

COMMISSION ON HUMAN RIGHTS

Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia

The mandate of the Special Rapporteur (SR) on the former Yugoslavia was established at the August 1992 special session of the Commission on Human Rights. Unlike previous years, the situations in the four countries comprising the territory of the former Yugoslavia — Bosnia and Herzegovina, the Federal Republic of Yugoslavia (FRY), the Former Yugoslav Republic of Macedonia (FYR), and Croatia — were mainly considered in separate reports rather than a consolidated one. As well, with the decision at the Commission's 1997 session to discontinue the special process to deal with the question of missing persons, the SR was requested to provide information on this issue. Ms. Elisabeth Rehn was the SR for 1998.

Separate report on the situation in Croatia

(E/CN.4/1998/14)

The report prepared on the situation of human rights in Croatia contained commentary on, *inter alia*: legal protections related to human rights — provisions in the Constitution, human rights treaty obligations and national institutions; economic, social and cultural considerations — the state of the economy, education and religion; the rights to security of person and property and humanitarian concerns; the right to return; the administration of justice — the courts, detention, the amnesty law, cooperation with the International Criminal Tribunal (ICTY); missing persons; and the right to a nationality, freedom of expression, and freedom of association and assembly. Commentary was also provided on major human rights concerns related to the region of Eastern Slavonia, Baranja and Western Sirmium, which were still under UN administration (UNTAES) at the time the report was written. Subjects considered in this section of the report were: elections, personal security, return of displaced persons, discrimination, amnesty and cooperation with the ICTY, the right to a nationality, violations of due process and the process of reintegration. The report covers the period from January to September 1997 and is based on four fact-finding missions to Croatia undertaken by the SR.

The report recalls that the Constitution guarantees the principle of the separation of the legislative, executive and judicial powers, freedoms of movement, expression, and the media, and the rights to property, peaceful assembly and asylum. The Constitution further guarantees that members of all nations and minorities shall have equal rights and be guaranteed the freedoms to express their nationality, use their language and script, and enjoy cultural autonomy. The report notes that the Constitutional Law of Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities, adopted in December 1991 and amended in March 1992, provides for the proportional representation of minorities in government and a special status for districts with a Serb majority.

Among the national institutions related to the promotion and protection of human rights, the report notes: the Ombudsman — established in 1992, elected by Parliament's Chamber of Representatives for a term of eight years and authorized to act upon individual complaints of human rights violations as well as on personal initiative; and the Constitutional Court — established in December 1991, consisting of 11 judges elected by the House of Representatives for terms of eight years and authorized to take decisions on the conformity of laws with the Constitution and the protection of constitutional freedoms and the rights of people and citizens. The SR recalled that the Constitutional Court has ruled in a number of areas related to human rights, including acquisition of Croatian citizenship, evictions, and freedom of the press, and had overturned decisions related to the appointment of judges by the Supreme Court and the Media Law of 1992, for example.

The narrative on economic, social and cultural considerations reviewed a number of points including, *inter alia*: increases in revenue from construction and tourism; privatization of the economy, with the exception of the banking, energy, utilities and defence industries; emergence of a small and wealthy elite closely linked with the Croatian Democratic Union (HDZ) as a result of rapid privatization; a continuing rise in unemployment; continuing discrimination by employers against Serbs despite a high demand for workers in some areas; continuing imbalances in reconstruction assistance, with the majority of it channelled mainly to newly settled ethnic Croats; and delay or postponement of loans and credit by the World Bank and IMF, reportedly partly in response to Croatia's policies in the areas of human rights, return of refugees and displaced persons, and cooperation with the ICTY. Concerning education, the report cites: the need to remain sensitive to students' social and cultural backgrounds; an increase in the influence of Catholicism in the classroom; the agreement signed in August 1997 between the government and the UN Transitional Authority on the reintegration of the region of Eastern Slavonia into the Croatian educational system; and, an initiative by UNICEF and the Parliamentary subcommittee for children's rights to, *inter alia*, organize psycho-social assistance programmes for traumatized children in Slunj and Hrvatska Kostajnica. The SR noted: constitutional guarantees of freedom of conscience and religion and the free public profession of religious convictions; ongoing acts of vandalism against religious sites of the Catholic, Orthodox and Jewish communities; discriminatory treatment of members of the Islamic community who apply for Croatian citizenship, and disregard for their religious convictions and practices during service in the Croatian army.

Concerning the security of person and property, the report addresses several specific areas, namely: the right to life — commenting on continuing reports of the use of explosive devices and other acts causing death and serious injury and inconsistencies in police measures to resolve these kinds of incidents and prevent such acts; landmines — noting that unmarked landmines placed during the conflict between 1991 and 1995 continue to