



Resolution 1185 (1999)¹

Honouring of obligations and commitments by Croatia

Parliamentary Assembly

1. The Assembly welcomes the progress Croatia has made towards honouring its commitments and obligations as a member state since its accession to the Council of Europe on 6 November 1996:

1.1. Croatia has ratified, within the deadlines set up in [Opinion No. 195 \(1996\)](#), all Council of Europe conventions it had committed itself to, including the European Convention on Human Rights and its Protocols Nos. 1, 2, 3, 4, 5, 6, 7, 8 and 11, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the Framework Convention for the Protection of National Minorities, the European Charter of Local Self-Government and the European Charter for Regional or Minority languages;

1.2. a number of Croatian bills or laws have been or are being subject to expertise provided by the Council of Europe. This consultation should continue in order to ensure full compatibility of Croatian legislation with the Organisation's principles and standards;

1.3. co-operation between the Constitutional Court of Croatia and the European Commission for Democracy through Law ("Venice Commission"), as regards participation of international advisers in the work of the court in minority cases, has been satisfactory.

2. The Assembly notes that Croatia is still facing the consequences of the war. Against this background, the Assembly is satisfied with the progress made by Croatia in honouring commitments related to the implementation of the Dayton and Erdut Agreements, in particular:

2.1. Croatia co-operated with the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (Untaes) until the expiry of its mandate on 15 January 1998. The Danube region has since been peacefully re-integrated into Croatia;

2.2. land and sea borderlines are being determined through negotiations. Normalisation of relations with the Federal Republic of Yugoslavia is progressing through the conclusion of several bilateral agreements. Recent agreements have provided for special relations between Croatia and the Federation of Bosnia and Herzegovina and have ensured free passage of their nationals through each other's territory and use of the Croatian port of Ploce by Bosnia and Herzegovina.

3. As far as co-operation with the International Criminal Tribunal for the Former Yugoslavia (ICTY) is concerned:

3.1. the Assembly acknowledges that Croatia was among the first states to institutionalise its co-operation with the tribunal by adopting a constitutional law on co-operation with the ICTY;

3.2. it also acknowledges that Croatia has mediated the surrender of some indicted Croats to the ICTY;

1. Assembly debate on 29 April 1999 (14th Sitting) (see [Doc. 8353](#), report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, rapporteurs: Mr Jaskiernia and Mrs Stoyanova). Text adopted by the Assembly on 29 April 1999 (14th Sitting).



3.3. it notes, however, that the Croatian authorities have failed to honour fully their commitment to "co-operate with, and actively assist, the Prosecutor of the International Criminal Tribunal for the Former Yugoslavia": the latter has been complaining about obstructions and interference with investigations and prosecutions and about undue delays on the part of the Croatian authorities in complying with requests and executing court orders.

4. With regard to the issue of the return of refugees and displaced persons, the Assembly refers to its [Recommendation 1406 \(1999\)](#) on the return of refugees and displaced persons to their homes in Croatia, in which it welcomes the adoption of two fundamental programmes, one for return and one for reconstruction, and urges the Croatian Government to take concrete measures to fully implement them.

5. In respect of other obligations related to the consequences of the war, the following measures should be taken by the Croatian authorities:

5.1. clear instructions must be given to officials of the Ministry of the Interior to show flexibility in applying the 1991 Citizenship Law in respect of long-term residents of Croatia who are currently stateless and attempting to obtain citizenship through naturalisation; such applications should be treated most expeditiously; reasons should be given for negative decisions and appeals against negative decisions must be considered under urgent procedure by administrative courts;

5.2. the validation of documents issued in the former United Nations protected areas, including those allowing access to pensions and other social rights, must be further facilitated and an information campaign on the conditions for validation must be organised;

5.3. all amnesty procedures must be transparent, beneficiaries should be immediately informed of the decision granting them amnesty and the administrative authorities should execute such decisions without any delay;

5.4. the process of reconciliation between the Serb and Croat ethnic communities should be accelerated, in order also to contribute to stopping the emigration of citizens of Serb ethnic origin in the Danube region; the Croatian authorities should take urgent measures to reactivate, at both national and local levels, the implementation of the "Programme for the establishment of trust, accelerated return and normalisation of living conditions in the war-affected areas" (October 1997), which has so far been disappointing.

6. Representatives of the Serb ethnic community, for their part, should take concrete action to promote tolerance and reconciliation through, inter alia, more active participation in the National Committee to Establish Trust and the existing local trust committees, as well as in the Joint Council of Municipalities in the Danube region.

7. As for the international community, it must assist Croatia more actively in its efforts for mine clearance and reconstruction. In this context, the Assembly welcomes the approval by the Council of Europe's Social Development Fund of two loans totalling US\$ 33.7 million for the financing of two projects in Eastern Slavonia and further encourages similar initiatives on the basis of projects submitted by the Croatian Government.

8. On the other hand, the Assembly regrets that little progress has been made by Croatia in honouring commitments and obligations related to the fundamental principles of the Council of Europe (democracy, the rule of law and human rights):

8.1. none of the recommendations to change the electoral law, made by Council of Europe and other international observers in 1995, have been followed so far;

8.2. despite ratification of the European Charter of Local Self-Government, there is still no fully compatible law on local administration and autonomy;

8.3. problems persist in the administration of justice, notably with regard to the huge backlog in cases pending before courts and the lack of enforcement of court decisions;

8.4. as far as minority rights are concerned, no progress has been made in the preparation of a draft law on the revision of the suspended provisions of the 1991 Constitutional Law on Human Rights and the Rights and Freedoms of National and Ethnic Communities and Minorities;

8.5. with regard to freedom of the electronic media, amendments to the Law on Croatian Radio and Television (HRT) were rushed through parliament disregarding most of the recommendations made by Council of Europe experts;

8.6. as to the freedom of the print media, the fact that, outside Zagreb, distribution of newspapers and magazines is in reality monopolised by two companies threatens the existence of an independent media, since distributors often withhold or delay sales revenues due to them; journalists of some media are faced with a large number of defamation lawsuits brought by the government and ruling party officials.

9. Accordingly, the Assembly calls on the Croatian authorities to take the following measures, within the deadlines set in agreement with the Croatian parliamentary delegation:

9.1. to amend the electoral law in time before the next parliamentary elections (due at the end of 1999 or the beginning of 2000), following consultations between the ruling and the opposition parties and in compliance with recommendations made by international organisations, notably concerning:

- a. revision of the special representational rights of Croatian citizens living abroad (for whose representatives twelve seats – 10% of the total – are reserved in the parliament);
- b. consultations with representatives of national minorities and international experts on a system of minority voting which would ensure adequate representation of national minorities in parliament without violating the principle of voter anonymity;
- c. the independence and impartiality of the state broadcasting corporation (HRT) during electoral campaigns;
- d. multi-party representation on electoral commissions at state and local level;
- e. accreditation of domestic, non-partisan, observers at all elections.

9.2. to pass legislation in the field of local self-government, in compliance with the European Charter of Local Self-Government and in consultation with the Congress of Local and Regional Authorities of the Council of Europe, by the end of October 1999 at the latest;

9.3. to address shortcomings in the administration of justice in order to ensure respect for the rule of law and to adopt amendments to the law on the High Judicial Council, in the light of recommendations made by Council of Europe experts and with a view to strengthening the independence of judges, accelerating procedures for filling in vacancies in the judiciary and increasing the autonomy of the High Judicial Council, by the end of April 1999 at the latest;

9.4. to adopt a constitutional law revising the suspended provisions of the 1991 Law on Human Rights and the Rights and Freedoms of National and Ethnic Communities and Minorities, in compliance with the recommendations made by the Venice Commission and taking into account new realities, by the end of October 1999 at the latest;

9.5. to continue national and international consultations with a view to further democratisation of the broadcast media; to reconsider the decision not to privatise the third channel of the HRT in the light of the technical problems raised by the creation of a fourth channel; to reinforce the independence of the HRT, pending further changes to the HRT law and the telecommunications law in compliance with recommendations by Council of Europe experts, by way of implementing existing legislation;

9.6. to solve the problems raised by the near-monopoly in the distribution of print media, including by setting the conditions for competition in the distribution industry on equal terms and on a commercial basis; state officials should refrain from using defamation legislation to intimidate journalists.

10. In the light of the considerations above, the Assembly concludes that, although certain progress has been made since accession, Croatia has not yet honoured all obligations and commitments it accepted as a member state of the Council of Europe. The Assembly therefore resolves to continue monitoring Croatia's fulfilment, within the set deadlines, of its commitments and obligations and to examine further progress at its April 2000 part-session at the latest.