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Summary record of the first part (public)* of the 1915th meeting

Held at Headquarters, New York, on Thursday, 29 March 2001, at 3 p.m.

Chairperson: Mr. Bhagwati

Contents

Consideration of reports submitted by States parties under article 40 of the Covenant
(*continued*)

Initial periodic report of Croatia (continued)

* The summary record of the second part (closed) of the meeting appears as document CCPR/C/SR.1915/Add.1.

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Initial periodic report of the Republic of Croatia (CCPR/C/HRV/99/1 and CCPR/C/71/L/HRV) (continued)

1. **Mr. Mrčela** (Croatia), in response to a question regarding freedom of speech, said that journalists or private persons could be prosecuted for defamation of the President of the Republic and senior officials and that there had been several cases where charges had been laid against journalists.

2. In 1992 a journalist had been acquitted on the grounds that given his past work and in the context, his article was judged to be within the acceptable bounds of humour. In 1993 the same journalist was again acquitted on the grounds that the article was in keeping with his own particular manner of writing. In 1996-1997 two journalists were acquitted of slander and defamation of the President on the grounds that they had the right to criticize his ideas, provided the criticisms were not of a personal nature, in accordance with article 38 of the Constitution and article 10, paragraph 1, of the European Convention for the Protection of Human Rights and Fundamental Freedoms, which established wider limits with regard to freedom of speech in the case of public persons. In 1997 the editor-in-chief of a magazine was acquitted of slander for claiming that there was corruption at the highest levels of the Government on the grounds that it was in the public interest for such corruption to be revealed and the report was not written with the intention of harming the honour or reputation of the individuals concerned. Currently no one was in prison for defamation of a State official since the courts had always found the accused not guilty. The President was no longer accorded special protection and could therefore sue in his capacity as a private person only.

3. With regard to the sensitive issue of education for judges, he acknowledged that the situation was not ideal but noted that the judicial education centre continued to offer training to judges and he hoped that some day there would be a State judicial college.

4. **Ms. Karajković** (Croatia) said that the draft law on minority rights, language rights and education in the language of national minorities would protect the rights

not only of ethnic minorities but of religious and other minorities as well.

5. **Sir Nigel Rodley** wondered whether there were provisions for a civilian type of service to replace military service and whether moral grounds such as ideology or conscientious objection could be invoked for that purpose. He also sought information about the current situation of conscientious objectors already serving in the military, whether conscripts or volunteers.

6. **Ms. Medina Quiroga** asked whether there was any general law prohibiting gender discrimination on any grounds in the private sector.

7. **Mr. Klein** requested further information on freedom of peaceful assembly.

8. **Mr. Solari Yrigoyen** expressed concern about the decrease in the Serbian minority in Parliament and requested more information in that regard.

9. **Ms. Karajković** (Croatia), in response to the question from Sir Nigel Rodley, said that moral grounds could be invoked to request a civilian service option to military service. The substitute activity could be served in hospitals, courts or public institutions if authorized by the Ministry of Justice. In response to the question from Ms. Medina Quiroga, she said that there was no specific law prohibiting gender discrimination on any grounds in the private sector.

10. **Mr. Smerdel** (Croatia) noted that under the Constitution (art. 14) all discrimination was prohibited although abuses certainly did occur, especially in the private sector, which was smaller than the public sector. With regard to the question of public assembly and peaceful protest, he said that any citizen, legal alien or organization had the right to apply to the police for a permit to hold a public meeting or demonstration and, if the permit was denied, that decision could be appealed before the administrative tribunal. If the appeal could not be heard in time for the requested meeting or demonstration, some compensation could be awarded or the meeting could be held at another time. That system resembled the situation in other European countries; the authorities had the responsibility of ensuring the safety and security of the public. No political meetings had been prohibited in the recent past.

11. Turning to the issue of conscientious objectors, he said that under the Constitution of December 1990,

during the war which had begun in 1991, there was no provision for conscientious objectors. Croatians had, of course, previously served in the Yugoslav army. In 1992 a new law provided that recruits would have to meet a six-month deadline for requesting conscientious objector status, or forfeit the right to do so. However, the Constitutional Court had repealed the latter provision; thus, a soldier could at any time request to be classified as a conscientious objector and be assigned alternative service. He pointed out that in any case the period of compulsory military service had been reduced to six months, as opposed to one year previously.

12. In response to the question from Mr. Solari Yrigoyen regarding Serb representation in Parliament, he said that under the Constitution Act of 1991, the human rights of ethnic and national minorities were protected and they were entitled to representation in Parliament, the judiciary and the administration in proportion to their population. The Serb population had been just over 8 per cent and two districts had also been designated as special Serb districts. The current Serb population was not known but the coming census should provide more reliable figures.

13. At the end of the war in December 1995, approximately 200,000 Serbs, encouraged by their own leaders, had left the country for the Federal Republic of Yugoslavia or the Serbian sectors of Bosnia and Herzegovina and might return to Croatia in future.

14. In 1996, amendments to the electoral law had reduced the number of Serbian representatives, reflecting the drop in the Serbian population and a further revision in 1998 had suggested elections based on population and possibly allowing minorities to vote for a minority representative twice, once as ordinary citizens and once as members of a minority. That right would be limited in order to avoid splitting Parliament into too many factions and creating a situation where a block of minority representatives could control the outcome of the voting. He noted that in the recent past, with each new election, the law had been modified and the situation seemed to be evolving towards a system of proportional representation with protection for national minorities.

15. **The Chairperson** thanked the State party for its initial report following independence in 1991, a report which was well researched and had been prepared despite five years of armed conflict. Moreover, the

dialogue with the Committee had been positive: the Committee's purpose was to make constructive suggestions for the protection of human rights. In that context, he stressed the need to ensure that the Covenant and its Optional Protocol were implemented by the courts, increase awareness of the Covenant and provide the Committee with more information on the actual situation on the ground regarding the implementation of human rights, instead of a description of existing legal provisions.

16. The Committee had noted the positive aspects of the report as well as concerns, such as backlogs in the judicial system, inexperience of judges, restriction of religious freedom, the status of refugees and the protection of human rights during states of emergency, all of which would be further developed in the Committee's concluding observations.

17. **Ms. Karajković** (Croatia) expressed gratification for the positive dialogue in which her delegation had engaged with the Committee, to be continued, and said that its recommendations would be given the highest consideration and would serve as benchmarks for future efforts to promote the protection of the human rights of all the citizens of Croatia.

18. *The delegation of Croatia withdrew.*
The meeting rose at 3.50 p.m.