

**UN Commission on Human Rights**  
**Sub-commission on the Promotion and Protection of Human Rights**  
**9<sup>th</sup> Session of the UN Working Group on Minorities**  
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**Geneva**

**Agenda Item: 3a**

**Intervention submitted by:**

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Thank you Mr. Chairman,

My name is Ljubomir Mikic and I am president of a local NGO "the Center for Peace, Legal Advice and Psychosocial Assistance" based in Vukovar in Eastern part of the Republic of Croatia.

I would like to address some violations of human and minority rights of the ethnic Serb community in the Republic of Croatia.

As a result of disintegration of former Yugoslavia and the conflict in the Republic of Croatia, percentage of Serb ethnic community in overall Croatian population drop down from 12,2% or 580.000 people in 1991 to 4,5% or 200.000 people in 2001, according to official Censuses.

According to the UNHCR statistics a total of 228.000 refugees from Croatia ( mostly ethnic Serbs ) remain displaced in Serbia & Montenegro and about 22.000 in Bosnia & Herzegovina.

Although the Government stated its commitment to implement accepted international obligations to secure return of ethnic Serb refugees and internally displaced persons, return process remained slow as a result of various administrative, legal and political obstacles.

Domicile ethnic Serbs that stayed in or return to Croatia particularly war-affected areas are affected with discrimination in areas of justice and administration, employment, housing, various forms of harassment and occasional violence.

The Government has not conducted sufficient efforts to prevent discrimination of ethnic Serb refugees in addressing issues of restitution of private property, tenancy and occupancy rights, reconstruction and status rights as residency and citizenship rights.

For example, the restitution of occupied property to ethnic Serb refugees returning to Croatia remained slow and problematic. The government continued to give preference to the rights of temporary occupiers, mostly ethnic Croats, over those of the legal owners.

Approximately, 40% of more than 18.396 housing units belonging to ethnic Serbs are still occupied by ethnic Croats. Many ethnic Serb returnees are unable to move into devastated homes that the Government defined as habitable. In 1996 Croatian authorities suspended Article 180 of the Law on Compulsory Relationship which had regulated public responsibility for the damage caused by aggression or terrorist acts. This targets mostly ethnic Serb owners of property which has been damaged or destroyed during the period 1991-1995.<sup>1</sup>

The Government did little to address the issue of former tenancy rights holders so thousands of ethnic Serbs mostly from urban areas that were forced to flee places of their residences lost their claims to their apartments and other gained rights due to their temporary absence. These rights were terminated through in absentia court proceedings under legislation of the former Yugoslav regime.<sup>2</sup> Due to their temporary absence ethnic Serb refugees and IDPs former tenancy rights holders were excluded from process of privatisation of their pre-war homes. In this sense ethnic Serb refugees and IDPs were affected with discrimination comparing to ethnic Croat IDPs because of absence of mechanism to reclaim their gained rights.

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<sup>1</sup> During and after operations Flash and Storm in 1995, as well as property destroyed in period 1991-1995 in areas which were not directly affected by the war.

<sup>2</sup> According to the Government, there were approximately 24,000 court judgements in this regard, affecting the families of occupancy/tenancy rights holders from 85 municipalities. Seven large cities (Zagreb, Osijek, Zadar, Karlovac, Split, Sisak and Rijeka) account for two-thirds of all cases, with Zagreb accounting for 20 % of terminations.

Ethnic Serb refugees encountered obstacles to obtain Croatian citizenship, as a result of the Croatian Law on Citizenship that established preferential criteria for granting citizenship to ethnic Croats, and this led to discrimination in other areas, too. Certain number of ethnic Serbs - former long-term pre-war residents of Croatia - were unable to regain residency status and obtain relevant documents. Ethnic Croats are granted the right to Croat citizenship even though they may live outside of Croatia when part of the Socialist Federal Republic of Yugoslavia. All that is required is that they write a statement that they declare themselves to be Croat citizens. Other ethnic groups have to fulfill strict criteria and accept naturalization in order to be granted the citizenship even though they had been lawful residents of Croatia, when part of SFRY.

Mr. Chairman,

These situations represent a violation of international obligations of Croatia, under the Minorities Declaration, including Articles 1.1, 2.2, and 4.1, which require States to protect the existence and identity of minorities, guarantee the right to participate in public life, and ensure enjoyment of all rights without discrimination. There is also a violation of ICCPR<sup>3</sup> Article 26 guaranteeing the right to freedom from discrimination and equal protection of the law and Article 12.4 guaranteeing the right of all persons to enter his or her own country.

Although the Republic of Croatia made important progress in implementing its efforts to protect rights of minority communities by adopting the new Law on Rights of National Minorities and modifying discriminatory laws, I would like to ask the Working Group of Minorities to pressurize the Government of Republic of Croatia to:

- 1) Conduct measures and eliminate obstacles for sustainable return of minority refugees and IDPs as well as to insure achieving of all of their rights gained before the conflict;
- 2) Eliminate all forms of discrimination in particular against Serb community members and to eliminate results of discrimination conducted in the past;
- 3) Insure integration, representation and effective participation of minorities in all spheres and on all levels of cultural, public, economic and public life;
- 4) Conduct activities to promote and raise awareness on minority rights and to promote mutual understanding and confidence among minority and majority groups.

Thank you for your attention Mr. Chairman,

Ljubomir Mikic

Geneva, May 12, 2003

Sources of information:

1. Croatian Governmental office for Statistics, Census 2001
2. Country report on Human Rights Practices – US Bureau of Democracy, Human Rights and Labour, March 31, 2003
3. Concluding observations of the Committee on the Elimination of Racial Discrimination: Croatia 21/05/2002
4. Concluding Observation of the Committee on Economic, Social and Cultural Rights: Croatia 30/11/2001
5. Concluding observations of the Human Rights Committee: Croatia 30/04/2001
6. Report on Refugee return to Croatia, International Crisis Group, December 2002

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<sup>3</sup> International Covenant on Civil and Political Rights, to which Croatia is a party