



# Information Legal Centre (IPC)

IPC is non-governmental and non-profit organization registered in June 2002.

IPC continued the work of the International Rescue Committee's Legal Centre, which was opened in Slavonski Brod in 1998.

## *Vision*

Create a positive environment for promotion and protection of human and civil rights and social justice for the purpose of democratization and civil society development.

## *Mission*

IPC Slavonski Brod is civil society organization established in order to provide legal assistance to socially vulnerable population through realization of their human and civil rights and for strengthening civil society and active citizenship in our local community and wider region.

### **Information Legal Centre**

Ante Starcevic 63

35 000 Slavonski Brod, Croatia

Tel : (385) 035 448 533,

Fax: (385) 035 449 715

E-mail: [info@ipc.com.hr](mailto:info@ipc.com.hr)

[www.ipc.com.hr](http://www.ipc.com.hr)



## Access to justice through free court representation

After eleven years of implementation, the program *“Access to Justice Through Free Court Representation”* ended in 2013.

During the past years, IPC’s main priority was to finalize ongoing court and administrative procedures in order to assist IPC beneficiaries in their integration into their pre-war places of residence by resolving their property rights, citizenship, health and pension insurance. Throughout the years of project implementation, IPC has tried to raise social awareness of domicile population towards these issues and has

succeeded in doing so for the most part.

IPC’s legal staff have established outstanding cooperation with courts and institutions in both Croatia and Bosnia-Herzegovina, as well as with other international and national NGOs on both sides of the border. This cooperation greatly assisted in the process of ensuring that war-affected beneficiaries receive their statutory and property rights and the necessary return assistance to enable resettlement in their home communities.

Court procedures undertaken by IPC attorneys involved claims for the return of private property belonging to beneficiaries that was illegally seized, or was legally seized but through the abuse of procedural rights. Those procedures included return of private properties, ownership issues, cancellation of exchange of property contracts, re-trials concerning cancellation of tenancy rights, inheritance hearings and other procedures that reinstated the status of legitimate owners to our beneficiaries.

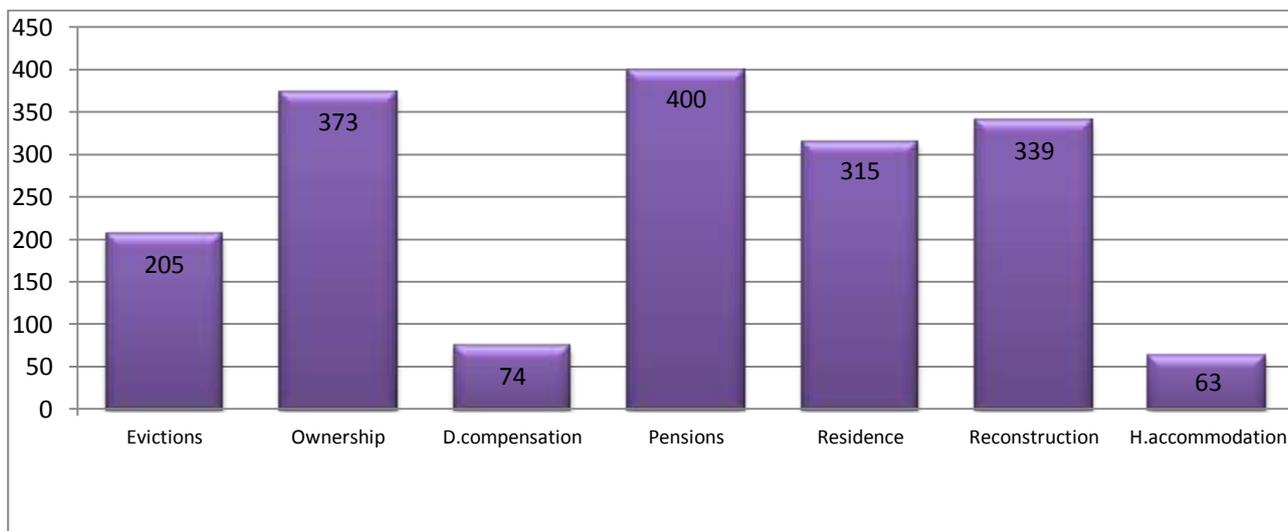
Administrative procedures included establishing the right to reconstruction of destroyed properties, housing accommodation issues, statutory rights (citizenship, permanent / temporary residence, returnee status) and realization of continuous / suspended pensions before different pension funds.

IPC professional legal staff have been fully committed to the program and have given a significant contribution to its implementation, which resulted in the high number of successfully resolved court and administrative procedures.

During the period 2002 – 2013, over 24.000 legal advices were provided to IPC beneficiaries, 1.335 court procedures and 1.437 administrative procedures were finalized in Croatia, and 3.815 administrative procedures were finalized in Bosnia-Herzegovina. Additionally, IPC attorneys performed 1.795 court representations on behalf of IPC beneficiaries.

Numerous court representations have positively influenced court practice, particularly in procedures concerning return of private properties and pension rights of IPC beneficiaries.

***Successfully realized court and administrative procedures:***



**Project Activities**

In 2013, 5 court procedures and 94 administrative procedures were resolved.

***Housing accommodation procedures:***

Only two housing accommodation procedures have been resolved during reporting period.

The dynamics of resolving housing accommodation procedures since the beginning of these procedures in 2003 has been very slow. Five long years after the Housing Accommodation Program was brought, 2008 was the year when the first 4 IPC beneficiaries signed the lease for their apartments. Throughout this time, IPC legal staff continued putting pressure on institutions in charge of this issue so that they find necessary financial means in order to finally resolve the remaining caseload because our beneficiaries who lost their apartments in the beginning of the war have been waiting for over 20 years for the final resolution of their housing issues.

Since the beginning of the program, over 90% of resolved procedures received positive decisions. The reasons for this high percentage of positively resolved cases lie in the fact that housing accommodation beneficiaries residing mainly in Serbia or Bosnia –Herzegovina had professional legal representatives in Croatia – IPC attorneys, who collected all the necessary documents on their behalf and who maintained excellent relations with the clerks in Regional Offices.

Government of Republic of Croatia brought a *Decision on housing accommodation of returnees – ex tenancy rights holders outside the areas of special state concern* on 4 April 2013, which entered into force on 18 April 2013 (Official Gazette 42/13). According to this *Decision*, the new deadline for submitting applications for housing accommodation of returnees outside the areas of special state concern was established – it was from 18 April until 31 August 2013.

The *Law on Changes of the Law on the Areas of Special State Concern* entered into force on 1 May 2013 and its main intention was to dislocate the Central Office for statutory and housing accommodation issues from the Ministry of Regional Development and transform it into independent State Office for Reconstruction and Housing Accommodation in order to accelerate resolving of housing accommodation and reconstruction issues. However, it has greatly slowed down the pace of resolving pending procedures and the second half of 2013 was marked with formation of the new State Office for Reconstruction and Housing Accommodation and the transfer of cases to state administration offices.

### ***Reconstruction procedures:***

For numerous years, IPC legal staff was not satisfied with promptness of resolving reconstruction issues, especially in appeal procedures. IPC attorneys lodged numerous lawsuits before the Administrative Court for “the silence of the administration” of the administrative offices responsible for reconstruction issues, which resulted in an action undertaken by the Administrative Court that was addressed towards the Reconstruction Offices, asking them to speed up their decision making process.

Due to the length of reconstruction procedures, over 20% of applicants for reconstruction had died, and the procedures were continued by their family members who were also elderly and exhausted by the lengthy procedures.

This is the main reason why reconstruction procedures were the most painful aspects of reintegration process.

Besides the problem of lengthy procedures, in cases where IPC beneficiaries were granted a certain degree of damages for their destroyed houses, it usually meant that they were granted much less than permitted by the Law on Reconstruction.

In many reconstruction procedures, IPC attorneys had to handle not only long administrative procedures, but also different court procedures in order to resolve preliminary ownership issues of IPC beneficiaries such are damage compensation, division of private property, inheritance procedures of subsequently found properties after deceased parents and determining ownership rights.

During reporting period, 33 reconstruction procedures were resolved, out of which 18 procedures with positive outcome. In 15 reconstruction procedures the beneficiaries were rejected with their requests because they did not comply with one of the stipulations, namely permanent residence in destroyed houses prior to war activities, that reconstruction applicants need to fulfil. They were all advised to apply for housing accommodation in case they accept and/or fit the necessary conditions.

***Return of funds invested into reconstruction:***

IPC finished the year 2013 with 16 ongoing court procedures of return of funds invested into reconstruction, mainly in Pakrac area.

All cases are similar: properties are not sold, owners of the houses are regularly paying all the utilities and are taking care of their properties, but are not living in them, mainly due to financial reasons and financial dependence on other family members living in Serbia.

All such procedures were started by State Attorney's Offices on behalf of the Ministry of Regional Development and EU Funds, Central Office for Reconstruction, against reconstruction beneficiaries who failed to fulfil the Article 7 of the Reconstruction Contract and did not move into their reconstructed houses in the legal deadline of 90 days.

The amounts requested by the State are much higher than the real market value of those houses, especially since Pakrac area is area of special state concern in which economy and job market are on a very low level. Since for the time being only a smaller number of people who are not living in their reconstructed houses are being sued by the State, the Ministry's criteria on deciding against which beneficiaries lawsuits will be lodged remains unclear, and these beneficiaries find themselves in unequal position comparing to other reconstruction beneficiaries from other parts of Croatia who have not being sued by the State although they have not returned to their reconstructed properties.

During reporting period, IPC attorney lodged six revisions to the Supreme Court in the procedures of return of funds invested into reconstruction for IPC beneficiaries from Pozega – Slavonia County, while remaining ten procedures are being processed in appeal procedures.

IPC believes that the Supreme Court will refer its final decision in this matter to the law which is more favourable to IPC beneficiaries (the Law on Changes of the Law on the Areas of the Special State Concern from May 2013) which would emphasize the postulate of equality of all the citizens before the Law and would put an end to procedures started against IPC beneficiaries.

In November 2013 the Municipal Court in Zagreb brought ***the first positive*** judgment in such procedures on behalf of IPC beneficiary, A.M. from Pakrac. Namely, the Municipal Court in Zagreb found the claim lodged by Republic of Croatia – State Attorney's Office in Zagreb, to be completely unfounded.

The plaintiff – RoC claimed that the defendant – IPC beneficiary, never moved into the reconstructed house and that additionally, she tried to sell the house upon the reconstruction. IPC attorney presented the material evidence and witnesses who claimed the opposite, and the Court fully accepted their testimonies.

Also, the Court took into consideration the *Law on Changes of the Law on the Areas of Special State Concern*, and the fact that the paragraph 4 from the Article 14 was erased. That paragraph stated that reconstruction beneficiary who realized his right to reconstruction according to the Law on Reconstruction is obliged to move in reconstructed house in the deadline of 90 days upon receiving the final report of the engineer in charge.

The State Attorney's Office appealed the first-degree decision, and IPC attorney submitted her answer to the appeal in the end of December 2013.

Now it is up to the County Court in Zagreb to bring the final verdict, which can last for another two years, according to the Court's present dynamics of solving the cases.

***Residence procedures:***

During reporting period, 26 **temporary / permanent residence** procedures were finished. Out of 26 resolved procedures, 22 were positively resolved on behalf of IPC clients, and 4 procedures received negative final decisions (because three of them did not comply with all the conditions necessary for granting temporary residence on humanitarian grounds and one beneficiary who received the apartment through housing accommodation program was not residing in Croatia for longer than 90 days after submitting his request for permanent residence).

Additionally, two beneficiaries received Croatian **citizenship** during reporting period.

**Overall impact of the project**

Program implementation provided strong support to all the people contacting IPC office who wished to realize their basic rights. The support was given through free legal advice, court and administrative representations, and lobbying together with similar organizations for the protection of their rights. The program such as ours, in cooperation with partners from all over Croatia dealing with similar issues, represented the only way of resolving problems returnees are faced with and to prevent lessening of public interest for returnees' issues.

IPC legal staff was active in providing inputs for international organizations (UNHCR, OSCE) in matters closely related to our project activities and targeted population. We were lobbying for the implementation of international standards in the field of forced evictions and right to adequate housing. Moreover, IPC was presenting the identified problems at different meetings and roundtables on social inclusion of returnees.

The specific impact of the program is visible in bringing the new laws and in changing the existing laws, especially in the past three years. Most of the new laws and regulations concern housing accommodation issues, compensation for damages caused by terrorist acts, reconstruction and statutory rights.

In many aspects, UNHCR represented very important support for IPC since our beginnings, and especially as a reliable partner in many crisis situations when urgent action needed to be undertaken in order to protect vital human rights of IPC beneficiaries.

Besides UNHCR, the program donors were: OSCE, Open Society Institute, Royal Norwegian Embassy, Embassy of Finland, Netherlands Embassy and British Embassy.

## Roma statutory rights

In 2013 IPC has been implementing the project "**Free legal assistance to Roma in civil registration in Croatia**" for the third consecutive year with the financial support from UNHCR.

The project goal is: *support to Roma population sustainable integration into local community through promotion and protection of human rights by*



*providing free access to justice in matters relating to their statutory rights which will result in reducing the number of persons at risk of statelessness.*

Within the National Strategy for Roma Inclusion 2020 and the corresponding Action Plan 2013 - 2015, a series of measures are being taken to address the problems faced by the Roma, including status issues, fight against discrimination and the preservation of the traditional Roma culture to education, healthcare, employment, housing and improvement of the living conditions in Roma settlements. In the part referring to status decisions, prevention of discrimination and assistance in exercise of rights for Roma national minority, it has been envisaged to form mobile teams for resolving the status of Roma. The mobile teams will consist of the representatives of police departments / stations, regional or local offices of the state administration in counties, representatives of the Roma National Minority Council and social welfare centres.

IPC will continue with the good practice use of mobile teams consisting of Roma representatives and legal advisers visiting Roma settlements in Slavonski Brod – Posavina, Osijek – Baranja, Vukovar – Srijem, Sisak – Moslavina and Zagreb counties to identify individual cases and provide free legal assistance in statutory matters in the interim period until the mobile teams planned under the National Strategy for Roma Inclusion are established in the whole country.

### Legal regulations

According to the new Law on changes of the Foreigners Act (that came into effect on 27 June 2013) and related Ordinances, all foreigners who are married to Croatian citizens are granted much better conditions for regularisation of their status. In temporary or permanent residence procedures fixed amount as a proof of secured means of subsistence is no longer required, but a person must have social minimum for living. Also, foreigners who fulfil all other conditions for permanent residence (temporary residence for five years, minimum of secured means, health insurance and valid passport) are not required to pass exam of Croatian language. This novelty helped several of our beneficiaries who applied for permanent residence.

Also, according to the new Law all foreigners who are married or living in extramarital union with Croatian citizens can obtain Residence Cards for five-year period. This novelty helps our beneficiaries because they do not need to extend their residence every year and they do not need to worry if they will miss a deadline for renewal of residence (which often happened in the past). According to the new Law, Police Departments can independently decide in temporary/permanent residence procedures for beneficiaries who are living in their area. This novelty includes cases based on reunion with a member of EU and beneficiaries need to pay only Residence Card that costs 240,00 HRK.

However, in cases of foreigners who are applying for temporary residence based on humanitarian grounds, decision is made in Zagreb by the Ministry of Interior. If MoI decides positively, beneficiaries need to pay 500,00 HRK for the decision and additional 240,00 HRK for the Residence Card. The beneficiaries whose residence has been approved based on humanitarian grounds can obtain their Residence Cards only for one-year period.

Furthermore, according to the new Law on changes of the Foreigners Act, Article 6, a foreigner who has regulated status in Croatia but is not able to get his national passport, can be issued special travel document. Unfortunately, Police Departments that IPC contacted in relation to this regulation were not able to provide us with adequate information regarding this possibility.

Additionally, according to the new Law, a foreigner who was born and lives in Croatia, but did not regulate his/her status, could start permanent residence procedure without approved temporary residence.

One of the novelties concern children who were born in Croatia and who can obtain permanent residence if one of their parents has already been approved permanent residence. According to the Foreigners Act, Article 94, Paragraph 3, permanent residence can be approved to a child who lives in Croatia, and whose parents or one of them has been approved permanent residence status.

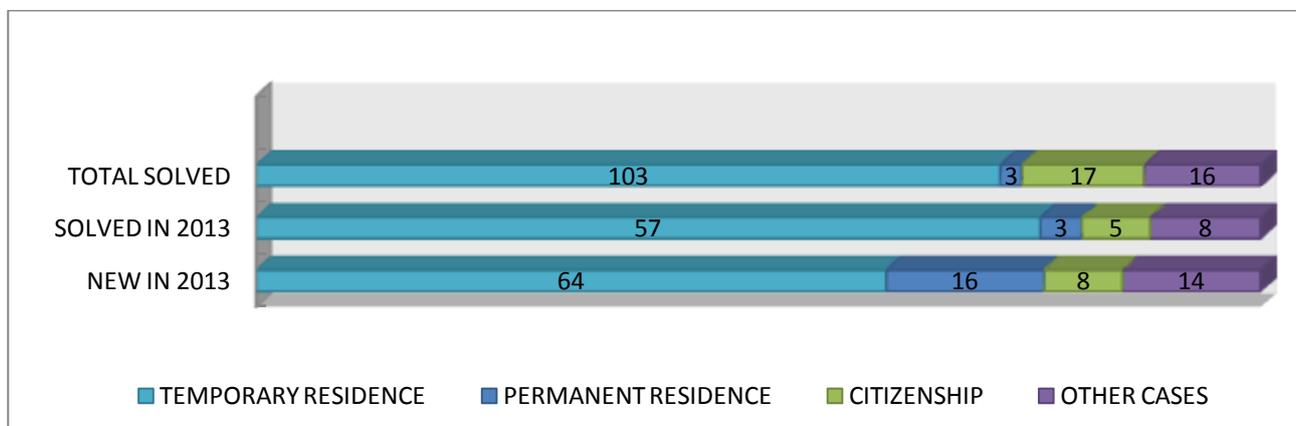
Another novelty in the new Foreigners Act concerns a deadline for the renewal of temporary residence. It is extended to 60 days, and according to the old Law it was 30 days before expiration of residence.

Also, according to the Foreigners Act, article 96, paragraph 1, foreigners must have valid national travel documents when they apply for permanent residence.

All our beneficiaries who are from Serbia, Kosovo or Macedonia and who have been approved temporary residence during this year will have problems to regulate their status next year because most of them do not possess passports from their domestic countries. They must have registered residence in these countries in order to obtain necessary documents. That is the biggest problem to all our beneficiaries because they do not have financial means to travel and obtain documents. Unfortunately, Embassies from these countries in Croatia cannot produce new biometric passports because they have no adequate technical equipment.

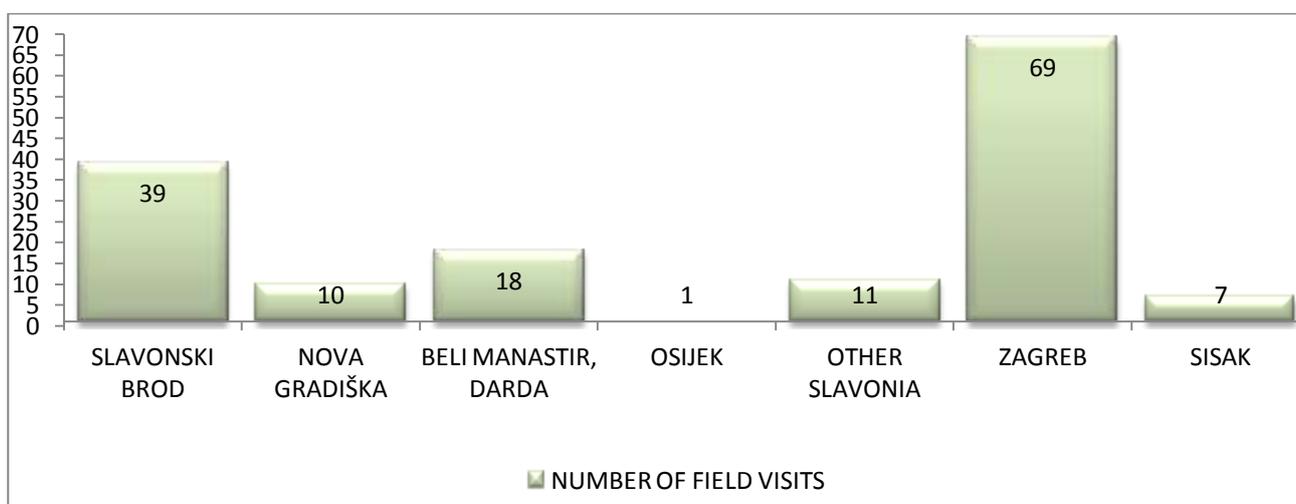
## Project activities

In 2013, IPC's legal staff performed 155 field visits, a total of 231 documents are obtained and 1.028 individual legal advices were provided to beneficiaries. Furthermore, 102 administrative procedures are initiated, 73 of which are positively resolved.



During field visits, beneficiaries were not only informed on procedures which are necessary to resolve their statutory issues, but IPC legal staff was actively initiating the administrative procedures on their behalf. Additionally, IPC provided legal assistance in other issues such as obtaining documents from the region or regulating the debt towards the Tax Administration for the health insurance.

In 2013 IPC has detected 17 stateless persons in its area of project implementation. Four stateless persons detected by IPC in 2012 became Croatian citizens in 2013 and eight stateless persons received positive decisions for temporary residence on humanitarian grounds, so they finally became legally visible. For nine of them IPC could not start residence procedures because these persons do not possess any documents, and additionally, they are afraid of deportation from Croatia.



Thanks to our cross-border cooperation with WeBLAN member, Praxis from Serbia, IPC has successfully resolved cases of three stateless persons who are living in Serbia. IPC started subsequent registration for these persons and with the help and cooperation of administrative officers in Register Offices, all three of them finally received Croatian citizenship. Furthermore, IPC started subsequent registration for two persons who are born and still live in Croatia, but without regulated status. Thanks to our good cooperation with another WeBLAN member, "Vasa Prava" from B-H, these two persons were enrolled in B-H Birth Register and Register of Citizens, so they became Bosnian citizens. Now they have to regulate their status in Croatia according to the Foreigners Act.

The identification of stateless population continues to be priority of IPC mobile teams. However, stateless population is notoriously difficult to measure, and establishing accurate baselines remains a challenge. The lack of documents is trapping people in a legal limbo, depriving them of access to their fundamental civil, political, economic, cultural and social rights. People without civil registration documents are legally invisible, and therefore vulnerable to discrimination and trafficking.

During the project implementation, IPC has developed and distributed 1,000 promoting brochures about free legal assistance to Roma population. These brochures were translated to Romana Chip and Bajaski language with a generous assistance of Roma representatives from Roma National Minority Councils in Zagreb and Medimurje County. IPC distributed these brochures to all Roma representatives in the five counties covered by this project.

At the end of this project IPC delivered humanitarian packages containing food and personal hygiene supplies to our beneficiaries who are most in need for any kind of humanitarian assistance and who have four or more children. We delivered 24 packages in Darda, Beli Manastir, Slavonski Brod, Okucani, Staro Petrovo Selo and Zagreb.

Co-operation with Police Departments and Register Offices in the area of project implementation remains excellent.

### **Overall impact of the project**

- Roma people's possibilities to access civil registration and legal aid services increased in five Croatian counties;
- Increased level of documentation and reduced number of Roma at risk of statelessness in Croatia;
- Raised awareness among Roma population and local authorities of the importance of civil registration and related difficulties discriminating members of Roma communities;
- Cross-border network is further strengthened and Roma people assisted through cross border cooperation and IPC's active participation in Western Balkans Legal Assistance Network (WeBLAN).

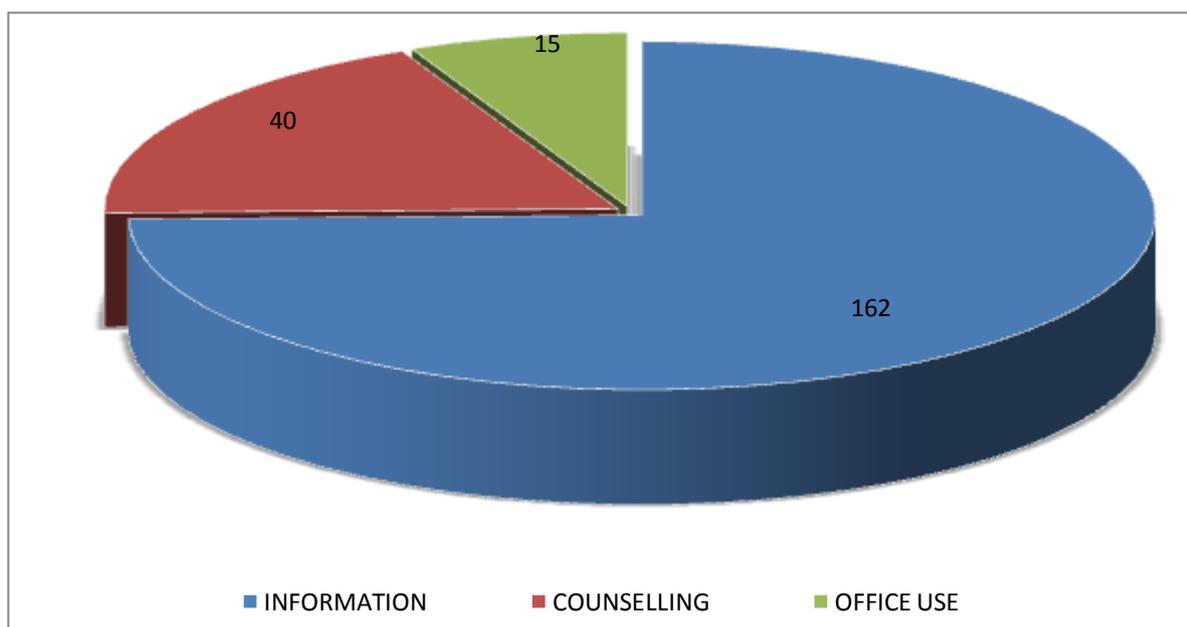


Starting from 1 January 2013, IPC is participating in the program “Salter”, one of the Regional programs for development of civil society and local communities in Croatia during period 2013 - 2016, which is financed by the National Foundation for Development of Civil Society.

Carrier of Salter is Volonterski Centar Osijek as the Regional support centre and its implementing partners are Proni Center for Social Teaching (Vukovar), Information Legal Centre (Slavonski Brod) and Youth Association Oppidum (Pleternica).

Some of the achieved objectives in 2013 are: defined key problems and needs in local community; a comprehensive and continuous support for civil society development through provision of advice, information and technical support is provided; promotion of civil society, volunteering and active citizenship.

During program implementation, IPC disseminated 162 different information regarding calls for proposals posted by different donors and educations and workshops provided by Salter partners or other actors; 40 advices were provided to CSOs and active citizens on different matters, such as assistance and guidance in project proposals writing and in starting up a new CSO; administrative and financial management of CSOs; employment through Croatian Employment Service measures; and finally IPC provided technical – logistical support (usage of office space, computer, internet, photocopying machine) to 7 CSOs on 15 occasions.





## ***“ Free legal aid to socially vulnerable population in Brodsko-posavska county”***

IPC has been implementing the stated project since 2009. During the first few years of project implementation, our activities were financed by the Royal Norwegian Embassy, Embassy of Finland and Netherlands Embassy.

Since the *Free Legal Aid Act* became effective in February 2009, the foreign donors were reducing their financial support, which eventually stopped in 2012 because the *Free Legal Aid Act* should have covered this kind of activities. The introduction of the *Free Legal Aid Act* was widely seen as a very important step towards restoring confidence in the legal system in Croatia.

The reality, however, did not live up to expectations. Application procedure for legal aid was extremely complicated and the level of provided aid was low. As a result, the most vulnerable persons in Croatia most in need of legal aid were rarely able to obtain it. Less than 1% of IPC clients obtained decisions on free legal aid from the State Office for Administration, which is why IPC continued with provision of free legal aid outside the system and on voluntary basis.

The new *Free Legal Aid Act* became effective on 1 January 2014 and it represents somewhat better version of the previous law. Article 36 of the new Law is introducing for the first time the project financing, including material expenses of primary legal aid providers, which is a step forward comparing to the previous law. However, the problem that remains is the lack of funds in the state budget for free legal aid. Croatian authorities need to understand that the efficient State stimulation of free legal aid is one of basic conditions for the rule of law in each country.

*The project purpose is free legal protection of human and civic rights of socially vulnerable and marginalized population in our local community.*

In 2013, 118 clients received free legal aid and 16 administrative procedures were finalized.

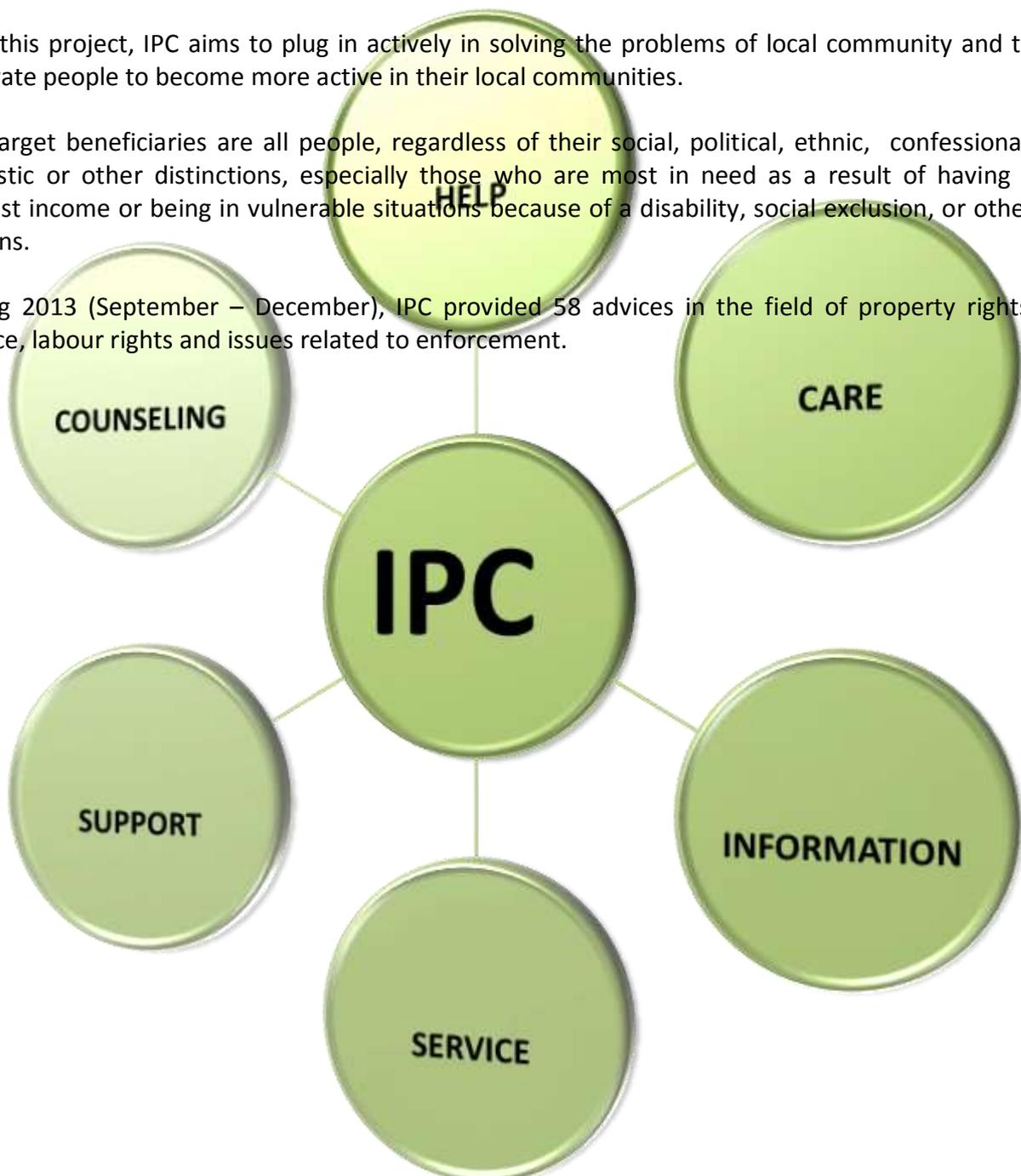
# CITIZENS ADVICE SERVICE

Based on our past experience, IPC recognized the need for setting up general advice service because people in a modern, complex society need good, well informed and impartial advice about personal and social matters and access to accurate information, if they are to receive their civil rights and play a full part as citizens. Therefore, in September 2013 IPC started to implement the project of citizens advice service on a voluntary basis due to the lack of funding for this kind of activities.

With this project, IPC aims to plug in actively in solving the problems of local community and to motivate people to become more active in their local communities.

Our target beneficiaries are all people, regardless of their social, political, ethnic, confessional, linguistic or other distinctions, especially those who are most in need as a result of having a modest income or being in vulnerable situations because of a disability, social exclusion, or other reasons.

During 2013 (September – December), IPC provided 58 advices in the field of property rights, divorce, labour rights and issues related to enforcement.



## IPC's participation in international networks:



The network of legal aid providers in the Western Balkans (WeBLAN - Western Balkans Legal Aid Network) was formed on 13 March 2012. in Sarajevo by signing a Memorandum of Understanding between the NGOs, "Your Rights Association" from Bosnia, "Praxis" from Serbia, "The civil rights" of Kosovo, "Legal Center" from Montenegro, "the Macedonian Young Lawyers Association" and "Information Legal Centre".

WeBLAN functions as an independent network of civil society organizations dedicated to the protection, promotion and improvement of human rights and social inclusion, prevention and reduction of statelessness in the Western Balkans, and fight against discrimination.

Cooperation of these organizations dates back in 2008 when, as implementing partners of the United Nations High Commissioner for Refugees, commenced implementation of a regional project aimed at improving the social inclusion of marginalized communities in the territory of the Western Balkans.



Founded in 2012, The European Network on Statelessness (ENS) is an open and growing network of non-governmental organizations, academic initiatives and individual professionals dedicated to work with aim of reducing statelessness in Europe. IPC joined the ENS in 2012 as associate member.

Through its activities, ENS aims to protect human rights of stateless persons. This work is focused on three priority areas: Ending cycle of detention and poverty of stateless persons, improving identification process and protection of stateless persons and prevention of statelessness and discriminatory national legislation.

In partnership with other organizations and institutions, ENS encourages international and regional organizations such as the European Union, the Council of Europe and UNHCR to resolve the status of stateless persons within their powers, urges the countries in the region to adopt a policy for prevention and reduction of statelessness, and to provide protection of stateless persons. It also undertakes research on legislation and practices on combating statelessness in certain countries and empowering civil society to combat statelessness.

## FINANCIAL REPORT 2013

### REVENUES

|   |                   |
|---|-------------------|
| 1. Revenues from international donations                              | 855.880,00        |
| 2. Revenues from National Foundation for Development of Civil Society | 73.625,00         |
| 3. Bank interests   | 264,00            |
| 4. Other revenues<br>(state stimulation for employment)               | 11.804,00         |
| <b>TOTAL REVENUES:</b>  | <b>941.573,00</b> |

### EXPENDITURES

|   |                   |
|---|-------------------|
| 1. Expenditures for employees<br>(salaries including taxes, health protection,<br>employment and other contributions) | 432.460,00        |
| 2. Intellectual and personal services   | 295.953,00        |
| 3. Telephone, postage   | 18.828,00         |
| 4. Current and investment maintenance service   | 29.997,00         |
| 5. Communal services  | 3.160,00          |
| 6. Office rent  | 27.000,00         |
| 7. Representation expenditures  | 3.815,00          |
| 8. Official travelling  | 21.009,00         |
| 9. Insurance premium  | 4.544,00          |
| 10. Energy  | 35.322,00         |
| 11. Office supplies expenditures  | 17.536,00         |
| 12. Computer services   | 20.400,00         |
| 13. Banking fees and money transfer fees  | 5.700,00          |
| 14. Other financial expenditures  | 63.295,00         |
| <b>TOTAL EXPENDITURES:</b>  | <b>979.019,00</b> |

We have transferred the amount of 52.953,00 HRK to 2013 which was accumulated during the previous period and have used 37.446,00 HRK out of that amount for surplus of expenditures over revenues in the current year.