free, universal, and mandatory up to the age of 14. Children generally finish secondary school at a minimum, and a high proportion go on to university. The broad constitutional prohibition against forced or compulsory labor encompasses the case of children, and there were no reports of its use.

e. Acceptable Conditions of Work

In March the government signed a collective bargaining agreement establishing a minimum wage of about \$211 (1,500 kuna) per month. While the initial document was signed on behalf of only a portion of the work force, the Government extended the agreement to cover all full-time workers nationwide. The Government Bureau of Statistics estimated that the average net monthly wage was approximately \$425 (3,039 kuna), which is not sufficient to provide a decent standard of living for a worker and family.

National regulations provide for a 42-hour workweek including a 30-minute daily break, a 24-hour rest period during the week, and a minimum of 18 days of paid vacation leave annually. Workers receive time-and-a-half pay for any hours worked beyond 42. Most unions, however, have negotiated a 40-hour workweek.

Health and safety standards are set by the government and are enforced by the Ministry of Health. In practice industries are not diligent in meeting standards for worker protection. It is common, for example, to find workers without hardhats at construction sites and equipment with safety devices removed. Workers can in theory remove themselves from hazardous conditions at work. Workers would have recourse to the courts in a situation where they felt that they had been wrongfully dismissed for doing so.

f. Trafficking in Persons

Laws can be used to prosecute traffickers in persons, and trafficking in persons was not a significant problem during the year. There is little information available on trafficking, although U.N. officials tracking the issue regionally indicate that Croatia is a lesser source, transit, and destination country for some women trafficked to other parts of Europe for forced prostitution. International police monitors did not report any individual cases of trafficking in persons during the year. However, there were reports of women trafficked through Bosnia-Herzegovina to Croatia, where they remain to work as prostitutes or are trafficked on to other destinations. One NGO reported six cases of trafficking during the year.