

MARSEILLE FORUM JUNE 2019

Croatia



The right to housing is not included in the Croatian Constitution

However, **article 34** stipulates that the home is inviolable. "Only a court may order a search of a home or any other place, in accordance with a written warrant, drafted and reasoned in accordance with the law."

The Croatian Constitution also establishes a right of minorities and a right to receive refugees and stateless persons in Article 33 of the Constitution: "Foreign citizens and stateless persons may obtain political asylum in Croatia, unless they are prosecuted for ordinary crimes or activities contrary to fundamental principles of international law".

"No foreigner lawfully in the territory of the Republic of Croatia may be banned or extradited to another State, except in the case of the implementation of decisions taken in accordance with law or an international treaty."



Photos : La Croix

However, migrants are violently returned to Bosnia and Herzegovina

According to the Minister of the Interior, 3,200 migrants and asylum seekers entered Croatia between January and August, including 852 who applied for asylum. The authorities granted asylum to 140 persons and subsidiary protection to 21 others during the same period.

In August, UNHCR reported allegations that since January, **some 2,500 asylum-seekers and migrants had been returned to Bosnia and Herzegovina by the Croatian police**, reporting hundreds of cases of denial of access to asylum procedures, and more than 700 allegations of violence and police theft.

In the same month, MEPs from 11 EU Member States jointly requested the European Commission to open an urgent investigation into the allegations, with the Council of Europe Commissioner for Human Rights echoing this call in October.

Source: Human Rights Watch 2018

From housing security in the former Yugoslavia to the nightmare of evictions in Croatia

To fully understand Croatian housing law today, let us not forget that it derives from the former law of the former Yugoslavia.

(...)

With regard to the sharing of property rights, **the occupier was granted 9/10ths of the property, and the owner 1/10th.** And it was indeed a property right as such, as confirmed by a judgment of the Constitutional Court of Bosnia and Herzegovina, which, under the jurisdiction of the European Union, declared that the right of occupation is identical to the right of ownership.

the State confirms that the owner holds 10% of the property rights, but makes no reference to the 90% fraction of the rights that belonged to the occupant under the old regime. The State has in fact undertaken to nationalize the property belonging to these former occupants, thereby committing an offence of theft against them.

Source: International Alliance of Inhabitants

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