

education and the same access to health care as the rest of the population; the situation of refugees remains difficult, partly as a result of drastic cuts in food aid from foreign sources during 1997; there has been no substantive progress to ensure conditions for the free and safe return of refugees, and the return of their property or a just compensation; and, a key concern of refugees appears to be their fear that, by applying for FRY citizenship — thereby having to renounce their current citizenship (e.g., of Croatia or Bosnia and Herzegovina) — they would lose their property rights and the right to return to their country of origin.

Referring to the government's cooperation with the SR, the report states that it remained strictly limited and that the government had neither responded to issues raised — such as police misconduct and breaches of due process standards — nor implemented the majority of the SR's recommendations. The report also notes that the government had failed to comply with virtually all of its treaty obligations to submit periodic reports to the UN human rights treaty bodies. In this regard, the report cites a statement by the Ministry of Foreign Affairs indicating that as long as the FRY's status within the UN remains unresolved, the government has no intention of meeting its reporting obligations. The report notes that this position is inconsistent with the government's claim in a letter to the Secretary-General in April 1992, as a successor state, to fulfil all rights and obligations assumed by the former Yugoslavia. The report does note, however, that the government informed the High Commissioner for Human Rights of its intention to submit a report "soon" to the Committee on the Elimination of Racial Discrimination.

The report also refers to a statement by the Ministry for Foreign Affairs to the OHCHR that the government did not see any reason to implement the measures for human rights protection set out in the 1997 resolution adopted by the Commission on Human Rights, which included the measure of establishing an OHCHR presence in Pristina.

In conclusion, the report recommends that the government, *inter alia*:

- ♦ review and implement the recommendations made by the SR in previous reports, notably the recommendation that measures be taken to strengthen legal and other guarantees for the protection of human rights, and the government ratify the Optional Protocol to the ICCPR;
- ♦ create an accessible, independent and impartial supervisory institution, such as an ombudsman and, if not possible immediately at the federal level, that such an institution be first established by one of the republics;
- ♦ permit all major political parties proper access to state-run television and provide conditions for balanced reporting on their activities;

- ♦ remove from the draft media law broadly phrased formulations which can be used to inhibit legitimate criticism or scrutiny of the conduct of public officials, as well as other provisions which could limit enjoyment of the right to freedom of expression;
- ♦ establish a programme of human rights education in schools, academic and legal institutions, as well as in police training institutions, encourage wider and deeper knowledge of the human rights treaties to which the FRY is a party, and undertake to translate into Serbian and Albanian, and widely distribute, these human rights treaties as well as other relevant UN standards;
- ♦ take prompt steps to eliminate the discrepancies between the human rights standards provided in the ICCPR and those of the FRY and republican constitutions, as well as the Criminal Code and the Code of Criminal Procedure, with particular attention paid to judicial supervision of police detention, prompt access of arrested persons to lawyers, protection of human rights in emergency situations, and the right to life;
- ♦ create an effective mechanism to ensure that procedural requirements in criminal and administrative law are enforced and that breaches of the rules by responsible officers are met with appropriate sanctions;
- ♦ ensure that those responsible for the torture or ill-treatment of persons in custody and those who ordered or participated in using force against peaceful demonstrators in early 1997 are brought to justice, take immediate steps to end continuing police abuse and ill-treatment in Kosovo and order an impartial investigation into the deaths of the two men who died in police custody in Kosovo in 1997;
- ♦ take immediate steps to investigate acts of violence or vandalism directed against the Muslim community in Sandzak;
- ♦ take measures to ensure the full independence of the judiciary and ensure that court orders are invariably executed by the police; and
- ♦ take all necessary measures to create conditions for the free and safe return of refugees and the return of their property or just compensation — in accordance with the bilateral agreement concluded with Croatia — and find a durable solution enabling refugees effectively to exercise their right to property in the countries they have left.

General report on the former Yugoslavia (E/CN.4/1998/63, Section III)

The information on the FRY included in the general report addresses such areas as: legal guarantees and institutional mechanisms related to police abuse of human rights, ill-treatment and impunity, administration of justice, freedom of expression and the media, elec-