

November 1998 session. The report prepared by the government reviews measures taken since the end of the conflict to establish rule of law and appropriate institutions as well as information on, *inter alia*: constitutional provisions related to human rights; incrimination and prohibition of torture and provisions in the Criminal Code; the Law on the Execution of Sentences; the bodies responsible for managing breaches of provisions of the Convention; the Law on Criminal Procedure and the Law on Courts; remedies and compensation; the Constitutional Law on Human Rights and the Rights of National and Ethnic Communities or Minorities; the legality of police behaviour; the Law on Internal Affairs; the use of coercion, use of force, the Office for Internal Control and police matters, and cases related to police methods and behaviour; refugees, the status of foreigners, the Law on Movement and Residence of Aliens, removal and accommodation; the Basic Criminal Act; extradition and mutual assistance; training for police; and grounds for, and conditions of, detention.

The Committee's concluding observations and comments (CAT/C/CROA) welcomed, *inter alia*: incorporation into domestic legislation of torture and ill treatment as a crime and new provisions related to judicial review of detention. The principal subjects of concern identified by the Committee included, *inter alia*: provisions in the 1996 Amnesty Law related to acts of torture or ill treatment; allegations of torture and ill treatment attributed to public security and police forces; and shortcomings in the investigation of allegations or cases of torture and ill treatment.

The Committee recommended, *inter alia*, that the government:

- take steps to ensure that allegations received from credible NGOs are immediately and impartially investigated by the competent authorities;
- take full account of allegations of human rights violations, torture and/or ill treatment received from the International Criminal Tribunal on the former Yugoslavia; and
- take steps to allow for direct referral to the Constitutional Court of all cases of allegations of torture and other cruel, inhuman or degrading treatment or punishment.

### **Committee on the Elimination of Racial Discrimination**

Croatia's 3rd periodic report (CERD/C/290/Add.1, February 1997) incorporates the initial and 2nd periodic reports, and was considered by the Committee at its August 1998 session. The report addresses issues related to the implementation of articles 2 through 7 of the Convention. The government summarized provisions in the Constitutional Law on Human Rights and Freedoms and on Rights of Ethnic and National Communities or Minorities (1992). The government stated that, within the context of confidence-building measures, one of the first priorities of Croatian policy is the normalization of

inter-ethnic relations, particularly relations between Croats and a part of the Serbian ethnic and national community or minority in Croatia. The report includes information on financial resources allocated for the implementation of the rights of ethnic and national communities or minorities and refers to government bodies for the protection of minority rights, including the National Committee on the Normalization of Croat-Serb relations, the Office for Ethnic and National Communities or Minorities, the Council of Representatives of Ethnic and National Communities or Minorities, and the Parliamentary Committee on Human Rights and Rights of Ethnic and National Communities or Minorities. Information is provided on constitutional provisions as well as articles in various laws and codes that are intended to promote and protect the rights of minorities and prohibit incitement to, or acts of, national, racial or religious discrimination.

The Committee's concluding observations and comments (CERD/C/304/Add.55) welcomed the information provided on economic, social and cultural rights of minorities but regretted that the report did not give sufficient information on the implementation of legislation or on the extent to which minority communities realize the protection afforded by the Convention. The Committee acknowledged that the political, economic and social change — as a consequence of the various conflicts in the former Yugoslavia — as well as major population movements, resulted in significant obstacles to the full implementation of the Convention. The Committee welcomed the on-going process of gradual normalization of inter-ethnic relations in the country and the government's declared commitment to undertake confidence-building measures in this field.

The principal subjects of concern identified by the Committee included, *inter alia*: the lack of clarity as to the various definitions used in the report and in domestic legislation to describe ethnic and national minorities; the reduction of the proportionate representation of the Serbian ethnic community in Parliament following the proclamation of a constitutional law on temporary suspension of certain provisions for freedoms and the rights of national and ethnic communities and minorities; the absence of legislative measures declaring illegal and prohibiting organizations which promote and incite racial discrimination; incidents of hate-speech directed at the Serb minority in Croat media and the failure of the government to take adequate measures to investigate and prosecute those responsible for promoting hatred and ethnic tension through the print and audiovisual media.

Concerns were also noted with regard to: the serious difficulties and violence encountered by displaced persons and others, in particular ethnic Serbs, when claiming their right to have property restored to them or to receive compensation upon their return to their place of origin; the difficulties of the return of Serbs and others displaced in East Slavonia, Baranja and West Srijem; articles 8 and 16 of the Croatian Law on Citizenship which seem to establish different criteria for ethnic Croats compared to other minorities in granting citizenship; the excessive