Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Opinion 195 (1996)[1]

Application by Croatia for membership of the Council of Europe

Parliamentary Assembly

1. Croatia applied to join the Council of Europe on 11 September 1992. By Resolution (92) 69 of 10 December 1992, the Committee of Ministers asked the Parliamentary Assembly to give an opinion in accordance with Statutory Resolution (51) 30 A.

2. Special guest status with the Parliamentary Assembly was granted to the Croatian Parliament on 4 May 1992.

3. Procedure for an opinion on Croatia's request for membership was delayed as a result of Croatian involvement in the war in Bosnia-Herzegovina. Events in Western Slavonia and the former United Nations Protection Sectors North and South further delayed the procedure.

4. Parliamentary elections were held in October 1995. The Assembly's observer delegation considered them, with some reservations, to have been free and fair.

5. Croatia has been taking part in various activities of the Council of Europe since 1992 through its participation in intergovernmental co-operation and assistance programmes and through the participation of its special guest delegation in the work of the Parliamentary Assembly and its committees.

6. Political dialogue between Croatia and the Committee of Ministers has been established since April 1992.

7. Croatia has also acceded to several Council of Europe conventions, including the European Cultural Convention.

8. The Assembly welcomes the provisional agreement on the establishment of an OSCE mission in Croatia.

9. On 15 March 1996, the President of the Republic Croatia and the President of the Croatian Parliament signed a document stating that, in order to fulfil the requirements for admission to the Council of Europe, Croatia was formally undertaking the following commitments:

9.1. to sign the European Convention on Human Rights (ECHR) at the moment of accession;

9.2. to ratify the ECHR and Protocol Nos. 1, 2, 4, 7 and 11 within a year from the time of accession;

9.3. to recognise, pending the entry into force of Protocol No. 11, the right of individual application to the European Commission of Human Rights and the compulsory jurisdiction of the European Court of Human Rights (Articles 25 and 46 of the Convention);

9.4. to sign within one year and ratify within three years from the time of accession Protocol No. 6 of the ECHR on the abolition of the death penalty;

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1. Assembly debate on 24 April 1996 (12th Sitting) (see Doc. 7510, report of the Political Affairs Committee, rapporteur: Mr Van der Linden; Doc. 7533, opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Jansson; and Doc. 7534, opinion of the Committee on Relations with European Non-Member Countries, rapporteur: Earl of Dundee). Text adopted by the Assembly on 24 April 1996 (12th Sitting).

9.5. to sign and ratify within a year from the time of accession the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment;

9.6. to sign and ratify within a year from the time of accession the Framework Convention for the Protection of National Minorities, the European Charter on Local Self-Government, and the European Charter for Regional and Minority Languages; to conduct its policy towards minorities on the principles set forth in Assembly Recommendation 1201 (1993), and to incorporate these principles into the legal and administrative system and practice of the country;

9.7. to implement the recommendations resulting from the opinion of the European Commission for Democracy through Law (the "Venice Commission") on the constitutional law on human rights and the freedoms and rights of national and ethnic communities and minorities and human rights protection mechanisms;

9.8. to take all necessary measures, including adequate police protection, to guarantee the safety and human rights of the Serb population in Croatia, in particular in the former UN Protected Areas, to facilitate the return of people who left these areas and to allow them, through a specific procedure established by law, effectively to exercise their rights to recover their property or to receive compensation

9.9. to study, with a view to ratification, the Council of Europe's Social Charter, and meanwhile to conduct its policy in accordance with the principles contained therein;

9.10. to sign and ratify and meanwhile apply the basic principles of other Council of Europe conventions - notably those on extradition, on mutual assistance in criminal matters, on the transfer of sentenced persons, and on the laundering, search, seizure and confiscation of proceeds from crime;

9.11. to settle international as well as internal disputes by peaceful means;

9.12. to comply strictly with its obligations under the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, and to co-operate fully with the United Nations Transitional Administration for this region (UNTAES);

9.13. to co-operate fully and effectively in the implementation of the Dayton/Paris Agreements for Peace in Bosnia-Herzegovina;

9.14. to co-operate with, and actively assist, the Prosecutor of the International Criminal Tribunal for the Former Yugoslavia in bringing before the tribunal without delay persons indicted for war crimes, crimes against humanity and genocide;

9.15. to settle outstanding international border disputes according to the principles of international law;

9.16. to implement the recommendations of Council of Europe experts on legislation relating to the media, such as the law on public information, the law on telecommunications and the law on protection of competition;

9.17. to continue with the procedure of electing a mayor of Zagreb in accordance with the Constitution and the laws of the Republic of Croatia and taking into account the recommendations of the Council of Europe;

9.18. to pursue reforms with a view to bringing all legislation and practice in line with Council of Europe principles and standards;

9.19. to comply, well before the next elections, with the recommendations made by the election observers of the Council of Europe and other international organisations, in particular with regard to the special voting block for the diaspora, minority representation, voter registration lists, voter anonymity, the need to increase the independence of the state broadcasting corporation (HRT) and to undertake a census of the population as soon as possible;

9.20. to sign and ratify within a year from the time of accession the General Agreement on Privileges and Immunities of the Council of Europe and its additional protocols;

9.21. to co-operate fully in the implementation of Assembly Order No. 508 (1995) on the honouring of obligations and commitments by member states of the Council of Europe, as well as in the monitoring process established by virtue of the Committee of Ministers' declaration of 10 November 1994 (95th session).

10. The Assembly further expects Croatia:

10.1. to observe strictly the provisions of international humanitarian law, including in the event of armed conflict within its territory;

10.2. to co-operate with the international humanitarian organisations and to take all necessary steps to solve the remaining humanitarian problems in the wake of the recent conflicts, notably in connection with prisoners and missing persons;

10.3. to ensure that the application of the law on the High Judiciary Council respects Council of Europe standards;

10.4. to guarantee effectively the rights and freedoms of national and ethnic minorities in compliance with the commitments undertaken by the Croatian authorities;

10.5. to guarantee effectively freedom of the media in compliance with the commitments undertaken by the Croatian authorities;

10.6. to grant, without delay, a general amnesty for all former combatants not suspected of war crimes, in order to encourage the return of Croatian Serbs;

10.7. to actively assist the OSCE mission in its work;

10.8. to consult the Council of Europe experts on the revision bill of the draft local administration and autonomy act sufficiently in advance of its second reading in parliament;

10.9. to solve, in accordance with the standards and principles of the Council of Europe, the problems related to the confiscation of property during the fascist and communist regimes.

11. On the basis of these commitments and expectations the Assembly believes that Croatia, in the sense of Article 4 of the Statute of the Council of Europe, is able and willing to fulfil the provisions for membership of the Council of Europe as set forth in Article 3: "Every member of the Council must accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms, and collaborate sincerely and effectively in the realisation of the aim of the Council ...".

12. With a view to ensuring respect for these commitments, the Assembly resolves to monitor closely, and with immediate effect from the day of accession, the situation in Croatia according to its procedure under Order No. 508 (1995).

13. The Assembly recommends that the Committee of Ministers, on the basis of the commitments set out above:

13.1. invite Croatia to become a member of the Council of Europe;

13.2. allocate five seats to Croatia in the Parliamentary Assembly.