



**OSCE
Human Dimension Implementation Meeting
Warsaw 10 – 14 October 2006**

Intervention made by
Civil Rights Project - Vukovar

Mr/Ms Moderator,

Thank you for the opportunity to address this meeting.

I am speaking on behalf of the Civil Rights Project – Vukovar in Croatia, a non-governmental, humanitarian organisation which continues the work of the Norwegian refugee council by providing information, counselling and legal aid to refugees, returnees, internally displaced persons and national minorities.

I would like to bring to your attention the topic of the last large remaining refugee and Internally displaced person (IDP) category lacking access to housing option in practice. They are former holders of occupancy/tenancy rights (OTR), almost exclusively members of Serb national minorities.

Before the war, tens of thousands of urban Serbs lived in apartments owned by the state or state enterprises, often referred to as “socially owned apartments.” The right to use a socially owned apartment—frequently referred to as the right of tenancy—was a real property right, and in most aspects it amounted to ownership, except that holders of tenancy rights could not sell the right and the state could terminate the right in certain narrow circumstances.

During the war and immediately afterward, some 24,000 tenancy rights held by Croatian Serbs were terminated in court proceedings. These apartments were located in the areas controlled by the Croatian government. Ever since the end of the war, it has been virtually impossible for these persons to repossess their apartments, get other homes as a substitute, or to receive compensation for the past and current deprivation of the use of the tenancy right.

The termination was usually based on article 99 of the pre-war Law on Housing Relations. Under that law, tenancy rights were terminated if the right holder was absent from the apartment for longer than six months “without a justified reason.” Although most of the displaced fled in the face of a real threat to their safety, Croatian courts rejected arguments that this justified any absence of more than six months.

In June 2003, the Croatian cabinet adopted a set of measures to enable former tenancy right holders in Zagreb and other big cities to rent or purchase government-built apartments at below-market rates. The program is designed to benefit only those persons who do not own a house or apartment in Croatia or

another part of the former Yugoslavia. In early 2004, the Croatian government committed to provide by the end of 2006 permanent alternative accommodation for all tenancy right holders who meet these requirements.

However, as of September 2006, forty former tenancy right holders, out of the 4,468 who had applied, physically allocated to the flat.

On 25 August 2006, the Government adopted a conclusion on implementation of the housing care program for former occupancy tenancy right (OTR) holders outside the Areas of Special State Concern (ASSC). The implementation plan foresees the construction of 3,600 apartments and the purchase of a further 400 apartments by 2011 in those urban areas where the majority of Croatian Serb OTR holders used to live.

Although, The OSCE Mission to Republic of Croatia considers the plan to be well structured, both operationally and financially, particularly in regard to the construction of new apartments, the general confidence in the programme remains very low.

There is a question, how many individuals who left their home in 1991, and in that time were middle-aged, and who should benefit from the housing program in 2011, so 20 years afterward, will be live, and how long they will enjoy its benefit.

We recommend to the government of Croatia to:

Give a high priority to the provision of adequate housing and implement in a forceful and affirmative way without delay the programmes for former occupancy/tenancy right holders.

Also, we recommend to the European Union and the OSCE Mission to Croatia to: continue providing assistance to the Government of Croatia so that it can successfully carry out this process

Resources:

- *OSCE mission to Croatia - 2006 Review - Report on Croatia's progress in meeting international commitments since 2001*
http://www.osce.org/documents/mc/2006/06/19522_en.pdf
- *Human Rights Watch - Croatia: A Decade of Disappointment Continuing Obstacles to the Reintegration of Serb Returnees*
<http://hrw.org/reports/2006/croatia0906/>
- *Ministry of Sea, Tourism, Transport and Development - August 2006*
<http://www.mmtpr.hr/UserDocImages/060913-uppi-engl.pdf>

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