

- ♦ bearing in mind the possible end to the UNTAES mandate in January 1998, full consideration be given to the deployment of an international presence, including possible participation of the Office of the High Commissioner for Human Rights (OHCHR), the Organization for Security and Cooperation in Europe (OSCE), the Council of Europe and other international organizations; and
- ♦ the technical cooperation project planned by the OHCHR – emphasizing training in human rights for professionals involved in law enforcement and the rule of law, as well as universal human rights education for the population – be initiated at the earliest possible opportunity.

#### **Consolidated report on the former Yugoslavia** (E/CN.4/1998/63, Section II)

In addition to the separate report, information on Croatia is included in a consolidated report on the former Yugoslavia addressing subjects such as: the security of person and property in the former sectors; returns and property rights; humanitarian and social issues; missing persons and other human rights concerns; and the challenges ahead.

On the question of security of person and property the report notes that while more needed to be accomplished there were good reasons for optimism, citing the fact that although some forms of abuse continued to be reported – such as ethnically based harassment and intimidation – the security situation in the former sectors had substantially improved. Remaining problems were reported to be related, in part, to misconduct by officers of the Transitional Police Force (TPF) and a failure by the TPF to vigorously investigate alleged abuses, especially those committed against Serbs.

With regard to returns and property rights, the report notes that the question remained a contentious issue and that less than 10 per cent of Croatian Serbs who had fled had returned. Factors inhibiting returns are noted as including: bureaucratic, legal and financial obstacles to the recovery of property; the occupation of homes by newly arrived Croat immigrants; unrealistic government deadlines for Croatian Serbs to apply for reconstruction assistance; delays in funding for reconstruction; the dire economic situation in some sectors; and, the lack of significant progress in either the restitution of or compensation for Croatian Serb property that was given over to displaced and immigrant Croats.

The report notes that with assistance from international relief agencies and the Croatian Red Cross such basic services as electricity and water have been restored in the former sectors but that imbalances in provision of reconstruction assistance for destroyed homes has been reported, with priority apparently still being given to ethnic Croats. The report notes information received indicating that discriminatory measures also remain in terms of the granting of Croatian citizenship papers, with numerous cases of arbitrary interpretation of certain pro-

visions of the Croatian Law on Citizenship having been recorded. Concern also remains over the continuing practice by employers of discrimination against Croatian Serbs in the workplace, even for well-educated people, including partners in mixed marriages.

Concerning the issue of missing persons, the report states that identifying the fate of more than 2,000 missing persons is one of the most urgent humanitarian problems facing Croatia in the future and should be dealt with as a matter of the highest priority. Commentary on other human rights concerns notes a number of positive steps that have been taken by the authorities to strengthen protection of human rights, including: accession to the Council of Europe and signing of the European Convention on Human Rights; the signing of the Framework Convention for the Protection of National Minorities and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment; the establishment of a working group in September 1996, composed of government representatives and independent experts, to examine the compatibility of Croatian law with the European Convention on Human Rights and its Protocols; the establishment of a long-term mission of the OSCE; the strengthening of the office of the Croatian Ombudsman; the adoption of a general amnesty law in September 1996 which has helped to build confidence and alleviate uncertainties among Croatian Serbs with respect to the peaceful reintegration of Eastern Slavonia noting, however, serious doubts about the fair implementation of this law and uncertainty as to who is covered by it as well as doubts about the fairness of the trials conducted against persons, either in person or in absentia, who have been determined not to fall within the amnesty's protection; steps taken late in 1997 towards full cooperation with the ICTY by facilitating the surrender of 10 war-crime suspects who had been indicted for alleged involvement in atrocities committed in central Bosnia and Herzegovina in 1993; and while noting that electronic media – especially television – remains under the effective monopoly control of the ruling HDZ party, the potential for free expression in the print media, including the publication of several independent newspapers and the launch of an independent television platform called Forum 21.

Referring to the challenges ahead, the report states that the future of human rights will significantly depend on the degree to which there are effective legal guarantees given to minority populations. The report notes and recommends, *inter alia*, that:

- ♦ emphasis be given to confidence-building among different national and ethnic groups, building on the decision to establish, at the end of 1997, the Committee for the Realization of the Programme on the Establishment of Confidence, Acceleration of Return and Normalization of Life in the War-Affected Areas (PoC), which is focussed on facilitating the two-way return of displaced persons;