



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND
www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

REFERENCE:KF/fup-118

6 December 2016

Excellency,

In my capacity as Special Rapporteur for Follow-up to Concluding Observations of the Human Rights Committee, I have the honour to refer to the follow-up to the recommendations contained in paragraphs 11, 13, and 23 of the concluding observations on the report submitted by Croatia (CCPR/C/HRV/CO/3), adopted at the 113th session in March 2015.

On 20 April 2016, the Committee received the reply of the State party. At its 118th session, held in October-November 2016, the Committee evaluated this information. The assessment of the Committee and the additional information requested from the State party are reflected in the Report on follow-up to concluding observations (CCPR/C/118/2). I hereby attach a copy of the advanced unedited version of the relevant section of the said report.

The Committee considered that the recommendations selected for the follow-up procedure have not been fully implemented and decided to request additional information on their implementation. The Committee would appreciate receiving the requested information by **6 March 2017**. The State party is kindly requested, when submitting its reply to the Committee, not to reiterate information that has already been provided to the Committee.

The reply should be sent in Microsoft Word electronic version to the Secretariat of the Human Rights Committee (Kate Fox: kfox@ohchr.org and ccpr@ohchr.org). In accordance with the Note by the Human Rights Committee on the procedure for follow-up to concluding observations (see CCPR/C/108/2), the follow-up report should not exceed a maximum of 3,500 words.

The Committee looks forward to pursuing its constructive dialogue with the State party on the implementation of the Covenant.

Please accept, Excellency, the assurances of my highest consideration.

Sarah Cleveland
Special Rapporteur for Follow-up to Concluding Observations
Human Rights Committee

H.E. Ms. Vesna Batistic Kos
Ambassador Extraordinary and Plenipotentiary
Permanent Representative
Fax: 022 740 30 89
Email: cromiss.geneva@mvep.hr



Assessment of replies

Reply/action satisfactory

- A** Response largely satisfactory

Reply/action partially satisfactory

- B1** Substantive action taken, but additional information required
B2 Initial action taken, but additional information and measures required

Reply/action not satisfactory

- C1** Response received but actions taken do not implement the recommendation
C2 Response received but not relevant to the recommendation

No cooperation with the Committee

- D1** No response received within the deadline, or no reply to a specific question in the report
D2 No response received after reminder(s)

The measures taken are contrary to the Committee's recommendations

- E** Response indicates that the measures taken are contrary to the Committee's recommendations
-

Croatia

Concluding observations:	CCPR/C/HRV/CO/3, 30 April 2015
Follow-up paragraphs:	11, 13 and 23
First reply:	20/04/2016
Committee's evaluation:	Additional information required on paragraphs 11[C1][B2], 13[B2][B1], and 23[B2][C2].

Paragraph 11: The State party should expedite the prosecution of cases of war crimes and crimes against humanity and ensure that all such cases are prosecuted in a non-discriminatory manner, regardless of the perpetrator's ethnicity. The State party should also ensure that all victims and their families receive adequate reparation for such violations.

Summary of State party's reply:

(a) With respect to the Committee's concern about the selection of cases being disproportionately directed at ethnic Serbs, the State party noted that the Attorney's Office does not keep statistics on war crimes according to the nationality of either the perpetrators or the victims. Since 1991, proceedings have been initiated against 3553 persons, of whom 2002 persons have been indicted, 589 have been convicted and first instance criminal proceedings against 642 persons are underway. The prosecution of war crimes are undertaken on the basis of clear and objective criteria, exclusively according to the principle of legality and impartiality which is ensured by the legislative framework that establishes four specialized war crime chambers.

Croatia

The State party elaborated on information provided in its Replies to the List of Issues (CCPR/C/HRV/3 para 159) on specific guidelines given to State attorneys to ensure a uniform application of standards for the prosecution of war crimes. The State party elaborated on information provided in its Replies to the List of Issues (CCPR/C/HRV/3 para 142) on the strategy adopted by the Ministry of Justice concerning the obligations of certain authorities in investigating and prosecuting war crimes committed during the period from 1991 to 1995. This strategy defines priorities, capacities and future activities.

(b) Regarding compensation for victims of human rights violations during the conflict, special protection has been provided to victims of sexual violence in war and compensation and other forms of care are ensured by the Act of the Rights of Victims of Sexual Violence during the Armed Aggression on the Republic of Croatia during the Homeland War. Housing care is ensured and buildings are being constructed.

The State party repeated information provided in its Replies to the List of Issues (CCPR/C/HRV/3, para. 157) that compensation is provided in accordance to the Act on the Protection of Military and Civilian Invalids and the Act on the Responsibility of the Republic of Croatia for Damages Caused by the Members of the Croatian Armed Forces during the Homeland War.

Committee's evaluation:

(a) [C1]: The Committee notes the information provided by the State party on the measures taken to prosecute cases of war crimes, but requests information on measures taken after the adoption of the Committee's concluding observations on 31 March 2015 to expedite the prosecution of cases of war crimes and crimes against humanity and to ensure that prosecutions are conducted in a non-discriminatory manner. The Committee also requests clarification on the statistics provided by the State party on investigation and prosecutions and what "specified date" refers to. In particular, the Committee requests information on the number of prosecutions initiated or concluded after the adoption of the Committee's concluding observations.

(b)[B2]: The Committee welcomes the adoption of the Act of the Rights of Victims of Sexual Violence during the Armed Aggression on the Republic of Croatia during the Homeland War. The Committee however requests further information on measures taken since the adoption of the concluding observations ensure that other victims and their families receive adequate reparation, including information on housing care and the construction of buildings allocated to war crime victims.

Paragraph 13: The Committee reiterates its previous recommendations (see CCPR/C/HRV/CO/2, para. 6) and recommends that the State party expedite efforts towards the resettlement and return of refugees, returnees and internally displaced persons.

Summary of State party's reply:

At the end of 2015, there were 238 displaced persons, 140 refugees and 51 returnees, totaling 429 persons. Of these, 323 are the beneficiaries of organized accommodation.

Regarding housing care for former tenancy rights holders, out of 4375 applications submitted until 2015, 1077 requests were resolved in 2015, including 236 positively. In 2015, the State Office for Reconstruction and Housing Care moved 121 families of former tenancy rights holders in the housing units inside and outside the areas of special state concern.

Regarding cases of so-called false purchases, return of property and unauthorized investments, under Article 5 of the Act on the Amendments to the Act on Areas of Special State Concern, which enables settlements with the owner to whom the building has been returned according to the Program of return and care for displaced persons and refugees, in a reasonable, appropriate and proportionate manner: in 2015, in cases of unauthorized investments, 4 settlements were concluded with the owners of immovable properties in accordance with the Act. Six cases are planned to be terminated in 2016.

Croatia

The State party reiterated information provided in its State party report under LoIPR (CCPR/C/HV/3 para 201) concerning reconstruction procedures and regarding regional cooperation and the Regional Housing Program (para. 215). It also provided detailed information on the implementation of the Regional Housing Program. It noted that 28 families of former tenancy rights holders were provided housing care in 2015 in Korenica, the construction works for the two apartment buildings in Knin started in November 2015, the reconstruction of the House for the elderly in Glina started in September 2015, and 54 housing units were purchased among the 101 foreseen to provide housing care for former tenancy rights holders and people from organized accommodations. The purchase of the remaining 43 apartments is foreseen for 2016. The grant agreement for the construction of an apartment building in Benkovac was signed in 2015.

Regarding persons in organized accommodation, the State Office for Reconstruction and Housing Care gives priority to housing care for persons placed in the organized accommodation facilities and works intensively on the preparation for the closure of all organized accommodation facilities. The facility "Strmica" was closed in 2015 and the number of beneficiaries in other facilities has decreased. The settlement of displaced person Mala Gorica has been delayed because of the lengthy process of issuing a certificate of occupancy for the settlement of Dumace.

All organized accommodation facilities are expected to be closed in 2016 and upon completion of the construction projects of the Regional Housing Program in Glina and Knin.

Committee's evaluation:

(a) [B2]: The Committee welcomes the updated information on the current number of returnees in Croatia, however it requests further information on concrete measures taken to facilitate the resettlement and return of refugees, returnees and internally displaced persons.

(b) [B1]: The Committee appreciates the efforts of the State party to expedite the provision of adequate housing for former tenancy holders and welcomes the updated information provided by the State party regarding reconstruction projects. The Committee requests information on the number of applicants who have received housing care since the adoption of the concluding observations, including an update on the six cases to be terminated in 2016. The State party should also provide updated information on the closure of organized facilities and on the completion of construction projects.

Paragraph 23: The State party should guarantee freedom of expression and freedom of the press, as enshrined in article 19 of the Covenant and elaborated on in the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression. It should also consider decriminalizing defamation and should restrict the application of criminal law to the most serious cases, bearing in mind that imprisonment is never an appropriate punishment in such cases. Furthermore, the State party should investigate incidents of attacks on journalists and the media, and bring those responsible to justice.

Summary of State party's reply:

(a) The State party noted that the Constitution of the Republic of Croatia guarantees freedom of thought and expression, including freedom of the press, and discussed the legal framework for defamation.

The Act on the Amendments to the Criminal Code from 2015 defines three criminal offenses against honour and reputation: insult, serious defamation and defamation. The Act introduced some amendments, such as more clearly defining the preconditions in which the court may acquit a defendant who asserted defamatory claims in the public interest. The concept of public interest is not defined in detail. When it relates to journalists, the information on relevant social events or investigative journalism is in the public interest, thus serious defamation shall be unlawful only when there is no public interest or another reasonable ground. The 2011 Criminal Code, as well as the 2015 Act on the Amendments to the Criminal Code only envisage fines as criminal sanctions for committing criminal



Croatia

offenses against honour and reputation.

(b) Investigations of cases of intimidation and attacks on journalists have been thorough, with monitoring by the State Attorney's Office. Where perpetrators were discovered, the competent courts have rendered judgements.

Committee's evaluation:

(a) [B2]: The Committee notes the information provided by the State party and welcomes the clarification that both the Criminal Code from 2011 and the Act on the Amendments to the Criminal Code from 2015 only envisage fines as the criminal sanction for criminal offenses against honour and reputation. The Committee requests information on whether the State party has considered decriminalizing defamation. The Committee also requests information on the interpretation of the term "public interest", in light of the Act on Amendments to the Criminal Code from 2015, particularly when it relates to information published in the media and by journalists.

(b) [C2]: The Committee requests information on measures taken, since the adoption of the Committee's concluding observations on 31 March 2015, to investigate incidents of attacks on journalists and the media and to bring those responsible to justice, including specific examples of cases where perpetrators were brought to justice, and the penalties imposed.

Recommended action: A letter should be sent reflecting the analysis of the Committee.

Next periodic report: 2 April 2020.
