

Annual report on the State of Human Rights in Croatia

Croatian Helsinki Committee for Human Rights (CHC)

2006-2007

1. The state of human rights in the Republic of Croatia

Before summarizing the information on the actual state of human rights in the Republic of Croatia, it is necessary to shortly present the social status of our society which, owing to the evident impoverishment of a large number of its members, is crucial to the society's perception of the meaning of human rights, especially in the Eastern Slavonia which in accordance with all economic analysis' and statistic indicators greatly lags behind other parts of Croatia.

17,5 percent, i.e. 787,500 citizens in Croatia live in poverty having a monthly income lower than 1,700 kn (approximately 230 EUR) for one-person households and 3,700 kn (approx. 500 EUR) for families.

People over 65, unemployed and single parents are most likely to slip below the poverty line¹. The average Croatian family spends as much as 66% of their income on the basic housing and food expenses. To cover the minimum life expenses by the end of August a family of four needed 5,700 kn (cca 770 EUR), however the average salary covers the minimum expenses for only 25 days of a month. Of course, during the election campaign period (the elections were scheduled on November 25th this year) the parties competed at throwing promises of solutions to these problems (some suggested introducing taxes for luxurious property, or one-time taxation of the so called war profiteering, or determining the minimal pension to the amount of 40% of the average salary), but, nonetheless, it was certain that this situation would continue and get worse. After the victory of HDZ on the elections, and dr. Sanader's renewed mandate for the Premiere, it was clear that all the predictions were completely true; so called UNION BASKET of the every day expenses is getting more and more expensive, there is a threat of inflation, personal indebtedness and the indebtedness of the whole society is beyond reasonable measure, so the unions announced general strike for the first half of the year 2008, unless the government deals with this problem in a serious way. We have to stress that the possibilities of this government are limited so we can not really see the realistic solution to the problem.

The solution to the main problem of returnees/refugees lays in creating new jobs in the areas of their return. The government frequently points out that the development policy is a precondition to the economic development. The former² Minister of Foreign Affairs and European Integration of the Republic of Croatia Ms. Kolinda Grabar-Kitarović said on a presentation of a returnees/refugees reintegration programme (which took place in Vukovar in June) that the problems of this area weren't related with the question of ethnic affiliation, since the unemployment rate is extremely high for both the Croat majority and the Serb minority. This is only partially true. Our knowledge, based on extensive fieldwork, differs from the above statement in many aspects. Namely, the ethnic, religious and even racial discrimination (especially towards the Roma people) in employment within the government offices, administration, justice, and police are obvious. Such discrimination is also present, in a somewhat sophisticated way, within the state companies, as well as within the middle-sized and small entrepreneurial firms. For example, if Croats and Serbs apply to an administrative competition in Vukovar, Osijek, Slavonski Brod, Vinkovci, Beli Manastir and other places, priority is typically given to Croats. In the event that a Croatian citizen of the Serb ethnicity is significantly more qualified, the com-

¹ 17,4% of persons who are fit for work, i.e. almost 300,000, are unemployed. 100,000 of them have been unemployed for more than three years. 30,000 employees aren't receiving their salaries, 400,000 employees' salaries amount to 2,500 kn (approx. 330 EUR). Almost 300,000 retirees are receiving pensions lower than 1,700 kn (approx. 230 EUR). About 26% of people over 65 fall into the category of the poor, and as much as 10% of them have no income at all. There are 10,000 users of public kitchens, and about 350,000 citizens cannot afford to pay for the basic expenses for housing and food.

² until the forming of the new government after the elections of 25 November 2007

petitions are annulled and then repeated stating different job requirements. The case of Milorad Pupovac, a Croatian citizen of the Serbian nationality, whose job application at the building company "Heres" was declined even though he signed the employment contract after an interview with the company's owner (Ivan Miličević, a member of the radically nationalistic party HSP³) is a good example of this situation. In a private conversation, it was explained to him that he was declined because he stated that he is a member of the Serbian Orthodox Church.

In the "areas of special state concern" (the areas affected by the war 1991-1995) there is a big problem with the so-called public procurement competitions, especially for the reconstruction of houses and areas that were devastated during the war. The quality private companies owned by Croatian citizens of the Serb ethnicity have absolutely no chance to win such competitions. This problem is also linked with the problem of corruption, bribing and other criminal activities.

The ambassador of OSCE⁴ in Croatia, Jorge Fuentes stated that Croatia can and has to solve the problem of refugees by making more effort in helping Serbia and providing for the Serbs that took refuge from the Republic of Croatia. He finds that, as far as OSCE is concerned, the agreement of indemnity to the tenancy right owners who will not return to Croatia is still an open question. Therefore, the preconditions of the sustainable return, including providing for accommodation, will be handled in accordance with the government model and with the Croatian president Stjepan Mesić's additional interventions taken into consideration (which we provided detailed information about in our report for the year 2006). However, as we have said before, the emphasis now is on the indemnity to the former tenancy rights owners that will not return to their previous home country. The premier of the Republic of Croatia stated during a meeting with the representatives of the Serb refugee associations that those who do not intend to return to Croatia will not be given any kind of indemnity. The OSCE, however, still demands the problem with the former tenancy rights owners to be solved (we estimate that there are up to 30,000 such cases), even though these are no longer topical issues for the European Commission, the USA and the UNHCR. At the same time, the prominent newspapers in the world such as "The Sunday Telegraph" or "Spiegel", have reported about the position of Serb returnees in the Republic of Croatia, stating that they live in fear for their lives. All government institutions rapturously reacted to such statements, but the threats, verbal and physical abuses of the Serb returnees continue, as our field works as well as other numerous statements in the media about the abusing that take place in villages around Požega, Orahovica and other, confirm.

Therefore, the question remains whether the position of Serbs in the Republic of Croatia has gotten worse or whether, after the reintegration process, it has never really changed. Some Serb nongovernmental organizations⁵, as well as politically organized Serbs in the SDSS (the Independent Democratic Serb Party) find that certain problems of the Croatian Serbs have become more obvious than before, owing to the changed atmosphere in the society. People talk more freely about their problems now and since the issues with the property returns and the reconstruction of houses have started to unravel; people began to insist on the equal employment treatment, equality in public competitions, and other issues that do not arise merely from the consequences of war. This means that the topical issues now are related with the actual integration in the society on the basis of civil equality. This is certainly true for some areas, especially the ones who haven't been directly engulfed by war. There is a consensus, rather often expressed, that it is in the best interest of all the Croatian citizens – therefore of the Croatian citizens of the Serb ethnicity as well – to create the new, pro-European policy which will help overcome the negative, war, nationalistic stage of the modern Croatian history. In this sense, during the election campaign period, the political voices could often be heard demanding that a partnership relation between the Croatian government and the representatives of the organizations of minorities (most of all Serbs) deepen; that the SDSS be included

³ Hrvatska stranka prava – The Croatian Party of Rights

⁴ The OSCE mission in Croatia was closed at the end of the last year, and it was replaced by the smaller office whose goal is to monitor trials for war crimes that the Tribunal in Haag is no longer in charge of. Croatian courts will deal with those trials. Sanader and Fuentes agreed that there is a high level of protection of human rights and the rights of minorities in the Republic of Croatia. Our opinion, and the opinion of other civic actors, is that this is not the case and that the mission should not have been cancelled.

⁵ most notably the Serb Democratic Forum - <http://www.sdf.hr/>

in the government after the elections that follow. The representatives of the Serb minority thought that this would help them directly influence the improvement of their position in the society; and that the problems of the economic growth and development (especially in the Eastern Slavonia – the area with the biggest population of the members of the Serb minority, which has been greatly marginalized in the sphere of economy) are crucial for the improvement of the existential quality of life of the Croatian Serbs. The economic development would positively influence the social, cultural and educational forms of integration, which would have an impact in the stabilization of the political situation in the Republic of Croatia. However, bearing in mind that the majority of the SDSS voters live in the areas that were in the grip of war, most of them were active during the rebellion against Croatia (all rebelled Serbs have been abolished, except those that could be accused as perpetrators of war crimes) or were passively supporting the political project of Srpska Krajina⁶, it is important to point out that interethnic disagreements, continuous tensions which can easily escalate into conflicts of immeasurable proportions are still very much present. However, after the elections, the representatives of the Serb minority won 3 mandates and became an important factor for HDZ and dr. Sanader, because without their seats in the Parliament it would be hard to establish the government. After long negotiations, the representatives of the Serbs got the position of vice-president in the government, and therefore achieved what they were aspiring for during the election campaign period. In return they abandoned the idea of positive discrimination, that is, a double right to vote for minorities.

One of the current topics in the Republic of Croatia is the problematic state of the administration of justice. In mid October the president of the Supreme Court of the Republic of Croatia, Branko Hrvatin, warned about the problems in this delicate segment of the system and publicly admitted the presence of corruption in the administration of justice. He, however, pointed out the difference between the actual state and the public perception of this problem. We find this important to be observed since many international institutions continually direct attention to the bad state of affairs in the Croatian judiciary (a large number of unsolved cases, the long duration of trials, the corruption of the judges, the lack of uniformity among the trials - especially the trials of war crimes, etc.). Current trials of war crimes in the Croatian courts (the Glavaš case, the Ademi and Norac case, etc.) clearly indicate the necessity for levelling the practice of determining the pre-trial detention to the war crimes defendants, in order to prevent application of different criteria in different trials. The CHC was especially active in this matter, publicly stating that "after being charged of war crimes all defendants must, without question, be put in the pre-trial detention; but in the circumstances of unequal court practice, the rare defendants that have been put in detention justly complain about the unequal treatment." As an example, the CHC referred to the case of the independent member of the parliament Branimir Glavaš who was put in detention prior to the issue of indictment, and to the case of Croatian army general Rahim Ademi who is accused of similar crimes yet is defending himself out on bail even during the main trial.

The CHC finds that this problem's cause lies in the ambiguity of the provision of the Criminal procedure law which states that detention may be ordered in case of, among else, "specially severe circumstances of the criminal offence".

Nevertheless, certain changes have been made in the court system. After amendments in the Criminal Act of the Republic of Croatia have taken effect, criminal charges against offences motivated by hatred are being brought more often. Five such legal actions have commenced up to date, for offences done in Knin, the area around Požega and so on. The offences are made against Serbs or people with different sexual orientation. There was a brutal attack on the Bogojević family (father and son – members of the Serb minority), which took place in the village of Gornji Vrhovi near Požega. The State Attorney's Office defined this offence as an attempt of a "first degree hate murder"⁷. Also, this year in mid March in Vukovar, for the first time ever in Croatia, rape was declared a war crime. Regarding the judiciary it is also very important to mention that this year in mid March in Vukovar rape was, for the first time in Croatia, declared a war crime. Namely, while explaining the conviction the judge stated that

⁶ the self-styled Serb 'state' in the occupied territory of Croatia, supported by Serbia

⁷ Reminder: hate crime, under the changed provisions of the Criminal law of the Republic of Croatia, is any criminal offence committed to a person because of their race, gender, sex orientation, language, religion, political or other beliefs, national or social origin, health condition and other personal traits.

the defendants Mihael Husnik and Kasim Hekić (both citizens of Vukovar) knew that the victim was a Croat and that her mother was an active member of the Civil protection⁸.

Conclusion: interethnic and inter-religious intolerance are still a reality in the Republic of Croatia. In the areas of the Eastern Slavonia such forms of intolerance are dominating. They are, certainly, consequences of the conflicts of war, but they also indicate that the state, regional and local elites are either unready or incapable to abandon their politically profitable nationalistic rhetoric and turn to the actual economic and social problems of the community. The situation in the Republic of Croatia, especially in the areas that were occupied during the war, unfortunately offers no real prospects of a quick economic recovery and social development because the priorities of the country are not clearly defined; the political leadership cannot or doesn't want to recognize them, which means that it cannot realize them, either.

Anyway, from the content of the annual European Commission report, we can see the problems that we were always trying to warn about in our reports. First of all, EC concluded that corruption and conflict of interest are still very spread in Croatia, and a special problem is that we still do not have an indictment for corruption on a high level. The Report also emphasizes "occasional" political influence on the media, but we are sure that this government and particular *lobbies of interest* are constantly having a strong influence on the media, but in a subtle way, so that only in extraordinary situations (political agreement about the election of chief editors on the national television; the scandal with the independent journalist Željko Peratović, who was held in custody because of the alleged release of a government secret, etc.) we can clearly see conjugation of the media and the politics. Discrimination of the Romanies and the Serbs is also concluded, as well as a negative attitude of the government towards the court in Hague (questioning the verdict of the so called Vukovar three and a reaction of Croatian politicians on that subject). If we add insufficient competence of the judges in the Republic of Croatia⁹ and difficult conditions in prisons¹⁰, we have a clear picture of many problems that exceed the things that EC concluded as a progress of Croatia towards the membership in EU¹¹.

2. Developments in the area of human rights and in the CHC

The Croatian Helsinki Committee for Human Rights has conducted, as its main activity, the direct protection of rights of individuals who approached the CHC or whose problems were reported to our organisation. In this line we continued to deal with numerous individual cases of threats to or violations of human rights throughout Croatia. Our activists have received visits of various complainants on a daily basis. Activists of the five field offices have also made visits to places where grave problems are reported, or where there are persons with human rights problems who cannot travel. This refers either to people who are too poor, or have physical difficulties to travel, or to those living in places without public transportation.

In that line of activity, whereas in the previous year we paid a particular attention to the issue of sustainability of return to the Knin area, where our activists carried out field inquiries, we have unfortunately not been able to continue such activity in the first nine months of 2007, owing to the cessation of funding. The funding for a short period (the last two and a half months 2007) was renewed recently. Namely, since late 2005, owing to a grant by the Embassy of FR Germany, the activists of the Field Offices Knin and Split had conducted the field

⁸ In the night between the 3rd and 4th of April 1992 in Vukovar, which was then under occupation, the mentioned person, at the time a mother of a 7 month old baby, was raped. Judge Nikola Bešenski stated that the rape took place in an apartment of a building in whose cellar Croatian women and men were kept in captivity. The witnesses in the other room heard slapping and verbal threats that they would rape the woman because her mother was a member of „Croatian armed units“. Judge Bešenski also stated that the brutality of the defendants was extremely cruel as that same night they also raped a six-year-old sister of the raped woman.

⁹ Additional education for judges did not provide us with results yet; a large number of them still don't use regulations in a right way (especially international conventions).

¹⁰ Prisons are overbooked, and in some of the prisons conditions are really bad.

¹¹ As a positive thing, EC mentions: higher investment, regional cooperation, low inflation and the stability of kuna (even though we have some reasons to believe that we will face an inflation of over 4,5% in the next year).

inquiries into the real state and sustainability of refugees, which showed that **the real number of refugees who returned and remained in Croatia is much lower than the official figure** (more than 124.000 persons): in reality there are many who have not really returned, but keep commuting between Serbia (or BiH) and Croatia, as well as those who have left after some time. The CHC Regional Centre Slavonia also checked the status of the returnees in their region and came to similar conclusions. The activities were continued through regular assistance to victims of threats to, or violations of, human rights, while the CHC will deal with the issue of sustainability of return when appropriate funding is secured.

Structure of cases by types of problems reported to the CHC - changes 2006/2007

type of problem	% 2006	% 2007	change
courts and judicial procedures	13,51%	19,82%	6,30%
complaints of the conduct of the state bodies	3,93%	6,49%	2,56%
conduct of the police	1,72%	3,08%	1,36%
intolerance, discrimination, and harassment	5,49%	6,83%	1,35%
prisons and correctional institutions	1,31%	2,28%	0,97%
refugees, displaced persons, returnees	2,46%	3,19%	0,73%
the missing and killed persons	1,39%	1,94%	0,54%
environmental problems	0,74%	1,25%	0,52%
family problems and rights of children	2,29%	2,73%	0,44%
public attorney	1,15%	1,48%	0,33%
media and the public sphere	0,41%	0,57%	0,16%
labour disputes and rights of employees	5,81%	5,81%	-0,01%
other	4,75%	4,67%	-0,08%
issues of war veterans and military issues	1,15%	0,91%	-0,24%
health care rights	2,38%	2,05%	-0,32%
social issues	4,34%	3,99%	-0,35%
physical violence	1,97%	0,91%	-1,05%
citizenship status and documents	4,59%	3,42%	-1,17%
pensions and pension rights	6,31%	5,13%	-1,18%
housing issues	12,12%	10,82%	-1,30%
property-rights issues	22,19%	12,64%	-9,55%

Before the end of 2007 the total number of cases could be estimated to approximately 1.200 (as in 2006). The data processed for 2007 represent around one half of the cases, because the data processing is still going on.

Although this range of magnitude does not enable an entirely reliable presentation of the distribution of human rights issues, there is a room for interpretation and conclusions regarding certain outstanding issues:

- Pensions and pension rights: In the last quarter of the year 2006 we had a high number of complaints about the calculation of the state debt generated during the 1990-ies, particularly to the retired persons – beneficiaries of the highest pensions and those using the pension of their late spouses, whose outstanding pensions were calculated to 0. Since the Government accepted the suggestions of the CHC and organisations of the retired, and corrected the calculation, the number of complaints in 2007 was significantly lower.

- Social issues: The number of people who have approached the CHC is relatively small, because this type of issue only covers the social cases in the narrowest sense – those who need social care or welfare support. As a rule, those are the people of the lowest social standing, on the edge of social exclusion, who have difficulties to find out about the CHC and the possibility to get help regarding their rights. Their number would probably be higher if the CHC had some kind of an 'outreach-programme', which is not possible at the current level of resources. However, if conceived in the sense of all issues wherein the people affected depend on the social centres or social support. The assessment of a higher real number of cases is based on the experience with the social centres in cases of a broader range of social issues, such as family problems etc. As a rule, the experience shows that social workers are recruited through a negative selection of personnel, that is, that the unattractive jobs in this sector (high work load, dealing with difficult cases and responsibility for the beneficiaries, and relatively low salaries) are occupied by persons who have not had better opportunities. Consequently, the care and services provided are suboptimal.
- Property right issues: The decrease of this type of problems reported to the CHC by complainants can be interpreted partly by the fact that the deadlines expired for complaints against the decisions on repossession and reconstruction of the property that was expropriated or damaged during and after the war (which was in many cases allocated to, or illegally possessed by temporary users – as a rule, ethnic Croats, either returnees to the areas previously occupied by Serbs, or settled from other parts of Croatia and from Bosnia-Herzegovina). There is a high number of still pending cases of appeal; therefore we can anticipate that the CHC will be receiving further complaints of those who are dissatisfied with the efficiency, duration, or the outcomes of these proceedings. **Furthermore, there are still ongoing pressures on the Serbs who own property in the fertile agricultural areas (notably the area of Ravni Kotari in the Zadar hinterland), which indicates that there are appetites motivated by economic gains, using the ethnic tensions and latent discrimination that is manifest through the insufficient protection of basic human rights to security and property.** Generally, the restoration or return of the productive equipment and resources is the weakest part of the post-war restitution, which hampers the reintegration of the returnees.
- Intolerance, discrimination, harassment: The growing number of cases is actually a surprise, given the trend of gradual improvement in the previous years and the positive climate manifest in public communications of the government and the mainstream media. This is an indicator that the intolerance and ethnic tensions have not been overcome, the changes in the top level politics notwithstanding. Such development was noticed already in 2005, when we attributed it to the lack of leadership in the ministry of internal affairs.
- Courts and judicial procedures: The vast majority of the complaints received have been caused by the prolonged duration of the judicial process. There are also a number of complaints related to the matter of the trials, which CHC has to dismiss because such complaints address issues beyond our mandate, which can only be dealt with by the courts themselves. Following the justified complaints about the unreasonable duration, CHC has intervened with the presidents of the courts in question, and requested that they pay attention to the duration or the absence of any action of the court for a prolonged period of time. As a rule, the heads of the courts respond in about 15-20 percent of such cases.
- Prisons: The number of complaints is small, but it has grown steadily in the recent years. Although a part of the complaints received is related to the issues beyond the mandate of the CHC, there are a considerable number of cases which deserve attention. The complaints about the judicial sentences which resulted in imprisonment cannot be addressed, because they are within the exclusive competence of the judiciary. However, the complaints reveal a number of real problems of human rights among the inmates of prisons, penitentiaries, and correctional institutions in Croatia (20 institutions in total). The issues range from the overcrowded space and generally bad physical conditions, through the conduct of the prison administration, guards and other staff, denial of visits and communications, to the violence among the prisoners and insufficient protection against it. CHC has intervened with the prison administration and the department of the ministry of justice, which helped in some cases. To address the issue of human rights in prisons on a systemic level, CHC has developed a particular project, which will include a survey among the pris-

oners and the staff, an analysis of the causes of recurring problems, and recommendations for improvement, as well as public awareness-rising.

- Refugees, displaced persons, and returnees: This problem has been persistently present for years among the complaints the CHC receives. That indicates that there are long-term issues that have not been resolved yet. Although the return itself is officially almost completed, there are at least around 80.000 people left who live in a kind of limbo, because they are neither in the process of return, nor have they found a settlement of their status in Serbia (or, to a lower extent, in Bosnia-Herzegovina – the "Srpska" republic). Moreover, among those who are considered returnees in a technical sense that does not mean a real solution in all or majority of cases. According to the official figures, among all returnees there are 124.000 ethnic Serbs. The field inquiry that the CHC conducted in the Knin area, as one of the areas of the most numerous refugee and returnee population, showed that more than one half of them do not really live in Croatia. This finding was subsequently confirmed by the research commissioned by the UNHCR office in Croatia. Some of those people managed to sell their property after restoration, and moved either back to Serbia or to third countries. Some others keep commuting between Serbia and Croatia, but cannot be considered as really settled in Croatia. In all these cases the main problem is that their life in Croatia is not sustainable. The major obstacles include, primarily, the scarcity of job opportunities and poverty. That is the cause why the elderly population prevails among the real returnees: people who live on pensions (it should be noted, though, that there is still the open issue of convalidation of rights to retirement) or on social welfare support, although in very poor conditions. Further problems include the discrimination in employment in the public sector (administration, judiciary, public utility and other institutions such as schools, hospitals etc., and the state-owned companies); indirect discrimination in the support that the returnees should be receiving from the police, public administration, and social services; finally, 'private' pressures in the social relations are also present, caused by ethnic tensions or by other conflict using the ethnic affiliation as a pretext. The latter show the often insufficient commitment of the police and other institutions of legal protection. There is a special problem with the discriminatory 'solution' of the occupancy-tenancy rights ("stanarska prava") of persons who fled the country in 1991 and later. Under the law from the communist regime, the 'socially owned' apartments were allocated as a permanent tenancy right (with a low rent), which could have been lost only if the tenant left the apartment without a justified reason for more than 6 months. The persons who took refuge in 1991 and later under the ethnic pressures against non-Croats (notably Serbs) were treated as though they abandoned the apartments voluntarily. Under the pressures of the CHC and other human rights organisations, as well as the international organisations – UNHCR, OSCE, EU – the government adopted the "Programme of Housing Care", which offers the former occupancy-tenancy right holders just the right to use a state-owned apartment as a 'protected tenant', for a non-commercial rent, but without a right to purchase the apartment for a discount price (which was available to other former occupancy-tenancy right holders) and without a possibility to transfer the tenancy right to the beneficiary's children (like with the former occupancy-tenancy right). This is a form of indirect ethnic discrimination, because in almost all cases the affected population belongs to the Serb ethnicity.

These comments relate to the most outstanding features of the status of human rights in Croatia. It should be added that this confirms the conclusions of the two overall traits of problems of human rights in Croatia: **the types of rights that are violated, as well as the institutions that cause the violations, are spread across the whole spectrum: personal rights, property rights, rights related to social issues (in the range from welfare support to employment), labour rights, right to access to justice, etc. all appear in the complaints of the citizens. The sources of violations can be also traced throughout the system – from public administration, through public institutions (health, welfare, education...), to judiciary. This indicates not only specific weaknesses of certain branches of the institutional system responsible for protection and implementation of rights, but also the more fundamental problem of accountability or 'social responsibility' of the system as a whole. Even in cases where the status is legally clear it is often necessary to 'push' the procedure in favour of the complainant, because the formal legal mechanism is not sufficient to make the officers in charge to perform**

their duties toward citizens. Thus, the *general conclusion* from the comprehensive work on the direct protection of human rights is that the normalisation does not end with legal and institutional reforms, or with technical implementation. The state apparatus, still dependent on the supreme political will, rather than on public responsibility, needs to be checked and prompted by independent civic agents in order to perform in accordance to its legal mandate.

Regarding the major problems in human rights detected in the previous year: problems of the retired persons and problems of prisoners, the matters developed as follows. Since the CHC had found out that a particular category of pensioners had been denied their right, and the Croatian Agency for Pension Insurance had given contradicting statements with regard to legal competence and responsibility, we requested a solution from the Government. In the spring this year the Government recognised the right of those pensioners to compensation by the same principle as for other pensioners.

The assessment of the situation of prison inmates in Croatia was based on the growing number of complaints from various penitentiaries. Interventions in individual cases showed that the causes of problems were heterogeneous, including difficulties in communicating with the complainants. Therefore the CHC has developed a comprehensive project dedicated to the human rights of prisoners, which is going to be supported by the Open Society Institute - Budapest and carried through in 2008. The project includes research (survey and interviews); analysis of the major sources and types of jeopardising or violating the rights of prisoners (but also of the prison staff); discussion with the prison managers and the authorities in the administration of the Ministry of Justice; recommendations for improvement and public debate.

Until March 2007 CHC was making reports and analyses to the EU Monitoring Centre on Xenophobia and Racism as the National Focal Point for Croatia. Since the Monitoring Centre was transformed into the EU Fundamental Rights Agency, the continuation of monitoring and reporting the problems of racism, xenophobia, and other violations of human rights is restricted by the scope and mandate of the FRA. The cooperation continued through the organisation of the Seminar on the Racial Equality Directive - Promoting awareness of Community rules against racial discrimination in Zagreb, 11-12 June 2007.

Owing to the cooperation with the Human Rights House international network based in Oslo, as well as with the RAXEN/FRA, the Croatian Helsinki Committee formed a working group to develop recommendations to the Government for a new, comprehensive legislation against discrimination¹². The working group agreed on the fundamental principles and guidelines. This is going to be the basis to approach organisations of particularly interested groups (people with disabilities, underdeveloped regions, etc.). Due to the lack of funding, we had to cancel the Summer School for Human Rights, which was going to be dedicated to the issues of discrimination and the measures against it. Instead, CHC is going to organise a public debate in the autumn to present the proposals of the working group.

CHC cooperated with the Green Network of the Karlovac County in the joint activity titled "Partnership for Environment". The activities have been focused on the environmental impact of military activities, which within the County are particularly concentrated at the military exercise centre "Eugen Kvaternik" in the vicinity of the town of Slunj. The centre is also used by NATO troops, which increases the environmental risks of pollution. The key demand of this action is the reinforcement of the state inspection of environmental issues and extension of its authority over the military institutions.¹³

The CHC is among the organisations which formed an informal coalition of NGOs on the occasion of the publication of the draft Act on Free legal Aid. Although the original draft was prepared in close cooperation with NGOs, the Ministry of Justice did not take any action for almost a year (from May 2006), and has recently made considerable changes in the draft, which reduce the access to free legal aid to individuals without means, and reduce the role of organisations of civil society as providers of legal aid, to the benefit of the attorneys. The coalition publicised its objections in a press conference, and will continue to advocate a more fair regu-

¹² the first output of the working group can be found at <http://www.hho.hr/zakon-protiv-diskriminacije>

¹³ the recommendation to the government can be found at <http://www.hho.hr/adminmax/files/documents/prijedlog%20promjena%20propisa%20o%20inspekciji.pdf>

lation. The main objection by CHC is that the assistance to victims of violation of rights is reduced to specific steps in the legal procedure, while the whole effort of informal interventions that account for the greatest part of the assistance provided remains unrecognised.

3. Human rights education

Three Human Rights Schools for Youth took place in this semester: in January, April and June. The locations were Krapinske Toplice, Duga Uvala and Cres, respectively. These were the 13th, 14th and 15th school in total. As usual, the schools involved more than 20 high-school students each. The attendance includes not only the usual number of 20 high-school students but also some previous participants, who have meanwhile joined the Youth Section of the CHC and share their experiences in activism for human rights, run workshops, and contribute to the realisation of the programme.

Regarding the programme content, the schools continued with the same basic programmatic concept: introducing human rights into education of high-school students, because this topic is not included in the curricula of the official public education system. Specific topics covered the problems of public perception of human rights issues, basic knowledge of human rights: personal, civic, political, economic, social, cultural and other types of rights; also, the difference between individual and collective rights and the meaning thereof. Further, the participants learned about differences among human beings based either on immutable characteristics or on choice, and are sensitised to stereotypes, prejudices, discrimination and other kinds of violations of human rights of minorities. The topics also included freedom of expression and its abuses in violations of certain rights through media; power and activism; gender (in)equality; rights in relation to the police, judiciary and other institutions, etc.

Given the main purpose of learning for human rights, the way of conducting the education aims at maximally active involvement of the students in detecting the problems and search for solutions, which make them open to the contents presented by the lecturers. The methods of work were a combination of lectures and interactive forms. The students took very active part in the workshops. The section of "Activism in practice", introduced last year, was continued in the schools that took place this year, and was equally met with enthusiastic response from students, who were very motivated by the opportunity to learn about possibilities of common citizens and civil society to get actively involved in attempts to remedy violations of human rights and initiate changes in legislation and policies to that effect in a longer run. It ran as a series of workshops that provided the participants with an insight into a selected concrete problem, and all it takes to try to resolve it by means of civil activism. Another, already traditional form of active involvement has been the Forum Theatre, wherein the students learned to enact particular social situations burdened with conflict and potential violation of somebody's rights, and then perform it in front of the whole group, while all others have a chance to intervene into the scenes, trying to resolve the problem together. Both types of interactive work have proven very successful and motivating.

In the selection of participants we took care to cover all regions of Croatia, to involve students of different schools, and to keep gender balance (although there is a constant slight bias in favour of women).

The participants displayed great enthusiasm for all topics and for the area of human rights in general, which was manifest in active and creative participation in the workshops, vivid discussion after the lectures, and in their interest to continue in some form of activism. Participant's evaluation response confirmed that the schools have been successful and effective.

The inclusion of specific and topical subjects into the curriculum, proven successful in the schools that took place last year, was continued this year. Experienced activists and experts with practical commitment were again very successful in presenting the topics and running workshops or discussions.

Other educational activities, outside this cooperation project, took place in 2007:

- a seminar for judges and public prosecutors from the region of South-Eastern Europe;
- The Human Rights School for Future Decision-Makers – an advanced course for graduate students or young professionals from the whole South-Eastern European region.

As noted above, CHC had to cancel the traditional Summer School in Human Rights, which was to take place from 27 to 31 August 2007 on the topic of discrimination and policies against it. The reason is financial difficulties. CHC will, however, deal with this important issue through the continuation of the work of the working group and in a public debate.

4. Monitoring the war-crime trials

The Croatian Helsinki Committee for Human Rights has participated in the partners' project, led by the Centre for Peace, Non-violence, and Human Rights Osijek, dedicated to monitoring of and reporting on the trials for war crimes. Our monitors monitored trials in Sisak, Šibenik, Karlovac, and Zagreb. The joint report was completed and published in early February 2008. Preliminary, it should be stated that the number of cases where the parties to the trials are exposed to political pressures has decreased, with a notable exception of the trial against Branimir Glavaš. In this case the defence and the accused have committed a series of acts of verbal pressure on the witnesses, the agents of investigation, and the court; it is also likely that pressures on some witnesses went beyond verbal threats and abuses. Apart from the immediate impact on this case, this has important implications regarding the flaw in Croatia legislation, which does not provide adequate means against obstruction of justice. It has also been noted that in some cases where the defendants belong or used to belong to the Croatian Army the prosecution is not active enough in representing the case against them.

5. Protection and Promotion of Human Rights and Support to Sustainable Return of Refugees in the Areas of former Sectors North and South

Implemented by the Croatian Helsinki Committee for Human Rights – Regional Centre Knin and Field Office Karlovac

a) legal aid and protection to all persons whose human rights have been violated

In the period by 31 December 2007 the CHC offices in Knin and Karlovac registered 120 new complaints, most of which related to the property-rights issues, housing, the issues of refugees and returnees, judicial proceedings, pensions and pension insurance rights, and social welfare issues. Other types of rights-issues were present to a lesser extent. There were also 180 cases pending from the previous period.

Part of the complaints are addressed to the violation of the rights connected with the **retirement insurance**. The complaints can be categorized as follows: 1) complaints about the long processing time of cases led by the dissatisfied parties in the regional and head offices of the Croatian Agency for Health Insurance; 2) complaints about the slowness of the Administrative Court of the Republic of Croatia; 3) complaints about failure to solve requests for payment (or their refusal) of due pensions in the period from 1992 to 1998; 4) complaints about actualisation of rights to retirement pensions when the retiree acquired this right in another former Yugoslav republic (especially in Bosnia and Herzegovina).

Most problems are connected with the payment of **matured but unpaid pensions** from the Croatian Pension Insurance Institute, and those requests are in most cases rejected. Even though the clients are mostly senior citizens, they have to wait for the answers from the courts for unacceptably long time. Great deal of complaints are related to the fact that Croatian Institute for Health Insurance failed to pay more than 60 monthly payments for the pensions to the beneficiaries who had the right to the pensions in relation to the resolutions of the court adopted before 1991.

Also a common problem in this area is the recognition of the right on **convalidation** of the past employment years because the document to prove the existence of this right does not exist, due to the changes in local administration caused by the establishment of the self-styled "Republic of Srpska Krajina" on the territory occupied from 1991 to 1995 (or to 1998 in Eastern Slavonia, which was then peacefully reintegrated), and subsequent re-establishment of the regular administration of the Republic of Croatia. There have also been some manipulations

with providing and finding relevant documentation to prove convalidation or the employment years (years missing to establish the right to pension), so the returnees are forced to pay (sometimes not a small amount) to the people who have the access to the documents.

Temporary users of another person's property¹⁴ have contacted us more frequently. They are discontent with the alternative accommodation or with the process of solving their housing problem. **Unemployment** is constantly present, and it is a huge problem. Unfortunately, every day we get more and more aware of **discrimination** in the hiring process. Complaints about the violation of labour rights are quite diverse and difficult to categorize. It can, however, be said that the violations of labour rights mainly occur due to: 1) unfair layoffs, 2) no settlement of severance payments for the workers made redundant, 3) harassment of employees which was, judging from the received complaints, quite frequent last year in public institutions and institutions of local and state government. Typically, the employees whose labour rights are being violated aren't familiar with ways to protect them, i.e. with the stipulations of the Labour Law and laws that define employment in public institutions or in local and state administration.

The issue of unemployment is constantly present in this area, and is further burdened by the discrimination in selection of employees. This primarily affects citizens of Serb ethnic background, persons from ethnically mixed marriages and persons of Croat ethnic background who remained in the occupied areas during the war. The state administration offices and public institutions – hospitals, schools, police, and courts – generally employ persons of Croat ethnicity who moved to Knin or who commute from other areas of the Republic of Croatia and have their travel expenses paid for even though there are people with adequate qualifications registered in the local Employment Office.

Renovation of the infrastructure objects in the abandoned areas for the people who left during the war is still a huge problem. Renovation and connection to the electrical network as well as the activation of the water-supply system is crucial for the returnees. To help solving these problems CHC conducted field inquiries and made pressure on local and governmental officials in this area.

Regarding the areas which are not included in the areas of special state concern, most of the issues reported to CHC by the people facing human rights problems are the same as the problems presented in complaints from the people living in the areas of the special state concern. The issues are related to the property-rights, housing, judicial proceedings and social welfare.

In the category of property-right issues, the cases are mostly related to the right to renovation or return/repossession of assets damaged or appropriated by non-owners during the war. In the category of housing problems, most cases are related to the accommodation of the socially threatened people, return of the assets, return or substitution of tenancy rights, and problems with temporary users of somebody else's property. The latter issue presents a connection between the social, housing, and property rights in cases where the property in question is the only housing asset belonging to a returnee, who then does not have a place to live until the issue of repossession is resolved. (Hence this issue is categorized under the housing problems, unlike other issues of property-rights or refugees/returnees.) Problems of unemployment in this area are also connected to the issues presented. The low level of employment and the widespread poverty contribute to the difficulties in realising the legitimate rights. Namely, it is impossible to cover the lawyer's fees or other expenses to solve the legal problems when people hardly earn enough for living. The above presented problems with realization of the rights to retirement insurance and the rights of the invalids are also present in the parts of the region covered by the offices in Knin and Karlovac outside the areas of special state concern. All of these problems have an obvious social component – the economic situation of this area is a huge brake in solving other human-rights issues.

One of the crucial obstacles in the way of realisation of rights to social care is the administrative procedure, which requires an extensive number of documents without which this kind of

¹⁴ Typically, the owners are Serb refugees who have not returned yet; the right to temporary use the property was allocated by Croatian administration. There also used to be many cases of illegal possession of such property by ethnic Croats, either from Croatia or settlers from Bosnia-Herzegovina.

assistance cannot be realised. At the same time a great number of citizens living at the subsistence level do not seek welfare support out of fear that their property might become the property of the state. The welfare support provided by the Social care centres, pursuant to the Social Care Act, for a one-person household amounts to 400 kn (less than 55 €). For multi-member households the support for an adult fit for work, pursuant to the Legislation, amounts to 320 kn, for a child aged 7-15 it amounts to 360 kn. These means of support are insufficient even for the most essential needs. The base for the welfare funds was increased by 14,2%, i.e. from 350 to 400 kn, on March 1st 2001 but has since remained the same.

Since the retirees were deprived of the amounts of their pensions during the war, nowadays they represent the most imperilled population group. The state still has not returned most of the funds claimed by the retirees, and because they are advanced in age and of poor health or physical condition, they are unable to acquire funds from other sources, so they are left to their own resources and are living in abject poverty.

The Ministry of Family, Veterans' Affairs and Intergenerational Solidarity, as well as the Government of the Republic of Croatia make efforts to present a distorted image of reality in regards to realization of rights of war veterans stipulated by the applicable Laws. The reality is in fact much grimmer. Many veterans are still seeking assistance with the realization of their rights arising from their status of "Croatian defenders" (war veterans), realization of status of Croatian military invalids from the war, as well as means of determining degrees of disability and reducing injury percentage. Furthermore, the problems with unemployment, health care and housing accommodation of the veterans are still far from being resolved. Most of complaints refer to the priority list for housing allocations, poor quality of the flats given to the veterans, insufficient psychological help to the veterans with the PTSD¹⁵. The complaints also refer to the unemployment issue, insufficient social care, and inefficiency of the Government of the Republic of Croatia. The cases of the violation of rights in the employment procedures for the state, regional, or other public services particularly refer to the violation of the right of priority at hiring veterans and members of their families pursuant to the Law on the Veterans of the Croatian War of Independence and the members of their families. The irregularities in those cases regarded failure to determine facts (or their misinterpretation) about meeting the general and special conditions for employment required by the Regulations for civil servants and employees, which facts are used for determining the rights of priority of the war veterans in the process of employment under equal conditions pursuant to the Law on Veterans. This resulted with the inability to realize rights to priority in the process of their hiring. Even when the facts were properly established, and the veterans met the required conditions of a competition with the right of priority, the competitions were often nullified. Thus, there is a reasonable doubt that these candidates are being purposely avoided.

Apart from the abovementioned, the representatives of the CHC monitor all court trials for war crimes led in the county courts within the area of the RC Knin-Split and Karlovac (Zadar, Šibenik, Split, Karlovac), thereby contributing to secure the fairness of the trials.

The actions the CHC undertook in this period depended on current problems, and in providing assistance and solving problems the CHC did the following:

- warned about the most burning issues and demanded their resolving;
- personally contacted officers or representatives of governmental bodies or institutions authorized for the resolving of certain matters in an attempt to help accelerate solving them;
- issued recommendations for action, insisted on the implementation of those actions, either through implementation of provisions of laws pursuant to which a certain right was to be realized, or through amending certain provisions the CHC found discriminating, inefficient or impracticable;

¹⁵ post-traumatic stress disorder

- organized meetings with the representatives of the state or local governments to work out solutions and jointly resolve presented issues;
- organized meetings with the representatives of the NGOs to discuss current problems and together with them exert pressure on the authorized state or local bodies to solve the problems;
- submitted monthly, semi-annual, annual reports, and reports on events or problems to all authorized institutions, thereby warning about the noted issues, demanding efficient actions directed at the prevention of their further escalation and demanded the feedback information about the actions commenced and implemented.

In certain cases the CHC applied pressure on the bodies of local communities, authorized ministries, as well as the Government of the Republic of Croatia and other authorized institutions in an attempt to actively assist the persons whose rights had been violated and to find solutions to the problems. Furthermore the CHC employees performed field researches and field rounds, visited the persons unable to approach our Offices in order to look into situations, gather information and make accessing the CHC easier. Also during this period our employees have, as before, provided our complainants with all the information and advice they needed.

All of this clearly shows that Croatia is still not ready to take all the necessary steps to improve the situation in these areas, and unfortunately we can anticipate the continuation of many problems, which entails a greater need for commitments of the nongovernmental organisations, first of all the Croatian Helsinki Committee for Human Rights.

b) direct protection and assistance to returnees, and monitoring the sustainability of the return

1. The Return

(a) Establishing the actual status - introduction

According to the official data, in the Republic of Croatia since the beginning of the return process (fall of 1995) 330.727 returnees have been registered. 215.579 of them are mostly citizens with the Croatian ethnicity and 115.148 of them are ethnic Serbs who return from Serbia, Montenegro and Bosnia and Herzegovina, and some of them are displaced persons who resided in the Eastern Slavonia and the Croatian Danube area. When attempting to verify these data in the field, i.e. upon request for official data on return in particular settlements, municipalities or cities, in most cases it turns out that there are no official data.

Surveys in the first part of this project involved the area of the city of **Knin** (Golubić, Kninsko polje, Kovačić, Ljubač, Očestovo, Plavno, Radljevac, Strmica, Plača, Vrpolje, Žagrović) and the areas of the municipalities of **Ervenik** (Mokro Polje, Oton, Pađene and Radučić), **Kistanje** (Biovičino Selo, Đevrske, Gošić, Ivoševci, Kakanj, Kistanje, Kolašac, Krnjeuve, Modrino Selo, Nunić, Parčić, Smrdelje, Varivode and Zečevo), **Biskupija** (Markovac, Ramljane, Riđane, Uz-dolje, Vrbik, Zvjerinac), **Civljane** (Cetina, Civljane).

The current project that has lasted for two and a half months also involved the areas of Obrovac (Bogatnik, Nadvoda, Kaštel Žegarski, Komazeci, Krupa, Blišani, Zelengrad, Muškovci, and the town of Obrovac), the area of the former municipality (referred to the 1991. census) of Benkovac (the town of Benkovac, Ceranje Donje, Priseg Donji, Miranje Donje, Biljane Donje, Donji Karin, Islam Grčki, Donji Kašić, Biljane Gornje, Jagodnja Gornja, Jagodnja Donja, Brgud, Benkovačko Selo, Smilčić) and the former municipalities of Krnjak (Čatrnja, Krnjak, Dvorište, Velika Crkvina, Gornji Skrad, Skradski Ponorac, Zagorje, Gornji Budački, Jasnić Brdo, Keserov Potok, Burić Selo, Vojnović Brdo, Perići, Krnjačko Podgorje, Dugi Dol, Brebornica, Bijeli Klanac, Budačka Rijeka, Vojnička Poljana, Rastovac, Mlakovac).

It has been established that local branch offices of the state administration, as well as the local administration offices in the municipalities are not in possession of official data on the number

of returnees, nor, consequently, on the real number of the returnees who actually reside in the area. If these data are not available, there is clearly no data on the number of persons who have, upon returning to the Republic of Croatia, emigrated from the country due to the lack of the necessary conditions for a normal living.

This raises a question of what the official data on the number of the returnees are based on, since the official data proved to be inexistent in the majority of the abovementioned municipalities, and it is those data that should be the basis of the establishment of the actual number of the returnees across the state. If we were to rely on the data from the population census of the year 2001 and compare them to the data from the population census of year 1991, i.e. the census made before the war – it wouldn't be possible to determine the number of persons who had lived in particular areas before the war and then, after it ended, returned to their homes, because the population information of those areas refer to the total number of persons with registered residences in the area, which also includes ethnic Croats settled from Bosnia and Herzegovina and Kosovo, as well as those who moved in from other parts of Croatia.

Since the official data does not define the number of returnees in particular municipalities and settlements, the actual state is impossible to be established by a comparison method.

Therefore the CHC performed field inquiries in order to gather information and determine the actual number of the returnees living in the abovementioned areas, which included visits to every settlement of each municipality. The collected information was compared with the information found in the local committees of the settlements and municipalities. Then the information were statistically analysed and compared with the information from the population censuses of the years 1991 and 2001. This way the actual number of returnees in the areas of particular settlements or municipalities, as well as the percentage of return between years 2001 and 2007, was finally established.

(b) Determining the actual status – statistical analysis and overview (of the number of the returnees who actually live in the area of the registered residence)

Statistical overview of the information on the returnees determined during the field research in the area of Obrovac and Benkovac, as well as in the areas of the belonging settlements (referred to 1991.); overview of the actual status:

1. MUNICIPALITY OF OBROVAC

a) statistical overview

settlement	Census of 1991 total	Census of 1991 Croats	Census of 1991 Serbs	Census of 1991 others	Census of 2001 total	Return percentage from 1991 to 2001	difference according to censuses (how many people haven't returned by 2001)	No. of returnees found during field research by the CHC	return +/- compared to the year 2001	% of return from 2001 to 2007 (according to the total number of the 1991 census)
Bogatnik	470	-	469	1	74	15,74%	396	105	+ 31	6,59
Nadvoda	750				50	6,66%	700	70	+20	2,66
Kaštel Žegarski	480	5	474	1	53	11,04%	427	60	+7	1,45
Komazeci	357	-	357	-	5	1,40%	352	20	+15	4,20
Krupa	412	1	410	1	57	13,83%	355	92	+35	8,49
Bilišani	857	4	848	5	29	3,38%	826	100	+71	8,28
Zelengrad	512	52	458	2	44	8,59%	468	50	+6	1,17
Muškovci	543	3	537	3	47	8,65%	496	56	+9	1,65
Obrovac	1660	285	1253	122	1055	63,55%	605	~600	- 455	0,00
Golubić	478	1	475	2	36	7,53%	442	80	+44	9,20
Karin Gornji	876	3	851	22	859¹⁶	98,05%	17	~800	-	-

¹⁶ In Karin Gornji there is a lot of inhabitants - the Croats settled from Bosnia and Herzegovina; a whole new settlement was built for them. 20% of the population are ethnic Serbs. That means that a lot of things changed in Karin Gornji (based on the 1991 census Karin Gornji was almost exclusively inhabited with ethnic Serbs).

From the information above¹⁷ it is evident that until 2001, 2309 (31,22%) people returned in the area of Obrovac, as well as in the areas of the belonging settlements Bogatnik, Nadvoda, Kaštel Žegarski, Komazeci, Krupa, Bilišani, Zelengrad, Muškovci, Golubić, Karin Gornji, out of 7395 persons who had lived there before the war.

In the period between 2001 and 2007 only 244 persons returned (3,29% of the number of the residents before the war), which is 34,52% of the number of residents according to the population census of the year 1991.

b) Description of the problem and identified problems

In the area of Žegar (as well as the belonging settlements of Bogatnik, Nadvoda, Kaštel Žegarski and Komazeci) most of the inhabitants are older than 60. Unemployment is a crucial problem in this area, and the main reason for young people not to come back. There are still some problems with the infrastructure objects and with providing drinkable water and electrical power¹⁸. For instance, in Bogatnik there is no water, in Komazeci there is no electrical power for the people who live there. There used to be an elementary school in Žegar (children from all of the mentioned places attended that school). Now, only one child attends school. Citizens of Golubić believe that unemployment and impossibility for achieving basic living conditions are the main obstacle for the returnees¹⁹. Before the war, most of the citizens worked in Obrovac (factory), but today it is all gone, as well as any other possibility for employment. Inhabitants of Blišan are living on a minimal social-welfare aid. One of the crucial problems in the area of Obrovac is housing, primarily the return of the apartments²⁰. There have been more than 136

¹⁷ During the field research we have talked to the presidents and members of local committees of the researched areas as well as with the people permanently residing there to check the found information. The final number of the persons actually residing in the area is in accordance with the number given to the CHC by the presidents or members of the committees.

¹⁸ The CHC sent several requests to the institutions in charge asking them to come clear with plans to resolve this problem.

¹⁹ CHC received information on a number of incidents in and around Golubić caused by theft of objects made of copper and other metal, intended to sell the metal as raw material. Metal parts have been taken away from some houses, which jeopardises the living conditions. The CHC sent an official letter to the Ministry of Interior and demanded information on the steps taken to detect the perpetrators and prevent further thefts.

²⁰ Most of the citizens, the former carriers of the tenancy-occupancy rights, filed complaints that the apartments allocated as a substitute for the former rights are inadequate. For instance, Milena Vukojević, who suffers from a grave illness (including asthma) and is disabled, was allocated an apartment that has only one room and was completely demolished. Savo Škarić got a ruined prefabricated shack. In both cases the 'beneficiaries' rejected the allocated accommodation, and their right to alternative ac-

requests for housing but until this day they have not been solved. Before the war Karin Gornji was inhabited with both ethnic Serbs and Croats. Now it is a place mostly inhabited with ethnic Croats from Bosnia and Herzegovina, and the hostility against ethnic Serbs is still high, which engenders continuous discrimination, sometimes on the verge of violence. All other citizens of these areas have the same problems; despite a different image projected into the public, nothing has been done since 2001.

commodation is now in question. It is substantial to point out here that, unlike the Serbs, the temporary users of Serb property were given a choice of alternative housing instead of when they had to leave the property of returning Serbs.

2. MUNICIPALITY OF BENKOVAC

a) statistical overview

settlement	Census of 1991 total	Census of 1991 <u>Croats</u>	Census of 1991 <u>Serbs</u>	Census of 1991 <u>others</u>	Census of 2001 total	Return percentage from 1991 to 2001	difference according to censuses (how many people haven't returned by 2001)	No. of returnees found during field research by the CHC	return +/- compared to the year 2001	% of return from 2001 to 2007 (according to the total number of the 1991 census)
Benkovac	3776	749	2780	245	2622	69,43	1154	1200 BH 700 Hr ~600 Sr	-	-
Ceranje Donje	295	19	272	4	43	14,57	252	16	27	9,15
Miranje Donje	319	2	313	4	86	26,95	233	14	-72	0,00
Biljane Donje	1051	3	1020	28	13	1,23	1038	8	-5	0,00
Donji Karin	514	4	504	6	101	19,64	413	116	+15	2,91
Islam Grčki	1139	107	991	41	108	9,48	1031	100	-8	0,00
Donji Kašić	765	2	757	6	4	0,52	761	50	+46	6,01
Ceranje Gornje	316	37	252	27	61	19,30	255	49	-12	0,00
Biljane Gornje	1056	2	1033	21	59	0,05	997	33	-26	0,00
Jagodnja Gornja	490	9	474	7	46	9,38	444	76	+30	6,12
Jagodnja Donja	527	96	403	28	103	19,54	424	80	-23	0,00

From the information above²¹ it is evident that until 2001, 3296²² (32,16%) people returned in the area of Benkovac, as well as in the areas of the belonging settlements Ceranje Donje, Miranje Donje, Biljane Donje, Donji Karin, Islam Grčki, Donji Kašić, Ceranje Gornje, Biljane Gornje, Jagodnja Gornja, Jagodnja Donja, out of 10249 persons who had lived there before the war. In the period between 2001 and 2007 only 118 persons came back, and approximately 146 persons left RH or died (10%). Therefore, in that period there was no return.

b) Description of the status and identified problems

In the area of Benkovac the main problem is unemployment, especially for the ethnic Serbs. It was found that there are no ethnic Serb employees in the state administration offices and public institutions – hospitals, schools, police, and courts. A huge problem is return of the assets that are temporarily used by a third party (especially the agricultural land). Great number of legal owners still waits for return of their lands. A great number of young people from Ceranje Donje left for Sweden or Norway because they were unemployed and they saw no future in the village. There is no drinkable water pipeline or the electrical power in that area. In Donji Karin returnees are quite displeased with the renovation of their houses, and they also complain about unemployment. The same problems as the rest of the citizens have the people from Islam Grčki. On top of that, their property, notably the agricultural land, is still occupied by 'temporary' users.²³ They have no water even though there is the water supply system in place (which they financed with their own contributions before the war), and the citizens from the

²¹ The interviews during the field inquiries included the talks with chairpersons or deputies in the local Councils of the places included in the research, as well as with persons permanently living in those places. These interviews served to check the data. The final number of persons really living in the area covered is consistent with the figures presented to the CHC by the chairpersons and deputies in the local Councils.

²² It is substantial to point out that this figure also includes approximately 1200 persons settled from Bosnia and Hercegovina, so that the percentage of the returnees is in reality even lower than stated.

²³ Related to the issue of the land taken away from its lawful owners we interviewed Veljko Čadenović, the lawyer of the Serb Democratic Forum in Benkovac, who informed us that even in cases of return of the property based on the abolition of the temporary rulings in favour of the non-owners, there remain consequences that have never been cleared or compensated. Namely, most of the temporary users changed the type of crops, mainly owing to the government's financial incentives. Those persons still use the incentives, even though they no longer do the land, and the real owners have no resources to return to the original crops they used to grow earlier, and which could bring at least a modicum of income. In this relation a further problem is that most of the owners do not own 100% of the property (usually caused by the tradition of inheriting land, which was divided among the offspring of the previous owner). That is the reason why the public attorney has not started any proceeding of property return, on the pretext of unclear property rights. The owners are forced to start private legal disputes, for which they afford to cover the expenses (court taxes, attorneys' fees).

surrounding areas (mostly ethnic Croats) have regular water supply. The main problem in Donji Kašić is the occupied agricultural land and unemployment. Elementary school is completely destroyed, which is also an obstacle for the younger population to come back.

Citizens of Ceranje Gornje complain that unemployment and the absence of the infrastructural objects are the main problems. There are also ethnic based tensions in this area. Ethnic Croats in Donji Pristeg and Donje Ceranje demolish the renovated houses that belong to Serbs. This problem was even presented in the media but is still unsolved. Citizens of Biljane Gornje have no water even though they have water supply infrastructure and they are also mostly unemployed. Other citizens of these areas believe these are the main problems and if somebody would solve 50 % of the problems more people would come back. Unfortunately, they have been addressing the government with these problems for years, and nothing has changed.

The Croatian Helsinki Committee for Human Rights has put together the list of all such cases known to our organisation as a preparation to lobby the government to settle the issue.

3. MUNICIPALITY OF KRNJAK (KARLOVAC)

a) statistical overview

settlement	Census of 1991 total	Census of 1991 Croats	Census of 1991 Serbs	Census of 1991 others	Census of 2001 total	Return percentage from 1991 to 2001	difference according to censuses (how many people haven't returned by 2001)	No. of returnees found during field research by the CHC	return +/- compared to the year 2001	% of return from 2001 to 2007 (according to the total number of the 1991 census)
Čatrnja	157	-	147	10	122	77,70	35	44	-78	0,00
Dvorište					53					
Velika Crkvina	105	1	97	8	74	70,47	31	48	-26	0,00
Gornji Skrad	68	-	66	2	44	64,70	24	31	-13	0,00
Skradski Ponorac	65	-	65	-	36	55,38	29	32	-4	0,00
Zagorje	128	1	126	1	84	65,62	44	49	-35	0,00
Gornji Budački	72	-	68	4	45	62,50	27	27	-18	0,00
Jasnić Brdo	42	-	42	-	10	23,80	32	2	-8	0,00
Keserov Potok	16	-	16	-	18	100	+1	9	-9	0,00
.Burić Selo	79	1	69	9	45	56,96	34	29	-16	0,00
Vojnović Brdo	27	-	27	-	17	62,96	10	7	-10	0,00
Perići	47	-	47	-	23	48,93	24	16	-7	0,00
Krnjačko Podgorje	107	-	100	7	60	56,07	47	11	-49	0,00
Dugi Dol	213	3	209	1	129	60,56	84	72	-57	0,00
Brebornica	123	-	121	2	126	100	+3	44	-82	0,00
Bijeli Klanac	31	-	31	-	19	61,29	12	9	-10	0,00
Vojnička poljana	54	-	54	-	29	53,70	25	13	-16	0,00
Rastovac	25	-	25	-	14	56,00	11	3	-11	0,00
Mlakovac	138	-	135	3	133	96,37	5	58	-75	0,00

From the information above it is evident that until 2001, 955 (63,79%) persons returned in the area of Krnjak and Čatrnja, Dvorište, Velika Crkvina, Gornji Skrad, Skradski Ponorac, Zagorje, Gornji Budački, Jasnić Brdo, Keserov potok, Burić Selo, Vojnović brdo, Perići, Krnjačko Podgorje, Dugi Dol, Brebornica, Bijeli Klanac, Vojnička Poljana, Rastovac, Mlakovac out of 1497 persons who had lived there before the war. The survey conducted in 2007 found only 504 persons living in that area. That means there are no returnees.

b) Description of the status and identified problems

The field research showed that electric power is one of the biggest problems of the citizens of this area. Installations and transformer cells are old and devastated, so the renovation is necessary. People from these areas already pointed out this problem, but nothing has been done. The other problem is access to drinkable water, especially in the summer time because of the drought, so they really need water supply infrastructure. The main problem is the bad economic situation of the citizens and the absence of government plans for development of the region. Wastewater system does not exist either, which is also a serious problem.

Bad transportation connections is also a big problem, especially for the young people. Local buses barely cover small settlements in the area. The cost of the tickets is also hardly affordable for the mostly unemployed or poor people. Furthermore, medical care is virtually unavailable: There is just one clinic for this area, located in the town of Krnjak. Local areas are distant up to 14 km, which is a big problem for the elderly people.

Apart from the difficulties presented, people have problems with health care, establishing property rights, convalescence of the previous time spent at their jobs (the basis for pension insurance), retirement and medical insurance. Very often elderly people give up seeking their rights because they have no money for that. For example, if they need a home care, they have to obtain a medical report from the specialist, which is far too expensive for them.

6. Monitoring and human rights assistance and sustainable return of refugees in the regions of Slavonia-Baranja and Banija-Kordun

The activities of the CHC in the region of Slavonia

The CHC Regional Centre Slavonia, Cooperative centres in Vukovar and Osijek are active in the area of five Croatian districts: Osijek-Baranja, Vukovar-Srijem; Požega-Slavonia and Virovitica-Podravina; i.e. from Okučani and Pakrac, Virovitica (Western Slavonia) to eastern borders of the Republic of Croatia to Serbia and Bosnia-Herzegovina. We operate on two levels: everyday work in the offices in Osijek and Vukovar (open to the public) and field work (visits to parties in difficult financial or health conditions, contacts with the representatives of authorities, direct actions during evictions, providing documents, etc.; visiting refugee centres, refugee groups and individuals, both in Croatia and bordering areas in Serbia, i.e. Vojvodina and B-H). Meanwhile, the refugee camp Naselje prijateljstva in Čepin near Osijek is closed, and a demolition of a part of a refugee community in Blace near Vinkovci has started. Similar events are planned in Serbia (Vojvodina). It is not certain whether these plans are realistic, since the agony of the refugees is still current.

In the period between January 1st and December 31th 2007, the Regional Centre Slavonia received 218 new cases. This is, then, the number of persons who asked for our help for the first time. Meanwhile we worked on cases that were previously received (more than 400), but due to their complexity could not have been solved earlier. At the same time for a significant part of the mentioned cases we will need to make interventions to the authorities during the next year. The reason to the slow processing of the received cases regarding the protection of human rights is above all the unwillingness, slowness and lack of professionalism in the public administration and authorities. These institutions act as an alienated, self-sufficient part of the state, which is completely indifferent towards personal destinies of its citizens (especially those of the members of ethnic, political, religious, gender and other minorities). This situation

hasn't changed for the last fifteen years, during which the forms of violations of human rights gradually became more sophisticated, but are as equally effective as they were before, during and shortly after the war.

Among the cases we deal with, housing problems and property rights issues are still dominant, but there are also many cases regarding labour rights, labour disputes, courts and court proceedings as well as cases regarding health insurance rights, pensions and retirement rights, and social issues. Apart from that, as mentioned in the introduction, we focused our work more intensely on the problems of the persons with special needs, as well as on the discrimination issues, i.e. social stigmatisation of persons with homosexual orientation. A special group of problems refers to refugees, displaced persons and returnees. Those problems are connected with intolerance, discrimination, harassment, physical abuse, as well as with complaints about the conduct of authorities. It is extremely important to recognise and take care of the problems of repatriation of refugees to the Republic of Croatia, the opportunities for young returnees and the issues regarding sustainable return.

We also monitor court proceedings on war crimes, which are closely related with the issues concerning the missing and the killed persons and the police treatment (in a wider sense). On few occasions, at the requests of the war crime suspects, we made prison visits (mostly in the Osijek prison) to witness the conditions in the prison facilities.

While monitoring the proceedings against persons suspected of war crimes against the civilians in Osijek, committed during years 1991 and 1992 (popularly called "the garage case" and the "scotch-tape" case) we paid, at her request, a visit to Gordana Getoš Magdić, the former close collaborator of Branimir Glavaš, who was charged with war crimes in the "scotch-tape" case, i.e. the murder of about ten civilians from Osijek, mainly Serbs. Ms. Magdić complained about the treatment she received in detention (allegedly she was denied the right to see her daughter), but it turned out that the prison officials acted in accordance with the rules and regulations, i.e. that they stayed within their authority.

In the Zagreb County Court the main discussion in the trial against Branimir Glavaš and a group of his collaborators who were charged with war crimes is still in process. We will inform you in more detail about this in the addition to our annual report and we will also present you with a short chronology of events regarding the annulment of the parliamentary immunity, detention, Branimir Glavaš's public appearances from prison, and the whole political show connected with this case that went on throughout the whole year. This is very important as it depicts the chaotic state in the judiciary and lack of resourcefulness of the government regarding the war crime issues, which we commented on in numerous public statements. We were directly involved in the whole case during the collection of evidence since we provided the General Attorney's Office of the Republic of Croatia with testimonies of possible witnesses. At the same time, after the Australian government handed over Antun Gudelj to the Croatian administration of justice (Antun Gudelj killed Josip Reihl Kir, who was the chief of police in Osijek involved in mediation and mitigation of local ethnic conflicts, and his two collaborators, shortly before the war broke out in mid 1991) we are involved in monitoring the forthcoming trial which can be linked with the abovementioned Glavaš case. This might help us gain more knowledge about other war crimes against the Serb civilians in Osijek.

We will submit more information on the case in the annual report for the year 2008 (the end of the main hearing is scheduled for the summer 2008.), but it should be pointed out that recent announcements of the prosecution authorities already indicate certain difficulties in the trial process. Namely, the prosecution does not intend to change the indictment and redefine the murders done by Gudelj into war crimes, but will treat them as first-degree murders instead.

As a part of a forthcoming project we are going to visit the entire prison system of the Republic of Croatia, as the current state of affairs indicate many problems in the institution: such as overcrowded conditions, restricted space, bad hygiene conditions, bribe, corruption and alike.

The daily activities of the CHC concerning the displaced persons, refugees and returnees include the following:

The impossibility to register places of residence is a problem for many citizens who want to resolve the issue of their status. A part of them cannot register at their previous addresses due to many circumstances disabling them to reside there. The former tenancy rights owners, who lost that right on the basis of the final court decrees, are forced to register on other addresses

which causes additional problems to the resolving of their status. We noticed that this phenomenon is not only related to the returnee population, but also to the citizens who never left their places of residence but have, due to fraud and criminal actions by certain civil services and servants (including the police and the judicature), and mainly because of their "wrong" ethnic origin, been denied their right to purchase apartments for which they owned tenancy rights. Thus they were forced to look for new accommodation, which they haven't managed to permanently resolve up till now. After the elections, a member of the Parliament for SDSS²⁴, dr. Pupovac announced a whole set of issues that should be resolved by the new government. Above all, he announced that the question of return for cca 100.000 citizens of Serb ethnicity (mostly from Serbia and BiH) is a priority. There are certain discrepancies between official government data and SDSS concerning the number of refugees with unresolved status; dr. Pupovac is talking about a quite larger number of people than the government office for refugees and returnees are talking about.

This is a legal discrimination of its own kind, especially evident in cases of tenancy rights owners in the so-called confiscated apartments, who haven't been given the opportunity to purchase those apartments. This kind of treatment makes them second-class citizens as they are denied the right to do what other citizens were allowed, i.e. to privatize their tenancy rights.

The main cause of the property rights issues is said to be the temporary use of property owned by the citizens who have taken refuge from the Republic of Croatia to Serbia, Montenegro or Bosnia and Herzegovina. These issues, however, arise from the fact that a part of the apartment owners are involved in legal disputes against the temporary users of their apartments who refuse both to leave property they do not own and the offered alternative accommodation. At the same time indemnity to the owners for their devastated property hasn't even begun to be resolved.

Violations of labor rights are mainly connected with unlawful termination, unpaid severance, harassment, and abusing. Typically the workers whose rights have been violated aren't familiar with ways to protect their rights.

Also, there are many obstacles in realizing rights that arise from the social welfare programme, as it requires the submission of a large number of documents. Many of those who live in poverty are often unable to provide the required documents on time (mostly old people with bad health conditions, or handicapped persons with guardians with low education levels).

Many people ask for our help because they are not familiar with regulations and ways to realize their rights. There are many complaints about the long duration of proceedings in the district offices of the Croatian Institute of Health Insurance, the Croatian Pension Insurance Institute and the Administrative Court of the Republic of Croatia. Also, a lot of Croatian war veterans turn to us seeking help regarding the realization of their rights arising from their status, mainly based on their military disability. However, the methods of disability rating and of decreasing previously rated disabilities are controversial.

During the year 2007 the European Commission and the OSCE concurred with our standpoints regarding the issue of media ownership. Namely, more than one hundred radio stations, newspapers, and TV stations are owned by districts, cities and counties²⁵, which is a practice different from the countries of the EU. If the local authorities own a certain media it is to be expected that they would also have the power of control over them. We find that this problem should be regulated within the frames of the law, since the political control over the media is and should be inadmissible. In fact, the local media are used as means of propaganda, a distinctive example of which is the Television of Slavonia (Slavonska televizija), Radio of Slavonia and partly the local daily newspaper *The Voice of Slavonia (Glas Slavonije)*. The news programs in those media is dedicated to the promotion of general Glavaš, his programme of political regionalism, his settling with persons of different views (including the CHC in Osijek), intentional misinterpretation of the basic facts in accordance with the momentary interests of

²⁴ Independent Democratic Serb Party

²⁵ Radio Baranja (25% owned by the town of Beli Manastir); Croatian radio Valpovština (25% owned by the town of Valpovo, 25% owned by the town of Belišće); Glas Slavonije daily newspapers (25% owned by the Osijek-Baranja county), while the ownership structure of the Slavonia television and Slavonia radio is entirely non-transparent.

the party he leads²⁶. All of this has negative consequences on the current political crisis in the city of Osijek (the break-up of the coalition government led by Đapić and Glavaš) which is perpetually burdened by the events arising from the trial against Glavaš and his collaborators, due to the fact that the media are used exclusively for political settling. For example, we as an organization, due to our points of view, have absolutely no chance to appear in those media. However, during the period before the early local election (in which took place the same time as Parliament elections on 25 November 2007) we succeeded to appear in media and we were active in warning, mostly on national, less on local media, on all negative consequences of this long political crisis in Osijek, that is, political conflicts between leaders of local parties, who were more concerned about their own well-being and their parties than the real needs of the city and its citizens. Unfortunately, we were right about this and the town crises continued, even deepened. Because of the impossibility of forming the town administration, new elections are scheduled for March 2008. Our interventions had a positive effect on a big part of the town population, because we were warning that intransigence of the local parties could paralyse the management and economy of the city. That is what actually happened at the end; all projects are stopped because their realization is not possible without the town administration.

Therefore, the state of human rights in Croatia is mainly the same as the last year; there has been no real progress. It is possible though that some positive processes are underway, because the legal proceedings and court trials are going on in some prominent cases of war-crimes and corruption, but it is too early to tell what their real effects will be. One of the problems concerning the administration of justice is the fact that even though many laws have been instituted, they are not being implemented. The public administration and the judicature haven't been adequately reformed, which causes the long duration of proceedings, i.e. the violation of human rights. The weaknesses of the judicature present a far-reaching and serious obstacle to the protection of human rights. The Glavaš case revealed that the judicature is unprepared to handle various sorts of pressure. Croatian government receives constant warnings from the EU regarding slow reform of justice; the Ministry of Justice has started certain changes in this area, but it seems that the state administration is not capable to cope with the challenges it faces. A project of rationalization of the network of courts failed; in order to meet the requirements posed in the process of negotiation for Croatia's membership in EU it will have to be implemented with renewed efforts. There should be a reduction of the number of courts, that is, a specialization of first and second degree courts, and thereby achieving a better quality of the trials and a unique application of the law in those areas in which there is a stronger interest of the society. There is also an ongoing dispute between the Ministry of Justice and an ad hoc coalition of NGOs about the free legal aid aiming to overcome the latent discrimination based on the deep socio-economic inequalities. The Ministry and the Croatian Bar Association tend to keep that domain of activities exclusive for the attorneys at law, although it is the human rights NGOs that carry most of the burden of free legal aid. Other tasks remaining for improvements in the judiciary are to make the justice available for every citizen and reinforce the discipline of the parties within the procedural regulations.

Too long trials are the main reason why our citizens approach the European Court for Human Rights in Strasbourg. Compensations awarded to Croatian citizens in 2007 by this Court have costed the Croatian state more than 2,5 million kunas. It should be pointed out that this is not the final amount, because the verdicts become valid only 3 months after they are delivered to the parties. That means that all the verdicts received in the final quarter of the last year will be charged to the ministry of finance in the first quarter of the year 2008. In 31 cases, which ended with verdicts, in 29 of them some kind of violation was found; one case was settled outside the court, and in one case it was decided that there was no violation of human rights. In 14 verdicts it was decided that the trial before Croatian courts was too long, in 10 cases there was a violation of the right to a fair trial. According to the Croatian Ministry of Justice the number of so-called Croatian cases before the ECHR is growing, but that is also common for some other newer members of EU, like Slovakia and Czech Republic. As for the violations of human rights that arise from the interethnic discrimination, the government and the police react more promptly to those kinds of conflicts than before. At the same time, the media's positions are less nationalistic; the hate speech is no longer common, but still happens too often.

²⁶ Croatian democratic union of Slavonia and Baranja – (HDSSB)

The citizens more frequently complain about the social welfare system and the police. The low life standard of many families is evident on all levels, and most imperilled groups are those of the retirees, the unemployed and the single parents. To this we may add persons who lost their tenancy rights, regardless of how or where they lost it (whether in the areas that were in the grip of war or somewhere else). The former tenancy rights owners are legally insecure; the government promised last year to build 4,000 apartments for the former tenancy rights owners, but the project's realization is, however, delayed.

The complaints about the police are some, but not many. Nonetheless, the police's explanations of use of force are especially disturbing, even though they say that the force is always used in accordance with the law.

Also, we must warn about the growing number of the violations of rights to privacy, which are so frequent in the media that they are no longer considered to be a problem.

On a more positive note, there are an increasing number of cases motivated by environmental concerns, which shows the growing awareness of the citizens regarding such issues.

The CHC in the cooperation with the Croatian Legal Centre, the Serb Democratic Forum, and other NGOs has started developing basic principles of a comprehensive anti-discrimination law. The mentioned organizations have held a public debate on the principles of such law and gave their recommendations to the Ministry of Justice, together with objections and corrections to the draft act being prepared by the Ministry.

Regarding this issue it is of utmost importance to raise awareness among the youth that all human beings are equal in their rights, dignity and obligations. Therefore the CHC will increase its efforts to introduce human rights into the curricula of the formal educational system.

Although the social welfare system of the Republic of Croatia fails to meet the needs of the citizens or to work within the constitutional and legal frames, our data show that the majority of complaints refer to unprofessional and rude treatment by the social service officers, especially their lack of communication skills. When it comes to providing help to the poor, or treating children in cases of divorce, custody etc., those people use the wrong approach. Since in the majority of cases the parties involved are ordinary, anonymous people, in the social care centres an inadmissible carelessness prevails, together with an unprofessional attitude towards the problem. This problem will increase should they be given even greater authorities. The needs and the number of the poor as well as the gap between the poor and the rich will increase, and if this continues it will result in social chaos.

The activities of the CHC regional centre in Osijek and Vukovar are numerous and diverse as they are taking place in the specific situation of the region traumatized by the war. The approach and methods to solving such problems are thus extremely delicate. In a nutshell, our activities include direct assistance, gathering and distributing various data to the authorities, as well as creating public pressure and public campaigns, in an attempt to solve the observed issues quickly and in a more efficacious manner – the issues that strikingly infringe the standard of the law and the rule of law. All our actions aim to affirm and promote the civil society values, a *conditio sine qua non* of any modern democratic society that values the principles of human rights.

In the end we also want to inform you about our major activities on international conferences, because it turned out to be a very efficient way for promoting protection of human rights. Such events were interesting for the media, they informed the public about our activities, and at the same time they stress the problems that we believe are the most important for the certain period. We participated in a big meeting concerning the understanding of different religions and the importance of cooperation and understanding as a prerequisite for dialogue and tolerance in multiethnic local community in Vukovar; we are regular participants of the *Igman initiative*, where we were (2007 in Belgrade) talking about problems and concerns of returnees and refugees; in June we were at the meeting about populism in Bratislava that gathered a great number of nongovernmental associations from all European countries in the post-communist transition (from the so called Baltic states to middle European and Balkan states). Also, in June, we were at the meeting in Bruxelles, as a part of organization ECRE and we presented our views about the problems of return of refugees in front of the representatives of Council of Europe. We had a great cooperation with the Centre for Humanitarian Law in Belgrade; the Citizens forum from Tuzla, and the Centre for Regionalism from Novi Sad, and we participated in a great deal of meetings and work-shops.

The human rights situation and activities of the CHC Field Office Karlovac

The CHC Field Office Karlovac is covering the territory of the Counties of Karlovac, Sisak-Moslavina, partly Lika-Senj and if needed also helps at Primorje-Gorski Kotar and Istria Counties.

During the first six months in 2007 approximately a hundred new cases of breaches of human rights were opened. Around the same number of cases remained unsolved from the previous year. Furthermore, many individuals approached the CHC Field Office Karlovac with various questions and requests for information, which were answered without being registered as cases.

The old cases often require more work than the new ones; they often include new problems encountered by the same complainants. Such cases are not registered as new cases, but just included in the existing files. In the new cases we often have to wait for complete documentation, for responses to our requests for additional information or other kinds of interventions.

The interventions include several different approaches and activities within the same case: general and specific legal information and advice; assistance in submissions to administrative and/or judicial instances; monitoring of court sessions. The latter is often requested by the complainants, because of their distrust not only to the court and the opposite party, but also to their own lawyers, who are often not interested in ending the case in the quickest and most efficient way (probably partly owing to the Bar Association tariffs, by which attorneys are paid per session, document, etc., and not per case). There are also positive examples, like the case in which the lawyer Silvije Degen agreed to cooperate with the Karlovac Field Office; the analysis of the case showed that the attorney failed to file the constitutional suit, which might result in a considerable reduction of the sentence.

During the first half of the year we made two visits to the penitentiary institutions – the prison hospital in Zagreb and the Lepoglava prison. The visit to the hospital was made as a response to complaints of a prisoner about inadequate medical treatment. The visit to Lepoglava was motivated by certain failures in the judicial procedure of the latter prisoner. In both cases we informed the competent authorities about the problems and let them know that CHC will be monitoring the further development.

In June, our main preoccupation was cooperation with the Office of the Public Ombudsman in assisting the complainants from Karlovac, Plaško, Vojnić, Tušilović and other places of the Karlovac County.

In April, May and June we saw the culmination of the problem of the users of the "Gaza" refugee settlement. The head of the Settlement warned the inhabitants that they had to leave the settlement because they got valid decisions, to which their appeals were rejected; she also threatened them that the water and electricity would be disconnected the next day, which really happened. After the intervention of CHC and a meeting with the head of the Settlement, as well as with the head of Administration for Displaced Persons, Refugees, and Returnees, three days later electric power and water supply were connected again. The users gradually left the "Gaza" Settlement during June.

The problem of corruption is continuously present. We frequently receive various complaints, most of them oral, as well as anonymous ones. We direct the complainants to take the legal steps, but we doubt that they have done so in many cases, including the judicial procedures. Regarding these problems we had a meeting at USKOK (government's agency for combating corruption and organised crime), with Ms. Gordana Klarić; we are also in contact with the activist of Transparency International – Croatia and cooperate well with the head of the Crime Department of the Karlovac Police Department Mr. Vlatko Cegur.

The number of cases in the area of health and social issues has grown constantly. Together with the problems of the displaced persons, these cases are among the rights that are most frequently violated or jeopardised.

Conclusion

The situation of human rights in the area covered by the Field Office Karlovac has improved in certain aspects, but the number of cases of violation is still similar to the previous years. Moreover, there is a ground for suspicion that there are numerous cases of corruption and similar abuses that the citizens find hard to report, and which are consequently hard to follow and prove. A significant part of the problems stems from insufficient activity of the responsible

institutions, and to a lesser extent from direct abuses. In the rural areas and small towns there are many problems that remain unreported, because of the limited capacity of our activist to reach all the places; in such areas the situation of human rights is aggravated by the combination of the factors of underdevelopment, poor communications, ethnic tensions, and concentration of local powers. CHC will continue the monitoring and assistance to the persons who need help in achieving their rights.