



PROJEKT GRAĐANSKIH PRAVA Civil Rights Project

Activity Report – February 2009

Office activities

In the reporting period, CRP Sisak received **310** clients, out of which there were **43** new clients and **267** old clients revisiting **377** times.

There were **5** court hearings attended by the CRP external lawyers before the municipal courts in Sisak and Petrinja.

Target groups:

New clients by status:

<i>Status</i>	<i>Totals</i>
Domicile	14
Refugee	9
Returnee	9
Not defined	11
<u>Total</u>	43

New clients by reception mode:

<i>Mode</i>	<i>Totals</i>
Office	35
Power of attorney - Kosovo	6
Phone	2
<u>Total</u>	43

TYPE OF CASE	NUMBER OF EVENTS
Citizenship	17
Documents and status	54
Ownership	129
Pension and health and social security	81
Housing care	34
Tenancy rights	30
Labour	12
Misdemeanour	3
Other	49
TOTAL	409

During the reporting period, there were **86** successfully solved request. They mainly relate to documents, status and establishment of ownership cases.

LEGAL ASSISTANCE

Appeals/complaints	10
Letters	80
Lawsuits	4
Constitutional complaint	2
Submissions- institution of proceedings	3
Submissions – other	50
Legal counseling	140
Quick advises	129
TOTAL	418

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, favouring of temporary users over the owners, not encouraging the return of refugees, etc. The court 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, but the following will present how the Croatian Government brings laws that are not good.

On 1 February 2009 the Law on Free Legal Aid came into force. CRP, as well as other NGOs and other interested parties, was aware that the Law was not good, i.e. was too bureaucratic and too restrictive regarding both free legal aid providers and users. CRP has been reporting on the bringing of the Law. However, the beginning of implementation of the Law showed even worse situation. Namely, the implementation was not prepared. The County offices, at least the Sisak-Moslavina county office, are not prepared for the implementation of the Law. They do not have proper computer program for the free legal aid system, so the question is how they

will follow cases, procedures, providers, finances, etc. They also do not have clear criteria for dealing with requests.

The form of request for free legal aid is too extensive, complicated and not consistent to the Law and other laws. The form has 11 pages, which is too much for filling in for the clients, among who there are many illiterate people. Therefore, to apply for free legal aid, the clients need free legal aid! It is even difficult for CRP to fill in this form, as the form has many inconsistencies. Administrative proceedings are mixed with court proceedings and primary legal aid is mixed with secondary legal aid, so it is difficult to know what needs to be checked in the form. For example, administrative court is listed under administrative procedures and primary legal aid, but also under court procedures and secondary legal aid. There is a section in the form "legal advise", which is not paid by the State, so the question is why it needs to be approved by State, etc.

Regarding the administrative procedures, the Law covers status issues, pension and health insurance and social welfare. The question is: what about property issues, reconstruction, housing care, etc.? Regarding the court procedures, the Law covers ownership over house or flat of up to 35 m², family law cases and labour cases. What about other property cases, terrorist acts, compensation for damage, etc.?

When the clients manage to submit the request, the County office issues an Order, with which the clients go to legal aid providers. CRP has received one (1) client with the order. The order is meant for only one legal action. There is a part of the order, which is to be filled by the provider, with data on actions taken and expenses. The order is valid for 15 days. The provider should inform the Office immediately on receipt of the order, or otherwise the order expires in 30 days? The provider should return the filled order within 15 days. However, NGOs do not return orders, but report periodically to the Ministry, based on the approved project proposals, though the order clearly gives deadlines for submission. Generally, there are many discrepancies between different forms, the Law, regulations, etc.

NGOs are to apply to the Ministry of Justice with project proposals until 20 March 2009 for the year of 2009? Then, it will take a month for decision on proposals, then period for appeals, then signing of contracts between the Ministry and NGOs, etc. it is difficult to imagine when NGOs would receive any money.

On the other hand, the Ministry brought the tariff for free legal aid. It is very low. For example, one submission costs 40,00 HRK of approximately 5,00 EUR. The tariff is same for all legal aid providers. It raises a very serious question: who will be motivated to be involved in the system?

The Ministry only covers the direct costs of legal actions and, as said above, at very low price. The question is: how will legal aid providers NGOs cover other related costs, e.g. postage, office supplies, such as copy paper, envelopes, computer, toners, etc., which are necessary for providing of legal aid. It is difficult to imagine the possibility of finding donors to cover only running of the office.

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All the above said is just a part of CRP's negative comments to the Law on free legal aid. It is very important to point out that, to the CRP's knowledge, all the parties involved, users, providers and the County office for free legal aid, including the Minister of Justice himself, as stated at the meeting with NGOs that was held on 21 January in Zagreb, are not satisfied with the Law at all. The clients will be facing problems, as officially there is a legal aid system in Croatia, but not many of them will be able to receive proper legal aid. CRP is very concerned about what will happen with other clients.

Other activities

On 4 February, the Norwegian Embassy representatives visited the CRP office in Sisak. The CRP's project "Citizens' Centre in Glina" was discussed and the contract with the Embassy for financial support was signed. Therefore, the Norwegian embassy will co-fund, together with the Delegation of the European Commission in Zagreb, the mentioned project.

On 11 February, CRP met with the Disabled Persons of the Sisak-Moslavina County NGO in Glina, to discuss in details the sharing of the premises for the implementation of the project in Glina. The two NGOs have established a good co-operation, based on the past co-operation on individual cases.

On 17 February, CRP met with the Local Democracy Agency Sisak and IKS Petrinja, NGOs that implement the project "Training for active citizenship in the EU enlargement process". CRP has a partner role in this project, consisting mainly in co-ordination of the project and participation in training.

On 20 February, CRP met with ADELA- Centre for Women, CRP's partner in the Glina project to further discuss details regarding the implementation of the joint project.

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