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Statement prepared by:
Ljubomir Mikic,
President of the Center for Peace, Legal Advice and Psychosocial Assistance –
Vukovar

Mr. / Mrs. Moderator, your Excellencies, distinguished participants,

I would like to thank you for the opportunity to address this meeting.

My name is Ljubomir Mikic and I represent the Center for Peace, Legal Advice and Psychosocial Assistance – Vukovar, a Croatian non-governmental organization working on the protection of human rights with the emphasis on the rights of displaced persons, and national or ethnic minorities.

I'm using this opportunity to bring to your attention one issue, amongst a number of others, referring to the lack of capacities and the failure of the Croatian Government to effectively respond to problems of a still significant number of ethnic Serbs, Croatian citizens, who remain displaced as a result of 1990-ties conflict in former Yugoslavia.

In the past few years the Republic of Croatia has generally made obvious progress in creating the legal and political preconditions, and thus facilitating minority returns to the country. This, for example, led to the decrease of the OSCE in-country presence from the level of the Mission to the Office level. The process initiated by the Sarajevo Ministerial Declaration on Regional Return of Refugees and Displaced Persons signed by the Republic of Croatia, Bosnia and Herzegovina, and Serbia and Montenegro on January 31, 2005, and facilitated by in-country OSCE, UNHCR and EC missions and delegations, contributed the progress to certain extent. However, this process has come to a standstill and this situation deserves to be considered in particular.

The cancellation of tenancy rights and the failure to recognize any rights on the basis of former tenancy rights affected the refugees and displaced persons, former OTR holders, in two different ways:

1. their return to residential units and/or their places of residence prior to the war was hindered; This practice was contrary to the one applied to the same category of population in B&H and to the *Resolution 1120 of the UN Security Council of 1997* which once again affirmed the right of all refugees and displaced persons originating from the Republic of Croatia to return to their homes of origin in the Republic of Croatia;
2. they were not given, as was the case with other tenancy right holders in the Republic of Croatia, the status of holders of property rights stemming from the

institution of a tenancy right, e.g. the right to privatize apartments under privileged conditions.

Under international pressure, after many years of disregard for the issue of former OTR holders, the RoC took certain measures to enable the housing and return of urban minority population of former OTR holders. Two models of (social) housing care were adopted, inside and outside the Areas of Special State Concern (inside and outside war affected areas), for those former OTR holders who decided to return to Croatia.

However, those models ignore the UNSCR Resolution 1120 and don't consider potential financial or other compensation, or recognition of any rights acquired from the former OTR status.

Housing care of refugees and displaced persons, former OTR holders in the RoC, is not regulated in a uniform manner but rather by means of regulations and acts of different legal force, which makes the whole structure complicated, incomplete, and fragmented. Consequently, much obscurity, confusion, vagueness, and contradiction occurs both in regulations and acts, but also in actions of competent administration bodies that handle housing care within and outside ASSC.

Some of the key characteristics of implementation of existing housing care models in the RoC refer to non-transparency and arbitrary, illicit, volatile, and unprofessional actions of competent bodies of public administration; not abiding by valid national legislation; the absence and the impossibility of enforcing adequate legal remedies, lack of control, etc., for which reason legal security of citizens and observation of principles of the rule of law are severely undermined.

Non-transparency of actions and too broadly defined an internal field of margin of appreciation are contrary to basic principles of for example ECHR and enable total arbitrariness of actions undertaken by the competent authorities and officials. Such actions are often subject to criticism and complaints of potential housing care beneficiaries.

Deadlines for finalization of the housing care process are frequently altered what makes the final deadline for completion of the housing care process uncertain.

Commitments that the RoC in 2007 assumed as to the housing care of former tenancy right holders, reiterated here in Warsaw at last year's HDIM, have not been fulfilled, and that to a large extent. Declaratory campaigning for solving of the problem of housing care for former OTR holders is inadequately supported by practical deeds. Further on, unavailability of data disaggregated by ethnicity and / or previous IDP/refugee status and / or previous OTR status makes monitoring of the progress and impact of the housing care models on former OTR holders difficult and almost impossible.

Existing housing care models obviously do not represent adequate mechanisms which would enable that the issue of former OTR holders is resolved permanently, in a fair and durable way, and within reasonable time frame.

Thus, I would like to invite all relevant international actors, including the OSCE, EU, UN and CoE, to continuously monitor the process and issues of relevance for minority returns to Croatia, and to contribute continuation of the process launched by Sarajevo Ministerial Declaration pursuant to its principles, and toward the full achievement of its goals.

Thank you for your attention,

Ljubomir Mikic, president
Center for Peace, Legal Advice and Psychosocial Assistance
Fra.Antuna Tomasevica 32
32 000 Vukovar, Croatia
tel/fax:+385(0)32 413 319
tel:+385(0)32 413 317
e-mail: centar-za-mir@vk.htnet.hr
web-page : www.center4peace.org