



PROJEKT GRAĐANSKIH PRAVA Civil Rights Project

Activity Report – October 2011

Office activities

In the reporting period, CRP Sisak received **368** clients, out of whom there were **139** new clients and **229** old clients that revisited **342** times, both in the CRP Sisak office and the field offices in Hrvatska Kostajnica, Dvor, Gvozd, Krnjak and Glina.

Target groups:

NEW clients by status:

<i>Status</i>	<i>Totals</i>
Domicile	49
Returnee	52
Settlers	3
Refugee	33
Not defined	2
<u>Total</u>	139

NEW clients by reception mode:

<i>Mode</i>	<i>Totals</i>
Office	61
Field	69
Kosovo	5
Serbia	1
Phone	3
<u>Total</u>	139

TYPE OF CASE	NUMBER OF EVENTS
Citizenship	11
Documents and status	91
Ownership	110
Pension and health and social security	42
Housing care/tenancy rights	40
Labour	8
Free legal aid	12
Crime cases/misdemeanour	19
Other: other legal issues, information, etc.	65
TOTAL	398

During the reporting period, there were **169** successfully solved requests. They mainly relate to documents, establishment of ownership and other cases.

ASSISTANCE

Appeals/complaints	29
Lawsuits	11
Administrative lawsuit	11
Letters	35
Requests/applications/proposals	59
Submissions	99
Legal counselling	206
Quick advises	80
TOTAL	530

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, 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.

However, CRP would like to report on **two positive decisions of the Administrative court**. Namely, in the cases (CRP cases no. **10721** and **6370**) related to **admittance to the Croatian citizenship**, the clients were denied admittance to the Croatian citizenship by decisions of the Ministry of the Interior, based on the explanation that the clients, having status of permanent residence, did not reside permanently at the registered addresses, which was established by police checks at the registered addresses. The Administrative Court accepted administrative lawsuits and cancelled the Ministry's decisions. The Court says that the Article 8 Para 3 of the Law on Croatian Citizenship stipulates that the applicant needs to have his permanent residence registered for at least five years. It does not say that the applicant/foreigner should not leave the territory of the Republic of Croatia. It further says that the physical presence during the period of five years is not constitutive precondition for

admittance into Croatian citizenship. Therefore, it is necessary to have the residence registered. Therefore, the Administrative Court brought positive decisions in these two cases and sent the cases back to the Ministry for bringing new decisions. It is to be seen if the Ministry will respect the legal understanding of the Court and its remarks. It is very interesting for many of the CRP clients that were rejected residence and citizenship based on the same explanations, i.e. not being found at registered addresses during police checks.

CRP would also like to report on a case related to **ex-occupancy/tenancy rights (OTR)** that is quite interesting in the sense that it was solved differently than majority of the OTR cases.

Namely, it is about a flat in Sisak that was property of the factory “Željezara Sisak – Stan d.o.o.” In 1992 they initiated the court proceedings to cancel the OTR to OTR holders Z.K., which was done. In 1992 the company “Željezara Sisak, Fortis d.o.o.” became the owner of the flat. In 1994, the worker of the last mentioned company, Mr. F.V. was given the flat for use and in the same year, he submitted his request for buying off the flat, which was approved and done.

However, in 1993 the ex-OTR holders submitted a proposal for re-opening of proceedings for cancellation of their OTR. In 1994 the proposal was accepted and the case for cancellation of OTR was reopened. It was finished in 1997 by the County Court decision saying that the OTR was NOT cancelled.

In 2003 the OTR holders filed a lawsuit for annulment of sales contract between “Željezara Sisak, Fortis d.o.o” and F.V. The Municipal Court in Sisak rejected the lawsuit, but the County Court in Sisak accepted the appeal and changed the first instance court decisions and decided that the sales contract was annulled. Mr. F.V. filed a revision that was rejected, as well as the constitutional complaint. The case is at the moment at the ECHR.

However, the interesting point is that the OTR is not cancelled to the OTR holders and the sales contract to the “new” owner was annulled.

This case is solved differently than other almost 500 cases of OTR holders that CRP Sisak has dealt with.

Other activities

CRP continued its cooperation with the Center for Peace Osijek on their IPA project, through which they monitor the implementation of the Law on Free Legal Aid. CRP collects questionnaires on the Law of FLA from its clients, as well as do monthly tables with data on provided legal aid to clients.

CRP met with the SNV Zagreb in order to discuss the partnership regarding the application to an IPA call for application on antidiscrimination and human rights. It was agreed to try to apply together with IPC Slavonski Brod.

During the reporting period, CRP was contacted several times by the Ministry of Justice regarding the Law on Free Legal Aid. The Ministry wanted to hear the opinion of the CRP on how the Law, which has been changed on 15 July 2011, was being implemented. It was agreed to meet at the Ministry beginning of next month.

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