



# PROJEKT GRAĐANSKIH PRAVA Civil Rights Project

## Activity Report – March 2010

### Office activities

In the reporting period, CRP Sisak received **283** clients, out of which there were **50** new clients, both in the CRP Sisak office and the Civil Centre Hrvatska Kostajnica.

### Target groups:

#### *NEW clients by status:*

<i>Status</i>	<i>Totals</i>
Domicile	25
Returnee	9
Bosnian Croat	13
IDP	1
Not defined	2
<u>Total</u>	<b>50</b>

#### *NEW clients by reception mode:*

<i>Mode</i>	<i>Totals</i>
Office	29
Field	21
<u>Total</u>	<b>50</b>

TYPE OF CASE	NUMBER OF EVENTS
Citizenship	15
Documents and status	48
Ownership	55
Pension and health and social security	46
Housing care	27
Tenancy rights	11
Labour	11
Family violence	5
Free legal aid	37
Other: other legal issues, information, courses, etc.	79
<b>TOTAL</b>	<b>334</b>

During the reporting period, there were **193** successfully solved request. They mainly relate to documents, establishment of ownership and other cases.

#### **ASSISTANCE**

Personal documents issued	5
Appeals/complaints	11
Letters	43
Requests	42
Submissions	51
Legal and psychosocial and other types of counseling	115
Quick advises	89
<b>TOTAL</b>	<b>356</b>

#### **Legal issues**

The legal issues that CRP has been dealing with remain the same, as it can be seen in the table above (type of case.) Also, despite of some changes in proceedings, the problems related to cases remain generally the same: lengthy proceedings, postponing of court hearings, not encouraging the return of refugees, etc. The courts and administration do not act impartially when the State is involved in the case, but exactly the opposite, being completely on the side of the State. The laws, even when they are good, are not being applied well, etc.

CRP would like to point out once again the **problem of health insurance of foreigners** in the Republic of Croatia, which is faced by the foreigners (citizens of BiH and Serbia) that have temporary residence approved for humanitarian reasons or reunion of family, as they are members of families of Croatian citizens. They are mainly returnees to Croatia.

Namely, the **Law on health insurance of foreigners in the RoC** says that the health insurance of foreigners is regulated in the same way as the health insurance of

Croatian citizens (Article 2.) Foreigners have right to health protection to the extent in which it is secured to members of families of insured persons in accordance with regulations on health insurance of the RoC (Article 2.) However, the **Law on obligatory health insurance** determines persons that may be insured as family members and if the family member is foreigner, he/she must have permanent residence approved (Article 8.) In practice, it means that family members that have temporary residence (for 5 years before they have permanent residence) cannot be insured by the insured person, but they need to pay for health insurance. It is especially difficult for returnee families.

To demonstrate the above said, CRP will report on few cases. The client **S.D.** is returnee to Croatia. She was born in Bosnia and Herzegovina and had been living in Croatia since 1979, being married to a Croatian citizen and having a son, Croatian citizen too. In 1991 the family left Croatia for holidays and could not come back for the war reasons and flat in Sisak being occupied. The tenancy right was terminated. The family returned to Croatia in 2006 and in 2009 they were provided with a flat rent through the housing care program. At the time after their return, the client's husband was working and had health insurance. At the moment, he is retired and has health insurance. However, he has not been able to insure his wife, as she is a foreigner with temporary residence. Her permanent residence was cancelled by the Ministry of the Interior in 1995. This case is pending before the Constitutional court of the RoC.

The client **D.N.** was born in 1982 in BiH and came to Croatia in 2002, after she married a Croatian citizen, who was refugee in BiH and they returned to Croatia together. They are of the Roma ethnicity and the husband is an invalid, receiving social welfare. Having still temporary residence, the client cannot have any kind of health insurance, but to be paying for it, which they cannot afford. So, CRP has been writing requests for exemption from payment of debts to the Tax Office, which has been accepted, but the new payment slips have been coming. CRP would like to point out here also that Croatia has the National Program for the Roma and Action Plan Decade of the Inclusion of the Roma 2005 – 2015.

CRP is of an opinion that the above case shows how the Republic of Croatia implements its programmes, i.e. how the process of return of refugees, especially sustainable return, and the Roma are being encouraged supported.

The client **D.D.** was born in 1988 in Serbia, where she met her present husband, who was refugee there. They came back to Croatia in 2009. The husband is now employed, but the client cannot be insured through him, which is a big problem for them, as they cannot afford payment of insurance, especially of the hospital bill that was incurred recently when the client gave birth to a baby. This family also has the following problem: the Croatian Government's Regulations determine the way of calculation and amount of financial means that are necessary for support of foreigners that are to be temporary residing in Croatia. The census is quite high and most of the returnees cannot meet it, such as this family. Therefore, the client needed to apply to the Ministry of the Interior with an address of a relative.

### Other activities

During March, CRP Sisak visited Hrvatska Kostajnica several times and met with the Town authorities on the Civil Centre Hrvatska Kostajnica premises and activities.

CRP visited also other municipalities in the Hrvatska Kostajnica area in order to inform the authorities and citizens on the CRP future activities in the region. On 25 March, there was a meeting with the Head of the Municipalities of Majur and Head of the Municipality of Dvor, his deputy and head of the administrative and social department. On 26 March, there was a meeting with the Deputy Head of the Municipality of Donji Kukuruzari. All the local authority representatives expressed their support for the Civil Centre and its activities. They also informed of the poor economical situation in the area and need of all kinds of social engagement.

As mentioned in previous reports, CRP applied to the Ministry of Justice for providing of free legal aid for the year of 2010, mainly for the reason to keep the NGOs in the **free legal aid system**, as the Croatian Bar Association works hard to prevent NGOs from being part of the free legal aid system, despite of the fact that attorneys, members of the Bar Association, refuse to accept clients within the free legal aid state system. However, there is no news from the Ministry on results of the Call for applications. It is a big problem for NGOs, because NGOs are providing legal aid, and it is the month of April already, but there is no financial means for these activities. CRP tried to contact the Ministry, even with several letters, but no reply. Namely, the Call for applications of the Ministry of Justice was published in January and the deadline for applications was **15 January 2010**. The call for applications says that the deadline for decision of the Ministry is 15 days after the deadline for submitting of applications is expired. The deadline for publishing of results is 5 days after deciding... **However, there is no decision or any kind of information yet.**

On 26 March, CRP attended the meeting, organised by the Town of Sisak, between the Town authorities and civil society organisations. The aim of the meeting was to exchange information on activities of NGOs and to see how the Town might support NGOs.

Sisak, 12 April 2010