



PROJEKT GRAĐANSKIH PRAVA Civil Rights Project

Activity Report – April 2010

Office activities

In the reporting period, CRP Sisak received **265** clients, out of which there were **45** 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	20
Returnee	10
Bosnian Croat	1
Refugee	13
Not defined	1
<u>Total</u>	45

NEW clients by reception mode:

<i>Mode</i>	<i>Totals</i>
Office	34
Field	11
<u>Total</u>	45

TYPE OF CASE	NUMBER OF EVENTS
Citizenship	10
Documents and status	54
Ownership	49
Pension and health and social security	52
Housing care	33
Tenancy rights	3

Labour	5
Family violence	7
Free legal aid	15
Other: other legal issues, information, courses, etc.	71
TOTAL	299

During the reporting period, there were **185** successfully solved request. They mainly relate to documents, establishment of ownership and other cases.

ASSISTANCE

Personal documents issued	7
Appeals/complaints	3
Constitutional complaint	1
ECHR application	1
Letters	35
Requests	42
Submissions	51
Legal and psychosocial and other types of counseling	98
Quick advises	69
TOTAL	307

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 some problems related to the **housing care programme**. Some CRP clients have been rejected housing care solution for no reason. Others have been provided with flats outside the areas of special state concern, but without any other personal issue solved.

The example for the first group of issues is the client S.B. (CRP case no. 679.) The client lost his occupancy/tenancy right over the flat in Sisak, after he left for vacation with his wife and two children in 1991. They could not come back, because the flat was broken into. His tenancy right was cancelled in the court procedure, in his absence. The client returned to Croatia in 1998 and in 2000 he, through CRP, initiated proceedings for renewal of court proceedings, but he was rejected at all instances.

In 2005, the client applied for housing care to the Ministry of Maritime Affairs, Tourism, Transportation and Development. In 2008, the Ministry of Regional Development, Forestry and Water Management rejected his application with

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explanation that the client was owner/co-owner of a house in Dvor, Volinja 1. CRP filed an appeal claiming that the client was not owner of any house. In 2009, the Ministry rejected the appeal, with the explanation that was identical to the first instance one. In May 2009, CRP filed an administrative lawsuit, which has been pending before the Administrative court.

The decisions of the Ministry were based on no evidence. The explanations were just one sentence saying that the client was owner/co-owner of a house. The Ministry did not check the land registry.

The client has a certificate from the Land registry in Hrvatska Kostajnica that says that the client is not the owner of the relevant real estate. CRP sent this certificate to the Administrative court, the Ministry, UNHCR, OSCE and the Ombudsman, with a submission asking to solve the case as soon as possible, as the client returned in 1998 and still has no housing solution. The client is already of an old age and his health is not good any more.

The example for the second group of issues regarding housing care is the client B.M.V. (CRP case no. 3779.) The client lost her tenancy right in 1992. The court proceedings for renewal of 1992 proceedings gave no result. The client applied for housing care outside the areas of special state concern.

In March 2010, the client was handed over a flat in Sisak. The flat is approx. 80 m² big in a newly built building. The client is considered to be foreigner in Croatia. The client was born in 1957 in Bosnia and Herzegovina and she came to Croatia when she was nine (9). She married in Croatia and had two children. She was working in Sisak and had tenancy right over a flat in Sisak. She fled Croatia in 1991. During her refuge in BiH and Serbia, she had another husband and two children. The client applied for housing care together with three daughters. When she returned to Croatia, she married her first husband.

The client has the citizenship of Bosnia and Herzegovina, by origin. In Croatia, she only can apply for temporary residence, with what she also has had problems, because of change of surname, due to the marriage, and none of her personal and other documents are not correct. So, she should change all the documents, including documents on the flat, etc. For all that, she needs to undertake proceedings and wait and pay fees. She needs to pay fee for each permanent residence approved, and she needs to wait for **5 years** to be applying for permanent residence and finally after that for the citizenship. She needs to pay for her health insurance, as she is a foreigner. She cannot apply to the Office for the Employment. Besides, she needs to be paying for all the flat utilities.

Also, the flat she got is completely empty, with no furniture and equipment. (The argument of the most of the ex-tenancy right holders is that they left fully equipped and furnished flats.) The client has no income in Croatia. She only has been receiving approx. EUR 100,00 monthly in Serbia, based on the fact that she was a refugee in Kosovo working in a mine. On the same basis, she has medical insurance in Serbia.

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Therefore, except that the client got a flat in Croatia for rent, she has no other issue regulated in Croatia. The client is thinking of giving up on the flat.

CRP is of an opinion that the above cases show that there is no co-ordination between the Croatian ministries and institutions regarding the return of refugees, i.e. there is no real support from the Croatian Government to the refugee return, i.e. there is no sustainable return.

Other activities

On 6 April, CRP Sisak was invited to meet with the Council of Europe Commissioner for Human Rights, Mr. Thomas Hammarberg, during his visit to Croatia. The aim of the visit was to assess human rights, and CRP informed of the violation of human rights regarding the return of refugees issues, as well as of the Roma population in the Sisak-Moslavina county.

During the reporting period, CRP was regularly in the area of Hrvatska Kostajnica, visiting and meeting with people and local authorities on the activities of the Civil Centre.

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.

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.

Only at the moment of writing of this report, CRP received a letter from the Ministry to come and sign the contract. The contract amounts to **HRK 15.000,00 for the year of 2010**.

On 28 April, CRP organised a forum on women's rights in the Civil centre in Hrvatska Kostajnica. The forum was on particularities of life of middle age women. The theme was chosen based on the fact that middle age women represent majority of women and they have the biggest life burden. The forum had its practical part, i.e. a physiotherapist, of the NGO Association for Health of Petrinja, showed basic stretching, relaxation and breathing exercises. The participants were very active.

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