
**UN-HABITAT
ADVISORY GROUP ON FORCED EVICTIONS
INFORMATION ON IMPORTANT CASES**

CROATIA: THE VIOLATION OF THE SECURITY OF TENANCY RIGHTS

Threat of Eviction

◆ **Issues on the city, communities and families threatened with eviction**

1. Name and location of community threatened with eviction

Zagreb, Croatia. In addition, every city, town and village in the Republic of Croatia is affected in the same way - a total of more than 7,000 families (or around 40,000 individuals).

2. Background on the city (size, location, etc.)

Zagreb: Population c. 870,000

3. Estimated number of families affected

1,500 in Zagreb (country-wide around 40,000 people)

4. Brief description of background of families

Mostly elderly pensioners, but with a number of relatively younger families.

◆ **The case**

5. Background and history to the case

In 1996 the Croatian Government removed the status of "Protected Tenant" from all families living in nominally owned privatised apartments in which they had lived for generations, when they became lease holders only. The status of Protected Tenant included the right to occupation of an apartment in perpetuity and was inherited by succeeding generations. In 1998 the Constitutional Court of the Republic of Croatia upheld that law but went even further by deleting the need for occupants to be provided with suitable alternative accommodation, either by the nominal owner or by the State. Since then an untold number of families have been evicted on to the street together with their possessions and with no compensation for generations of investment in their apartments. Old people have been consigned to old folk's homes, their upkeep being paid for from their pensions.

It should be especially noted that the nominal owner has never been legally responsible for the maintenance and upkeep of their nominally owned properties. All this has been paid for, and investments made in the property, for generations, by the occupants themselves. This has never been a matter of dispute by occupants, since under the former law guaranteeing them right of occupation in perpetuity, and which was inheritable; they managed their apartments in the same way as they would have done had they been actual owners. Rent for occupants of these apartments was increased by 60% effective 1 November 2006, thereby putting even more pressure on those struggling to survive on their meagre incomes, often irregularly paid, or on their pitifully small pensions. It should be noted that this rent increase was imposed not by nominal owners but by the government on their behalf.

6. Minimum information on the legal grounds of the case:

The legal grounds have been set by the Constitutional Court of the Republic of Croatia in contravention of the following International, European Treaties, or National Law, ratified by Croatia: Article 12 of the Convention for Protection of Human Rights and Fundamental Freedoms, Article 11 of the International Covenants on Economic, Social and Cultural Rights, Article 27 of the Convention on the Rights of the Child, Article 16 of the European Social Charter, Article 4 of the Additional Protocol of European Social Charter, Articles 2, 4 and 6 of Annex G to the International Agreement on Succession Issues in the Former Yugoslavia, Articles 3. and 14 of the Croatian Constitution, according to which citizens of the Republic of Croatia are equal before the law.

7. Reasons given for the evictions (official and other):

The reasons are varied but are all designed to ensure that nominal owners regain possession of apartments before the European Union can impose all norms of human rights on Croatia. A number of politicians and others in high places have already ensured that they have been able to purchase nominally owned private apartments at 10% of their market value. But this right was denied to all other occupants by the devious means of a law which was in existence over just one week-end, and about

which those outside the clique knew nothing. The "window of opportunity for the privileged and the law makers" lasted from Friday until the following Monday morning, when it was slammed shut. An occupant can be evicted from an apartment if, without the permission of the nominal owner, his wife has a child; if he/she gets married and brings his/her spouse into the apartment to live; if a son or daughter who did not appear on the Contract of Lease dating from 1998 because he was working in another country at the time returned home to live with his parents; if the nominal owner wanted to regain possession of the apartment, not to live in himself, but to rent out at a market price – provided he knew a judge who would be "willing", etc., etc. Nor is an occupant permitted to have visiting relatives or other guests spend more than 30 days in the apartment without the nominal owners' permission.

Yet another devious and discriminatory factor in the Lease Law working in favour of nominal owners and against occupants is that the latter may not work from home to earn their living. If they do, then the nominal owner can obtain a court order to ensure that the occupant pays what is known as an "economic rent". This means a rent at going market prices, one which is beyond a normal person's means. And this in a country with a high unemployment rate. The alternative to working for a living in an apartment is not to work and therefore not to earn. Not to earn means being unable to pay rent. Not to pay rent can result in eviction for the whole family. This is yet another way of ensuring that a nominal owner is able to regain possession. This is a truly invidious law, the consequences of which have inflicted, and still inflict, untold misery on so very many people.

Even residents of the town of Vukovar who, watched by the world, suffered so grievously during the Homeland War - besieged for months and brutally attacked from both the ground and the air and the town finally captured by invading forces, will not escape - according to information received from the Vukovar Tenants' Association - the consequences of planned application of the Lease Law also to families presently occupying socially-owned apartments, and who have been denied the right to buy those homes as hundreds of thousands of others elsewhere in the country were permitted to do. Once again, blatant discrimination. Following the eventual cessation of hostilities, Vukovar was officially designated as a "Hero Town"!

"It's Tomislav this, an' Tomislav that, an' 'Chuck him out, the brute!' But it's the 'Saviour of 'is country' when the guns begin to shoot. Then it's Tomislav this, an' Tomislav that, an' Tomislav 'ows yer soul?' But it's 'Thin red line of 'eroes' when the drums begin to roll. *Rudyard Kipling.*

8. The main events that have taken place so far (with dates):

Evictions to date are far too numerous to detail, but include single mothers with four or more children, a 93-year-old woman dying from cancer, in bed in a semi-coma in the middle of a snow-bound winter, while the nominal owner of her house began to demolish it, thereby attempting to force her and her son out, while stating that he had no intention of providing her with alternative accommodation, "Why should I? The law says that I don't have to." He stated in this in front of TV cameras. Due to the public outcry following the airing of the TV report, attempts at eviction were finally halted. And there are other examples which need to be investigated by an international fact-finding mission. These include cases on record where an occupant has left an apartment with no one at home (sometimes just to go to the local shop) only to find that on his/her return that door locks had been changed. And so, since 1998 many families have been extremely wary of taking holidays or day trips together, go to the cinema together, etc., etc., for fear that on their return they will find that they have been locked out and rendered homeless. They feel that at least one family member must be home at all times in case it would happen to them. In other cases, essential service supplies have been disconnected by nominal owners, entrance doors blocked off to deny access by the occupant, and many other instances of inhumanity, all these consequences of the introduction of the Lease Law in 1998, since when it has been "open season" for occupant terrorization.

9. Names of authorities implementing evictions:

Counties of Zagreb, Sisak-Moslavina, Varaždin, Bjelovar-Bilogora, Lika-Senj, Požega-Senj, Zadar, Šibenik-Knin, Split-Dalmatia, Dubrovnik-Neretva, Krapina-Zagorje, Karlovac, Koprivnica-Križevci, Primorje-Gorski Kotar, Virovitica-Podravina, Slavonski Brod-Posavina, Osijek-Baranja, Vukovar-Srijem, Istria, Međimurje.

◆ The answer to evictions

10. Level of organisation of the affected community (including names of organisations, their approach, strengths and weaknesses)

Level of organisation: All towns have a Tenants' Association. Their strength is in vocal commitment only. Their weaknesses are imposed upon them by State and Local Authorities as their views are never listened to, even when graphic descriptions of evictions are published in the media, including television. In short, they are completely powerless.

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11. Names of supporting agencies working in alliance with the affected community.

Domestically, none whatsoever. Even the country's Deputy Ombudsman in Zagreb is himself the nominal owner of an apartment and ensures that life for the occupant is unbearable to the point that he might vacate the premises of his own accord, unable to stand the continuing psychological pressure. The Deputy Ombudsman!

12. Actions taken so far by the community and/or supporting agencies to resist evictions and/or to develop creative, alternative solutions.

Apart from recent energetic action by the executive of the Alliance of the Tenant's Associations of Croatia, no positive action whatever has been taken. The attitude seems to be: "What's the point? Nobody listened to us during communism, and nobody listens now." People are afraid; they live in daily fear of eviction but are absolutely unable to fight it. A high percentage of the more elderly occupants are afraid to put their names to this appeal for fear of retribution. A great many people are unable to afford lawyers to defend eviction proceedings, and where they can the nominal owner usually has greater financial resources (!).

13. Consultations held and alternative housing and/or compensation offered by the authorities to the affected community (if any).

The only "consultations", apart from the rare invitation from a Ministry, or from the President of the Republic, for representatives of the Alliance of Tenants' Associations of Croatia to meet with them – the outcome being continuing silence – are court hearings which usually result in the nominal owner gaining possession of his/her apartment. NO ALTERNATIVE SUITABLE HOUSING IS PROVIDED, EITHER BY THE STATE OR BY THE NOMINAL OWNER – THE "LAW" HAS BEEN DESIGNED TO ENSURE THAT THIS IS SO. Nobody else living in a nominally owned privatised apartment would dare to offer sanctuary a person or family that had been evicted, for fear that they too could be evicted.

◆ **Follow up**

14. Strategies for future action discussed / developed / proposed to deal with the threatened eviction

To enlist the help of organisations outside Croatia, as nothing whatsoever can be achieved by appealing to authorities inside the country. This has been attempted for years – nobody in authority is prepared to listen, there is no political will. When a VIP from the European Parliament visited Zagreb in mid-2005, he asked a senior member of the Croatian Government, "What is this I hear about a problem with tenants' rights in Croatia?" The response was, "What problem? I am not aware of any problem."

15. Important events anticipated (e.g. dates set for eviction, planned actions, court cases, development of alternatives, etc.)

At the present time more than 55 families in Split are awaiting court hearings for eviction. At 9 a.m. on Wednesday 1 March, a Mr Rajko Dejdar was scheduled to be evicted from the apartment in which he was born in the early 1960s. The apartment is nominally owned by a senior police officer who is presently under investigation and has been suspended for alleged rape. He wants to take possession of the apartment so that he can expand his fitness centre – thereby raking in far more money than from the protected rent paid by Dejdar. This will be the second attempt in as many months. On the first occasion, riot police were in attendance – why, we cannot imagine. His case started several months ago when, on his re-entry into Croatia after having spent a few days in neighbouring country, he was arrested at the Croatian border by police, who charged him with illegal occupation of his apartment and took him into custody, telling him that he would be detained for three days. It goes without saying that Dejdar was not living in his apartment illegally, as he was in possession of all the necessary documents proving that he was a legitimate tenant, and had been since his birth. Those three days would probably have given the nominal owner the opportunity to enter the apartment, remove all Dejdar's possessions and change the locks. Unfortunately for the nominal owner (who obviously had all the necessary contacts to ensure that the arrest could take place) Dejdar suffered a heart condition after a few hours of detention and had to be rushed to hospital. Those responsible for his detention quickly backed off, claiming that it "been a mistake." Dejdar eventually returned to his apartment, still under threat of eviction. Dejdar has long been registered as a 100% invalid, as well as being officially diagnosed as suicidal. At a fresh court hearing held on Friday 10 March, the case was scheduled to be re-heard in 30 days' time from then, leaving the man living on his nerves and still fearing for his future.

16. Reasons why this is a good focus case for the Advisory Group. Ideas on what the Advisory Group could do to contribute to the successful resolution of the case

This case is representative of the hardships being suffered on a regular basis throughout Croatia. Most evictions go unreported in the daily media. The Advisory Group must, as a matter of urgency, investigate

the abuse of human rights and discrimination that seem to have become the norm in the Republic of Croatia. Additionally, many families have been the victims of forced entry into their homes, of intimidation, of physical violence and psychological pressure at the hands of nominal owners (or their agents), as well as being intimidated by surprise raids by police without a court order. Law-abiding families in Croatia are living in an atmosphere of abject fear that they never experienced during the Communist regime – and many of them have expressed their desire for those days to return.

17. Full address contact person

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***Any law which violates the indefeasible rights of man
is essentially unjust and tyrannical; it is not a law at all.***

Maximilien Robespierre (1758-1794)

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