



# PROJEKT GRADANSKIH PRAVA Civil Rights Project

## Activity Report - February 2008

### Office activities

In the reporting period, CRP Sisak received **360** clients, out of which there were **50** new clients and **310** old clients revisiting **469** times.

There were **10** court hearings scheduled and attended by the CRP external lawyers before the municipal courts in Sisak, Hrvatska Kostajnica and Zagreb.

### Target groups

#### *New clients by status:*

<i>Status</i>	<i>Totals</i>
<b>Domicile</b>	<b>16</b>
<b>Refugee</b>	<b>14</b>
<b>Returnee</b>	<b>12</b>
<b>Bosnian Croat</b>	<b>1</b>
<b>Not defined</b>	<b>7</b>
<b>Total</b>	<b>50</b>

*As it can be seen in the above statistics, still there is a significant number of clients that are still refugees and potential returnees, who need assistance in Croatia.*

#### *New clients by reception mode:*

<i>Mode</i>	<i>Totals</i>
<b>Office</b>	<b>42</b>
<b>Field</b>	<b>4</b>
<b>Letter</b>	<b>1</b>
<b>Power of attorney Serbia</b>	<b>3</b>
<b>Total</b>	<b>50</b>

*As it has been reported, CRP has a field office in Glina, which works on Wednesdays. The office premises are provided by the Town of Glina for free and it is attended by a CRP lawyer, who is from Glina, and therefore, there are no additional expenses.*

<b>TYPE OF CASE</b>	<b>NUMBER OF EVENTS</b>
Citizenship	15
Documents and status	102
Ownership	197
Pension and health and social security	80
Housing care	32
Tenancy rights	24
Labour	6
Misdemeanour	3
Other	67
<b>TOTAL</b>	<b>526</b>

During the reporting period, there were **59** successfully solved requests. They mainly relate to documents, status, property and housing care related issues.

### **LEGAL ASSISTANCE**

Appeals/complaints	20
Letters	91
Lawsuits	24
Administrative lawsuit	11
Constitutional complaint	3
Revision	2
Submissions- institution of proceedings	23
Submissions – other	99
Legal counselling	215
Quick advises	95
<b>TOTAL</b>	<b>583</b>

### **Legal issues**

In the reporting period, the number of clients confirms that still there is a huge need for CRP and that CRP has the trust of people. The similar reasons, i.e. types of legal issues as the ones that existed when the CRP office was opened still exist.

The structure of types of cases remains the same. The rate between the court and administrative cases remains 3 : 1. Based on the CRP cases, there is no change in promptness and way of proceeding of cases and decision making.

The state imposed the need to put in order the land registry books, which is correct in long term, but in conditions in which refugees and returnees are it often causes limitation, or even makes impossible for many citizens to use their property. CRP wrote many times on how insisting on registered ownership obstruct the return of refugees. These types of cases are the most frequent and they are followed by the repossession of property related cases: repossession of movable property, compensation for damage and use. The problem of ex-tenancy/occupancy rights has not been touched, as the housing care is not adequate solution for most of the

beneficiaries. Even the pension related problems have not been solved, as the pension fund has been refusing to pay the back pension amounts from the war period, as well as any interest; deadline for convalidation has not been prolonged – it lasted only one year and most of the beneficiaries could not manage to meet it; the agriculture insurance period has not been recognised, etc. The problem of health insurance is related to the pension issues. The status issues, temporary and permanent residence and citizenship for non Croatian citizens that have lived in Croatia, but were born in other republics of the former Yugoslavia, remain a huge problematic issue.

If we add problems related to lengthy court and administrative proceedings to the above mentioned problems, we have the complete picture of why the process of return of refugees failed.

All the above mentioned may be demonstrated with numerous CRP cases, but in this reporting period CRP shall report on the case of Mr. S.O. (CRP 10066.) The client lived with his wife and two children in Sisak until 1991, i.e. until the war. He is of Serbian ethnicity and his wife is Croatian. Sisak used to have majority of the Croats, but at least a third of the Serbian population. When the war started, the client had a small locksmith-lathe-operating workshop and the wife was the owner of a hairdresser's. When the war started, the client and his minor son were taken from the house. The son was soon set free and the client was, after two months, not sentenced for anything, exchanged for some Croats and he did not come back. The family joined him and they ended up in Australia, as a mixed marriage. On 11 April 2004 the client approached the Croatian Pension Fund and submitted a request for a part early old age pension. Though the administrative bodies are obliged by the law to act within 30 to 60 days, a negative decision was issued on 24 August 2006 and the appeal procedure within the Pension Fund ended up on 17 May 2007 by a negative decision. On 14 August 2007, on behalf of the client, CRP filed an administrative lawsuit, which has not been decided yet. According to the CRP's experience, it is not unusual that the administrative case has not been decided yet, but the following is unusual: the client decided to go to the Administrative Court and ask to speed up his case and in the registry office he was given a hand written note that his case would be solved on 15 September 2009, with an explanation that they were dealing with cases from 2004. CRP thinks that this proves the indifference of the court for the rights of the citizens. CRP filed a rush note to the court, though they never had any effect.

The case is of existential nature. The client is 64 years old and he and his family lost the tenancy/occupancy right over the flat in Sisak. Together with the flat, they lost all the movable property that was left in the flat. A house that they owe in Petrinja is completely destroyed and cannot be reconstructed. The proceedings for compensation for damage and repossession of property are very long lasting with unforeseeable results.

### **Other activities**

CRP Sisak has continued to organise signing of petition "Yes for Parliament with clean hands" within the anti-corruption campaign that CRP has been implementing

with BURA, net of 10 NGOs all over Croatia. The aim of petition is to request the changes of the law on elections and law on conflict of interest.

The Coalition, including CRP, for free legal aid remains active in the Working Group of the Ministry for Justice on working on the new draft of the Law on free legal aid. The Coalition has been trying to change main shortcomings of the previous draft, in order to make the Law fulfils its purpose, i.e. that persons in need are provided with free legal aid.

On 15 February the Association of Local Democracy Agencies (ALDA) applied to the European Commission with the project "Training for active citizenship in the EU enlargement process", in which CRP shall eventually be a partner.

On 25 February CRP Sisak and CRP Vukovar had a meeting in the Norwegian Embassy in Zagreb with Mr. Jens Erik Grondahl, charge d'affaires a.i. in order to present the CRPs' work and their applications to the MFA. Mr. Grodahl expressed his support to CRP.

CRP finished the US Embassy funded project that aimed at contributed to the sustainability of the Roma refugees and of the housing care programme. However, as the project was implemented successfully and there are further needs of the Roma returnees in the region, CRP continued contacts with the US Embassy in order to possibly define new projects.

Sisak, March 2008

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