



The slow pace of reconstruction of war-torn houses remained a serious obstacle to refugee return. Devastated houses in the village of Civljane. © CHC

Primarily due to a growing number of incidents of inter-ethnic violence, the human rights situation in Croatia deteriorated in 2005, thereby breaking a trend of progressive development that had taken place over the past decade. However, in 2006, the situation largely calmed down, thanks to significant changes in the police apparatus and the readiness of government bodies to respond resolutely to inter-ethnic incidents.

The Croatian Helsinki Committee for Human Rights (CHC) welcomed these changes, but deplored that they had not taken place earlier. Likewise the CHC pointed out that while the opening of a number of war crimes cases during the year was laudable, it could be questioned why such actions had not been initiated earlier although sufficient evidence was available already in the 1990s.

In its work, the CHC increasingly addressed issues relating to social rights, such as poverty, housing, pension and labor issues. According to the committee, the country's social welfare system was in need of a radical overhaul and did not corre-

spond to the positive obligations of the state established by the constitution and other relevant legislation or the level of needs. Secondary legislation regulating specific social issues was not adequately implemented and some major problems were reflected in the complaints received by the committee, including unclear criteria for distribution of welfare assistance; questionable custodianship procedures primarily affecting elderly residing in nursing homes; and the frequent use of short-time work contracts leaving employees without proper social protection. Social problems were given only limited and selective attention by the country's media, contributing to a lack of awareness of such problems.

As in previous years, there were no effective mechanisms in place for remedying human rights violations, including in particular violations of social rights. Despite much criticism directed at the government and the judiciary branch in this respect, no constructive measures to address existing deficiencies were taken.

The long-lasting problem of the return of refugees who were forced to flee during

the 1991-1995 war, and the related problems of ethnic tension, discrimination and social exclusion, persisted.

Return of refugees and IDPs

Unfounded official data

According to the official data, a total of 342,897 refugees and displaced persons had returned since the beginning of the return process in 1995. However, the CHC questioned what information this official figure was based on since the local authorities in most areas affected by the 1991-1995 war were not able to provide any numbers of returnees upon request.

Economic factors

Economic factors influenced decisions on a possible return in significant ways. Elderly returnees were in most cases able to ensure a minimum level of sustenance through retirement pensions and other social benefits, but younger people typically depended on employment to secure sufficient means of livelihood for themselves and their families upon return. Up to 70% of all returnees were over the age of 60.

The former mayor of the Biskupija municipality, Zoran Marić, highlighted the importance of investments and economic progress for the return process by stating that an organized return "is not just a bus ticket in the direction of one's home"; even if reconstruction of destroyed houses is achieved, it requires that refugees are granted the possibility to earn a means of living when they come back.¹

Ethnically based discrimination and violence

Unemployment was a general problem in the regions affected by the war, and was further aggravated by labor discrimination. This form of discrimination particularly affected returnees of Serb ethnicity, persons from ethnically mixed marriages, as well as persons of Croat ethnicity who

lived in territories occupied by Serbian forces during the war.

In most regions affected by the war, institutions of state administration, courts, police, hospitals and schools primarily employed ethnic Croats who had moved or returned to these regions after the war, thereby excluding job candidates of other ethnicities. In some cases, ethnic Croats who lived outside of the regions in question were hired and reimbursed for daily commuting costs, although the registers of local employment agencies featured ethnic minority candidates with adequate qualifications.

The Serb Democratic Forum, an NGO, documented the deplorable situation in the Knin region. Its research showed that none of the employees of the state administration, local government or police force in this region were members of ethnic minorities, although ethnic minorities made up about 12% of the population. The representation of ethnic minority members among the employees of other public institutions, agencies and enterprises was also very low, ranging from 2 to 8%.²

On average, while ethnic Serbs constituted 22% of the population in the so-called areas of special concern, their representation among public sector employees only amounted to 9%. An exception to this general trend could, however, be observed in Eastern Slovenia, where ethnic Serbs made up 27% of the public sector employees, compared to their share of 31% of the population. However, members of the Serb ethnic minority were typically employed in low-ranking positions.

Although the authorities took a firmer stance against ethnic intolerance, hatred and discrimination and showed growing readiness to prevent and prohibit such actions (through amendments to the Penal Code), inter-ethnic conflicts remained a

problem in all return areas. The CHC concluded that continued sustained efforts were needed to break down ethnic barriers and foster inter-ethnic tolerance.

Housing issues

Returning former tenancy right holders, i.e., people who previously held the right to permanent tenancy of socially owned apartments, were in a disadvantaged position. They were discriminated against in comparison to other citizens of Croatia, who were allowed to buy apartments to which they had held tenancy rights and thereby become full owners of these apartments. The returnees' children could also not inherit their right to tenancy.

While legislation in force guaranteed the right of former tenancy right holders to obtain alternative accommodation upon return, the allocation of such housing was

sometimes implemented on arbitrary grounds. At the same time, the availability of accommodation was insufficient, and this problem was further aggravated by the fact that temporary users were allowed to purchase housing after ten years of residence and a part of the state-owned apartments were donated to temporary users. The CHC also received complaints about inadequate alternative housing provided to refugees, e.g. because of lack of renovation (see photo). In some cases, apartments located on upper floors in houses without lifts were reportedly offered to disabled persons.

Because of the absence of proper records, ethnic Croats from Serbia, Bosnia-Herzegovina (Republika Srpska) and Kosovo (Janjevo), who had settled in regions affected by the war, were sometimes granted housing although processes of return-



A returnee couple living in this one room of their house in the village of Cetina filed a request for reconstruction in 2001 and was still waiting for a decision in 2006. The roof leaked and the room had no heating. © CHC

ing or reconstructing their property were under way in their places of origin, or their property had already been returned and sold. In these cases, they should not have qualified for accommodation in Croatia.

There were frequent complaints about irregularities in the work of the state real estate agency APN, which was in charge of purchasing the property of refugees who did not wish to return and redistributed this property to temporary users. For example, in some cases, the APN allegedly bought property on the basis of agreements with unauthorized representatives of the owners and without the knowledge of the owners. These transactions were subsequently approved by courts and the property in question was registered as belonging to the Republic of Croatia, leaving the owners with no other alternatives than to seek to use the avenue of criminal proceedings to regain their property.

Social issues

There were also concerns about the right to a dignified existence of elderly, ill and disabled returnees. The ability of this group of returnees to safeguard their rights relating to social assistance was impaired by the frequent lack of professionalism and responsibility on the part of the relevant authorities.

Many elderly, ill and disabled returnees were literally left on their own, or depend-

ed on the good will of their neighbors. Research undertaken by the CHC showed that a considerable number of returnees lived alone in remote places, in conditions that could be characterized as being below the level of human dignity. The organization called for effective measures to ensure that these people could enjoy access to the social benefits to which they were entitled. It also stressed the need to raise awareness among those affected about their rights and means to realize them.

Respect for private and family life

Owing to the easy access to the necessary equipment, electronic surveillance became increasingly pervasive, and a considerable amount of personal data was collected, stored, processed and utilized by private companies without legal control. The authorities failed to respond to this trend by expounding adequate legislation to protect the right to privacy and personal dignity.

The privacy rights of criminal suspects, as well as victims of crime, were frequently violated by media and police and prosecutors, who disclosed private information to journalists. The CHC warned that such violations were developing into a widespread practice, with negative implications not only for those affected but also for the broader society, in particular with respect to media integrity.

SOURCES FOR FURTHER INFORMATION:

- Croatian Helsinki Committee for Human Rights, at www.hho.hr

Publications:

- Serb Democratic Forum report on (un)equal opportunities of employment for ethnic minorities (2006), at www.sdf.hr/analize/ANALIZA_zap.zip
- Croatian Helsinki Committee for Human Rights, *Annual Reports 2005 and 2006*
- Croatian Helsinki Committee for Human Rights, *Return: An Unfinished Business*, 2006, at www.hho.hr

- Official report on the return of refugees by the Ministry of the Sea, Tourism, Transport and Development of Croatia (in Croatian), January 2007, at www.mmtpr.hr/UserDocsImages/070129-povratak-rep.pdf
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Endnotes

- ¹ From an interview conducted by Sanja Vukčević, published at the website of the Šibenik-Knin County.
- ² See www.sdf.hr/.