Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1406 (1999)[1]

Return of refugees and displaced persons to their homes in Croatia

Parliamentary Assembly

1. The Parliamentary Assembly welcomes the recognition by the Government of Croatia of the unconditional right of refugees and displaced persons who fled their homes in Croatia during the wars in the former Yugoslavia to return voluntarily to their homes on the basis of a free and informed choice, and of their right to recover their property. The Assembly also welcomes the Croatian Government's avowed determination actively to support such a return at both central and local levels.

2. The Assembly particularly welcomes the adoption in 1998 by the Government of Croatia of the "Programme for the return and accommodation of displaced persons, refugees and resettled persons" and of the "Continuing programme for the reconstruction of war-affected settlements". The Assembly emphasises the importance of sustained progress by the Croatian authorities at all levels in implementing these programmes in an impartial manner.

3. The Assembly notes with satisfaction that, according to the latest Croatian Government statistics (27 April 1999), confirmed by the Office of the United Nations High Commissioner for Refugees (UNHCR), 31 586 Croatian Serb refugees have returned from the Federal Republic of Yugoslavia and Bosnia and Herzegovina (Republika Srpska) since the end of 1995 (10 127 since the introduction of the Return Programme in June 1998), while an officially estimated 26 567 Croatian Serb displaced persons have returned from the Danube Region to other parts of Croatia and 35 367 ethnic Croat displaced persons have returned to that region. Moreover, some 35 000 refugees have returned to Croatia from countries outside the region of the former Yugoslavia since the end of the war.

4. The Assembly notes with concern, however, that, according to UNHCR estimates of numbers of refugees and displaced persons still seeking a durable solution within the region of the former Yugoslavia at present, there are some 270 000 refugees from Croatia in the Federal Republic of Yugoslavia, including recent arrivals from the Croatian Danube Region, and some 30 000 to 40 000 refugees from Croatia in Bosnia and Herzegovina (Republika Srpska). In Croatia, there are an estimated 18 880 ethnic Croat refugees from Bosnia and Herzegovina (20% from the Federation and 80% from Republika Srpska) and from the Federal Republic of Yugoslavia. An estimated 3 000 Croatian Serbs and 52 000 ethnic Croats remain internally displaced.

5. In addition, several thousand persons enjoying temporary protection status and refugees from Croatia are living in countries outside the region, mainly in Germany, Switzerland and Austria.

6. The Assembly is concerned that, despite progress made in regard to the return of refugees and displaced persons to their homes in Croatia, there remain obstacles to return which should be more vigorously addressed by the Croatian authorities at all levels.

7. Such obstacles include continuing insecurity in the regions of return (primarily in the former United Nations Sectors North and South and in the Danube Region), including harassment, intimidation and the presence of landmines; the lack of inhabitable housing and of alternative accommodation for those

1. Assembly debate on 29 April 1999 (14th Sitting) (see Doc. 8368, report of the Committee on Migration, Refugees and Demography, rapporteur: Mr Akselsen; and Doc. 8380, opinion of the Social, Health and Family Affairs Committee, rapporteur: Mr Hegyi). Text adopted by the Assembly on 29 April 1999 (14th Sitting).

temporarily occupying the homes of returnees; depressed economic conditions including unemployment, together with discrimination against job-seekers belonging to minority ethnic groups; the difficulty, for those wishing to return, of obtaining the requisite citizenship and travel documents from the Croatian authorities; educational curricula geared to the needs of the majority ethnic group; threats of prosecution for supposed war crimes; confusion surrounding the amnesty law; and a general political and cultural climate which hinders reconciliation.

8. The Assembly is particularly concerned by the continuing departure abroad of citizens of Serb ethnic origin from the Danube Region.

9. The Assembly acknowledges Croatia's economic difficulties in the Danube Region and in other formerly occupied areas. It also notes Croatia's considerable efforts to repair war damage and its appeal for international financial support expressed in particular at the Conference on Reconstruction and Development of the Republic of Croatia, held in Zagreb on 4 and 5 December 1998. In this connection the Assembly is concerned that discriminatory legislation on reconstruction remains in force.

10. The Parliamentary Assembly therefore recommends that the Committee of Ministers:

10.1. urge the Government of Croatia:

a. to ensure the security of returnees by means of effective multi-ethnic policing; immediate, thorough investigations of all security incidents, including alleged harassment and intimidation; and action to ensure that offenders are swiftly brought to justice;

b. to intensify its mine-clearance programme, in co-operation with the international community, in particular in areas of return;

c. to amend or repeal discriminatory legislation, as specified in the Return Programme, as a matter of absolute priority, and to ensure non-discriminatory and transparent implementation of legislation;

d. to ensure that the housing commissions established under the Return Programme to resolve property and accommodation problems in areas of return, including the processing of applications for re-possession, receive clear instructions to do so quickly and in an impartial and transparent manner, and that their work is closely and more effectively monitored by the Government Commission on Return;

e. to issue non-discriminatory guidelines to housing commissions establishing acceptable standards for alternative accommodation for temporary occupants obliged to vacate the homes of returnees;

f. to ensure that the housing commissions take resolute action, as a matter of urgency, to resolve cases of illegal, including multiple, occupancy;

g. to seek and follow the advice of Council of Europe legal experts in resolving the problem of the right to occupy formerly socially owned property claimed by refugees, displaced persons and returnees;

h. to make additional resources available to the Agency for the Mediation of Real Estate Transactions ("Land Bank") and to speed up and render more transparent its operations;

i. to ensure that all applications from returnees for financial aid for reconstruction of property are dealt with swiftly and impartially, pursuant to the mandatory instructions for the implementation of the Reconstruction Programme, and to intensify publicity about the programme for the benefit of potential applicants;

j. to amend or repeal the discriminatory provisions of the 1996 Reconstruction Law;

k. to simplify and speed up the process of issuing the requisite citizenship and travel documents for potential returnees and to give full effect to the 1997 Law on Convalidation;

l. to provide all returnees, both organised and spontaneous, with "green cards" giving them immediate access to social welfare and other benefits and assistance;

m. to significantly increase opportunities for refugees to travel to Croatia with a view to their assessing the situation in relation to their homes and their social and economic rights, thus helping them to exercise a free and informed choice as to whether they wish to return on a permanent basis;

n. to pursue the process of reconciliation far more vigorously, in particular in the areas of return, by fostering a political and cultural climate of respect, tolerance and non-discrimination, through transparent application of the Amnesty Law, and by rendering effective the operation of the Committees for the Establishment of Trust at national, regional and local levels;

o. to submit projects to the Social Development Fund of the Council of Europe designed to finance the construction and rehabilitation of housing for returnees;

p. to ensure that refugees obtain the right to apply from abroad for Croatian citizenship, for repossession of property and for reconstruction assistance, either via Croatian embassies or consulates, or directly to local authorities;

10.2. urge the member states:

a. to increase their financial assistance and expertise for mine clearance, particularly in areas of return;

b. to step up their provision of financial aid for reconstruction and development, especially for the building of alternative accommodation for those having to leave temporarily occupied property belonging to returnees.