

PROJECT:

**PUBLIC ADMINISTRATION IN SERVICE OF
CITIZENS**

**ANALYSIS OF ADMINISTRATIVE CASES IN
2008**

January 2009

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The contents of this document and the opinions expressed therein do not reflect viewpoints of the National Foundation for Civil Society Development but exclusively standpoints of the Center for Peace, Legal Advice and Psychosocial Assistance– Vukovar

ABBREVIATIONS

CFPVU – Center for Peace, Legal Advice and Psychosocial Assistance - Vukovar
ASSC – Areas of Special State Concern
LGAP – Law on General Administrative Procedure
LASSC – Law on Areas of Special State Concern
CFP BO – Croatia’s Republican Fund for Pension and Disability Insurance of Workers – branch office

INTRODUCTION

This analysis has been carried out within the framework of the project “Public Administration in Service of Citizens” that was implemented with financial support of the National Foundation for Civil Society Development. The project was implemented by the Center for Peace, Legal Advice and Psychosocial Assistance – Vukovar (CFPVU) in period 1 January – 31 December 2008.

Main objectives of the project were to contribute to easier access to rights of citizens in the public administration bodies procedures by providing legal assistance; by informing and educating citizens on their rights and duties in administrative procedures, and on procedures and principles of public administration bodies; by communicating, cooperating and exchanging information with the public administration bodies; as well as by conducting permanent monitoring and analyzing the state of representative cases in selected legal areas. Further on, the project was focused on raising public awareness on the public administration bodies’ rules of procedure and working principles as stipulated by the Law on General Administrative Procedure provisions, and on strengthening cooperation between NGOs and citizens with the public administration bodies.

In a long-term run, the project aims to contribute to strengthening the rule of law and respect for human rights, including the Republic of Croatia’s efforts in conducting the reform of the public administration bodies towards fulfilling eligibility criteria for the EU membership.

The analysis refers to the status of 608 legal cases monitored over the project implementation period. The cases were brought forward to CFPVU by citizens that requested technical assistance and/or legal advices in addressing them to the public administration bodies. Cases that were primarily monitored and generally referred to in the analysis relate to those in areas of provision of the state housing care assistance, provision of the state assistance in the reconstruction houses damaged and destroyed during the 1990-ties war, and in accessing pension rights and status rights.

The project team undertook total of 766 actions in providing expert and technical assistance: 429 verbal advices and information, as well as technical assistance and legal advices in drafting 337 submissions - 71 rush-notes, 27 appeals, 21 complaints, 28 queries, 149 letters and 41 requests.

According to the project team records and feedbacks received from beneficiaries, in the course of this project 148 cases have been closed in procedures before the 1st instance bodies, 18 cases before the 2nd instance bodies and 11 cases in the 3rd instance before the Administrative Court of the Republic of Croatia.

In the course of the project implementation, amongst other, CFPVU relied on the fact that European administrative space rests on four ground principles¹ that the Government of the Republic of Croatia followed in adopting the Public Administration Reform Strategy 2008-2011 in March 2008:

- 1) *principle of the rule of law,*
- 2) *principle of reliability and predictability,*
- 3) *principle of responsibility, and*
- 4) *principle of efficiency and effectiveness.*

By adopting the Public Administration Reform Strategy Croatia's Government precisely and ambitiously determined realization of following goals by the end of 2011:

- 1) *increasing the efficiency and economy in the system of the state administration,*
- 2) *improving the quality of administrative services,*
- 3) *achieving openness and accessibility of the state administration bodies,*
- 4) *strengthening the rule of law standards,*
- 5) *strengthening social sensitivity in the state administration and in relation to citizens,*
- 6) *raising level of ethics in the state administration and reducing corruption,*
- 7) *applying modern informatics and communication technologies, and*
- 8) *including Croatian State Administration in the European administrative space.*

According to the European Commission assessments in 2008, a limited progress has been achieved in the area of public administration reform; public administration remains weak; and a clear political commitment and further sustained efforts for conducting the reform are needed.²

Analysis of the status of cases by legal areas

Housing care

In the course of 2008 CFPVU monitored status of 232 claims / requests for provision of housing care to former occupancy / tenancy right holders, of which 42 cases outside ASSC and 190 inside ASSC. Housing care procedures generally last some 5 years in average. In comparison to the previous period a number of solved cases has increased, particularly in the second half of 2008. According to Center's records provision of housing care to former occupancy / tenancy rights holders outside ASSC was registered in 17 cases while 31 case was registered inside ASSC.

Housing care of refugees and displaced persons, former tenancy right holders in the Republic of Croatia, is not regulated in a uniform manner but rather by means of

¹ European Principles for Public Administration, OECD – Sigma Paper no. 27

² Croatia – 2008 Progress Report, Commission of the European Communities {COM(2008)674}

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.

Before the *Law on Areas of Special State Concern* („Official Gazette“ no. 86/08) came into effect in July 2008, the legal framework of provision of housing care inside ASSC was regulated by the earlier *Law on Areas of Special State Concern* (“Official Gazette” no. 44/96, 57/96, 124/97, 73/00, 87/00, 69/01, 94/01, 88/02, 26/03 (consolidated text) 42/05 and 90/05) and sublegal acts.

The earlier LASSC failed to set out precise terms for obtaining the right to housing care, which affected citizens' legal security, and set too broadly the internal field of margin of appreciation belonging to the competent bodies' when deciding about the right to housing care, which enabled arbitrariness in operation of the competent bodies.

Previous *Law on ASSC* did not contain procedural provisions which would regulate the action of the competent body, after a person has submitted a request for the housing care. Thus, when deciding on housing care requests, one had to proceed in keeping with provisions of *the Law on General Administrative Procedure*.

The new 2008 LASSC introduced two-instance proceedings (instead of one-instance as before) in deciding upon housing care requests. In early phase of implementation of the Law, in the second half of 2008, only negative decisions issued in accordance with LAP were registered. As in the previous period before the new LASSC come into effect, the practice of issuing (positive) consents that have no foothold in LASSC and have no character of an administrative act pursuant to LAP, instead of decisions, continued.

Nevertheless, the 2008 Law on ASSC established more restrictive conditions for exercise of the right to housing care in ASSC in comparison to the earlier legal framework. This could have even more negative reflection on an applicant's access to rights, as well as on the return of refugees and displaced persons.

„The previous Law on ASSC established the right to housing care, which can be enjoyed by a person or members of their family if they do not own or co-own a family house or an apartment on the territory of the Republic of Croatia or on the territory of the states formed in the process of SFRY disintegration, if they have not sold it, given it as a present or in any other way disposed of it as of 8 October 1991, in other words, if they have not been granted the legal position of protected lessee, the new 2008 Law on ASSC has expanded the ownership and co-ownership over a house or an apartment limitation to territories of also other states where potential beneficiaries currently live. It is necessary to review this new limitation for the fact that provisions of the 2008 Law on ASSC apply to procedures that have just been initiated while the provisions of the previous Law on ASSC apply to the pending procedures.“³

³ Analysis: “ Displaced former tenancy rights holders – Review of the approach to acquired rights and provision of housing care for minority returnees in 2008” – Coalition for Promotion and Protection of Human Rights, October 2008

In housing care outside ASSC procedures no regulations were applied but other legal acts (*Conclusion, Implementation Plan, Guidelines*) which do not have character of a regulation.

The 2003 Conclusion of the Government of the Republic of Croatia on the way of Provision of Housing care to Returnees who do not own a House or an Apartment and who Used to live in Socially owned Apartments (former tenancy rights holders) in the territory of the Republic of Croatia outside ASSC („Official Gazette“ no. 100/03; 179/04 and 79/05) does not determine the returnees' right to housing care, but rather the position of the Government of the Republic of Croatia to provide housing care to returnees who want to come back and have permanent residence in the Republic of Croatia on a condition that:

- they do not own or co-own a family house or an apartment on the territory of the Republic of Croatia or on the territory of other states formed in the wake of the former SFRY disintegration, or
- they have not sold it, given it away as a present, or in any other way disposed of the facility as of 8 October 1991, i.e. they did not get the legal status of protected lessee.

In May 2008 the government of the Republic of Croatia issued *Decision on the Implementation of the Provision of Housing Care for Returnees - Former Tenancy Rights Holders over Apartments outside ASSC* („Official Gazette“ no. 63/08), obliging the Ministry of Regional Development, Forestry and Water Management to conclude Protected Rent Lease Agreements with the beneficiaries of the apartments (returnees), according to the consent on provision of housing care. The Government, however, failed to oblige the Ministry to conclude contracts on purchase of apartments with those beneficiaries who have decided in favour of such provision of housing care.

By Government's *Decision* two-instance (instead of one-instance as before) proceeding in deciding upon housing care requests was introduced. This was followed by issuance of first, but negative decisions on the provision of housing care outside ASSC.

Therefore, *“prior to mid 2008, applicants for housing care (outside ASSC) had no legal remedies available in reference to the negative letters on the right to provision of housing care. In that sense, the positive step forward in 2008 refers to the fact that regional offices of the Ministry of Regional Development, Forestry and Water Management in case of negative decisions started passing the first instance decisions containing instructions on available legal remedies. Nevertheless, it is not possible to file an appeal against the “positive” approval establishing the right to housing care as these approvals do not have a character of an administrative act. If the right to provision of housing care was to be decided in the form of a Decision, that is an administrative act, such a possibility would exist since a decision must contain an instruction on available legal remedy.”*⁴

The process of analyzing and monitoring the administrative cases status as well as the work of administration bodies in the area of provision of housing care inside and

⁴ Ibid

outside ASSC noted problems in the work of the competent administrative authorities related to the application of the *Law on General Administrative Procedure* (observing deadlines for passing decisions; obligation to notify a party of the reasons for not passing a decision within a legal time limit; observing fundamental principles of administrative proceedings such as principle of legality, efficiency, material truth, hearing the parties, extending assistance to the lay party and other), as well as inconsistent application of relevant regulations, arbitrary, illicit and unprofessional acting of competent bodies of public administration further described in the cases listed below.

I.P. from Osijek submitted request for the housing care outside ASSC in 2004. Regional Office – Osijek rejected the request on 27 August 2008, stating that a family-household member owns a house. Such elaboration is contrary to indicated conditions for obtaining the right to housing care contained in the Conclusion of the Government of the Republic of Croatia on the way of Provision of Housing care to Returnees who do not own a House or an Apartment and who Used to live in Socially owned Apartments (former tenancy rights holders) in the territory of the Republic of Croatia outside ASSC from 2003, as well as to the Decision on the Implementation of the Provision of Housing Care for Returnees - Former Tenancy Rights Holders over Apartments outside ASSC.

The applicant lodged a complaint on the above-mentioned decision on 16 September 2008.

In reference to housing care requests outside ASSC, according to the available information the competent bodies of public administration issue only negative decisions in deciding upon requests, while positive decision are issued only in the form of a “consent”, not consisted as an legal document. Former tenancy right holders are provided with housing care by physical possession of the apartment but still without concluding contracts on the lease of the apartments. Citizen’s complaints also referred to the denied access to the right on allocation of basic household property.

During the project implementation, project team registered a specific problem regarding provision of housing care to former occupancy / tenancy right holders in Vukovar, who are being denied the status of protected lessee. Namely, this problem refers to former occupancy / tenancy rights holders who continuously used the apartments for which they hold the tenancy right and were in possession of until the beginning of the reconstruction of apartment buildings, at which time they were forced to (temporarily) vacate them. These former occupancy / tenancy rights holders acquired the status of a protected lessee stipulated by the *Law on Lease of Apartments* („Official Gazette“ no. 91/96). Upon completion of the reconstruction of the apartment buildings, the protected lessees were not given back the apartments for which they acquired the status of a protected lessee. Specifically, without an administrative proceeding being carried out, or a decision issued or written elaboration on the cancellation of the right and without the consent of the applicant, the Regional Office for Exiled, Refugees and Displaced Persons in Vukovar provides them with another “appropriate” smaller sized apartment in accordance to the *Decree on terms and standards for provision of housing care inside Areas of Special State concern* (“Official Gazette”, no.10/01).

According to some unofficial information, the Regional Office for Exiled, Refugees and Displaced Persons in Vukovar has withheld the right of protected lessees to approximately 1000 persons.

K.G. from Vukovar submitted the housing care request inside ASSC in 2001. The Ministry of Maritime, Tourism, Transport and Development, without having conducted the administrative procedure, rendered void the previous consent to housing care by leasing a state-owned apartment within ASSC in the City of Vukovar on 05.06.2007, elaborating that the applicant and members of her household 'were the owners of the house, which they have then given away as a present'.

In her complaint / appeal to the Regional Office for Exiled, Refugees and Displaced Persons in Vukovar regarding denial of consent to housing care, the applicant stated that she was a tenancy right holder to the apartment in question, that she enjoys the status of protected lessee based on the Law on Apartment Lease, that her apartment was confiscated neither in court nor in the administrative procedure, and that her status does not depend on discretionary evaluation of MMTTD. Referring to the information about the inheritance and granting of her portion of the house (35m²), the applicant enclosed this information in the application for housing care.

The complaint remains unsolved; however, in the meantime, the applicant received the court confirmation of the status of protected lessee. Still, even after the court ruling, the Regional Office in Vukovar issued a decision rejecting her claim without the conducted administrative proceeding.

K. G. lodged an appeal on the decision of the Regional Office and the process is still on going.

After the divorce from her husband in 1989, who was the tenancy right holder, **S.F.** from Vukovar continued to occupy the 75m² apartment with two of her children. Since she acquired the status of protected lessee according to the Law on Lease of Apartments, she was to return to the apartment in question after the reconstruction of the building is completed. However, the reconstructed apartment was allocated to another family who owns a house and therefore do not meet legal requirements set for provision of housing care, while S.F. was given another smaller apartment. The Regional Office in Vukovar failed to issue any decision to S.F. and regarding the decision of the Regional Office to allocate the apartment over which S.F. holds the status of protected lessee to another family S.F. received only an oral information.

For the reasons of illicit and unprofessional actions S.F. filed several complaints on the work of the Regional Office in Vukovar.

All the aforementioned was communicated to the Ministry of Regional Development, Forestry and Water Management and consequently, the client filed criminal charges against the current occupant of her apartment for the reasons of providing false information during the process of submitting housing care request.

V.S. from Vukovar, tenancy right holder over the apartment in question prior to 1991, has been occupying the apartment continuously since the return to Vukovar in 1997 until the reconstruction of the apartment building commenced. After the completion of the reconstruction, the client was allocated a smaller sized apartment instead of the apartment for which she holds tenancy right (apartment surface area 63,60m²) as well as the status of a protected lessee. An elaboration provided stated that she is a

pensioner with small pension and that it would be financially demanding for her to pay all the utility bills for the apartment in question.

The applicant lodged a lawsuit at the Municipal Court in Vukovar for the purpose of the verification of the status of protected lessee over the apartment which she occupied. The Court verified the applicant's status of protected lessee on 22 March 2007, verdict no.: P-559/06.

Afterwards, V.S. filed an eviction lawsuit against tenants who were allocated the apartment according to the submitted request for housing care.

On 20 October 2008 the Municipal Court in Vukovar adopted the plaintiff's eviction lawsuit, verdict no.: P-2580/08-10. V.S. is still waiting for the outcome of the court proceedings as the current occupants of the apartment filed an appeal on the court's decision.

Consequently, specific problems which lies here is the fact that despite positive court rulings acknowledging the status of protected lessee to former occupancy / tenancy right holders in Vukovar, the competent Regional Office for Exiled, Refugees and Displaced Persons in Vukovar does not abide by such court decisions and further allocates apartments of former tenancy rights holders with the status of a protected lessee to other occupants, i.e. other applicants for the provision of housing care. On several occasions the project team reported about this problem, informing also the Office of Ombudsman as well referring to the decision of the Constitutional Court of the Republic of Croatia on the status of a protected lessee no. U-III-1037/2002 from October 20, 2005.

Reconstruction

The project team monitored the status of 49 cases related to activities undertaken upon the submissions of request for the reconstruction of family houses in the 2nd instance proceedings, of which 17 have been solved. The courts adopted majority of appeals lodged by applicants against issued decisions and the cases were returned for deciding to 1st instance bodies, thus, indicating shortcomings in the process of implementing 1st instance proceedings.

Monitoring of cases in processes of exercising rights on reconstruction registered inconsistent enforcement of the LAP and the *Law on Reconstruction* („Official Gazette“ no. 24/96, 54/96, 87/96, 57/00) – observing legally determined deadlines for passing decisions (a single case has not been registered where first instance authority competent for acting upon reconstruction requests concluded within 30 days, while the delays in the 2nd instance range from 2 months up to 4 years); administrative proceedings are carried out without the hearing the parties; irregular and incomplete reestablishing of the facts which are relevant for deciding upon requests; applicants are not informed of the reasons for which the decision has not been passed within legally prescribed deadlines and similar.

Despite numerous rush-notes communicated to the Directorate for Reconstruction of family houses, to which the Directorate regularly responded assuring that the problems will be resolved (even within prescribed deadlines), the proceedings were not updated and 2nd instance decisions were not issued.

With an aim to accelerate and finalize administrative proceedings in cases of reconstruction and provision of housing care inside ASSC, the Ministry of Regional Development, Forestry and Water Management issued *Instructions - Acceleration of administrative-legal proceedings on establishing rights on reconstruction and provisions of housing care* on April 01, 2008. Despite the *Instructions*, project team did not register any significant improvements in decisions issued upon requests related to the access to right on reconstruction.

J.M. from Vukovar submitted the request for the reconstruction of a family house in 1997. The 1st instance decision was issued in 2003. Dissatisfied with the 1st instance decision, J.M. lodged an appeal on 23 February 2004 and the appeal still remains unsolved despite numerous rush-notes.

I.H. from Vukovar submitted the request for the reconstruction of a family house in 1998. The 1st instance decision was issued in 2003. Dissatisfied with the decision I.H. lodged an appeal on 10 March 2004. Numerous oral and written rush-notes were communicated in order to obtain the decision upon the appeal. In the course of 2006, I.H. was informed by the Directorate for Reconstruction that the appeal will be solved in 2007, however, the proceeding is still pending.

M.T.S. from Oprasinac, residing in Vukovar, submitted the request for the reconstruction of a family house to the Office of the State Administration in Brodsko-posavska County on 06 November 2001. The decision acknowledging the right on reconstruction was issued on 25 July 2002. Since the decision did not acknowledge the right on reconstruction to family members M.T.S. lodged an appeal against the 1st instance decision on 10 September 2002. The appeal was rejected, after which M.T.S. initiated administrative dispute on 17 February 2005. The Administrative Court issued a verdict on 24 September 2008 adopting the administrative lawsuit referring to the violations of the LAP principles and the obligation of competent bodies of the administration authorities to consistent application of LAP. The case was returned to a renewed proceeding to the 1st instance body and the process is still on going.

Pension rights

The project team registered 75 cases related to access to pension and disability rights, out of which 36 have been solved.

Registered problems refer to inconsistent application of the LAP as well as pension insurance regulations. 1st and 2nd instance proceedings last for more than a year, thus indicating indecisiveness of the competent bodies of authorities regarding observing legally determined deadlines for passing decisions; administrative proceedings are carried out without the hearing the parties, decisions are passed without evidentiary material regulations on which grounds the decision is being issued, lack of assessment of each individual evidence has been registered and similar. According to the available information, proceedings before the Administrative Court of the Republic of Croatia (administrative disputes) last for 4 years in average.

Complaints of citizens who realized working years in the parts of the Republic of Croatia which were under the protection or administration of the United Nations

related to unpaid pensions for the period 1991-1997 is being noted as a specific problem.

K.G. from Mirkovci submitted in 2002 request for the payment of unpaid pensions for the period 1991-1997. The request was rejected by the CPF BO Vukovar as unfounded on 24 April 2008, thus transferring the culpability on the pension beneficiary without acknowledging the fact of war as well as probable fact that culpability can be carried out by both parties in the case. The applicant lodged an appeal on the 1st instance decision on 21 May 2008. The appeal was rejected and the client initiated administrative dispute before the Administrative Court of the Republic of Croatia on 1 September 2008. The procedure is still pending.

N.V. from Vukovar submitted the request for family pension in 1997 at the CPF BO Vukovar. After the negative ruling in the administrative proceedings, the applicant initiated administrative dispute before the Administrative Court of the Republic of Croatia against the final decision of the CPF on 16 June 2003.

The verdict of the Administrative Court of the Republic of Croatia on 19 April 2007 adopted the lawsuit and returned the case to CPF BO Vukovar for renewed proceedings. CPF BO Vukovar still hasn't acted in accordance with the above-mentioned Verdict although it is obliged to issue a new decision within 30 days period. N.V. has now been waiting for 10 years to exercise the right on family pension.

Enforcement of the *Ordinances on Procedure of Convalidation of Decisions and Individual Acts in the Area of Pension Insurance* ("Official Gazette" no. 53/08) in May 2008, extended the deadline for convalidation of working years exercised in the area of the Republic of Croatia under the UN administration. The project team carried out activities of informing potentially interested parties on enforcement of the *Ordinances* and establishment of the newly-prescribed deadline for the submission of convalidation requests. At the very beginning, the project team noticed specific problems related to the issuing of first decisions for convalidation of working years, referring to the process of verification of working years, the problem of acquiring relevant written evidence as well as the lack of implementation of the administrative proceedings. First decisions indicated unclear and bleak elaborations as well as impossibility to verify the legitimacy of the work of the competent bodies and the implementation of LAP. Decision's elaborations failed to indicate material regulations on which grounds the legal matter was resolved, i.e. rejected.

M.V. from Mirkovci, for the second time, submitted the request for convalidation of working years exercised within the Ministry of Interior in Vukovar, in the area of the Republic of Croatia under the UN administration on 12.06.2008. CPF BO Vukovar rejected the request for the second time by issuing a decision on 25.07.2008 without conducting administrative proceeding. Namely, the client was not summoned for a hearing in order to provide answers on important circumstances regarding his case in order to exercise and protect his pension right. The elaboration of the decision listed only attached evidences, without reference to provisions of the material law on which grounds the requested was rejected in the beginning. The client lodged an appeal to the CPF Central Office in Zagreb on 10.12.2008.

Status rights

Specific problems have been noticed in processes of issuing decisions regarding status rights of citizens related to obtaining Croatian citizenship, acquiring temporary / permanent resident's permission in the Republic of Croatia, attaining the status of a permanently settled foreigner and acquiring different documents per citizen's requests.

Registered problems in the work of the Police Administration in Vukovar-Sirmium County relate to the lengths of procedures, inconclusive decisions and the lack of application of administrative proceedings according to LAP.

D.A. submitted the request for the renewal of his driver's license. The request was denied; the elaboration of the decision failed to provide any material regulation on which grounds the request was denied. The client lodged an appeal on the decision. Upon the client's query, the competent body of authority orally informed him that his request for the renewal of the driver's license was denied. Only after the client insisted he was issued with written decision related to the rejection of his request. The client lodged an appeal on the decision and the procedure is pending.

Compensation / restitution of nationalized property

Although cases related to decisions issued on request for compensation or restitution of nationalized property after the World War II have not been envisaged within the project's framework, the project team registered several cases and noted specific problems faced by citizens in accessing such rights. Principally, the problems relate to lengths of 1st and 2nd instance proceedings (some proceedings last for more than 10 years) as well as the failure of competent bodies of authority to act in accordance to principles and provisions of LAP and the *Law on Compensation for Property Taken During Yugoslav Communist Rule* („Official Gazette” no. 92/96, 39/99, 42/99, 92/99, 43/00, 131/00, 27/01, 65/01, 118/01, 80/02, 81/02).

T.L. from Vinkovački Banovci submitted the request for restitution of nationalized property in 2002. The competent body of authority issued no decision by the end of 2008, providing an elaboration that priority has been given to requests submitted in the course of 1997.

In cases of property compensation when compensation claims are not submitted, the Republic of Croatia is awarded the right of ownership according to the Article 77 of the *Law on Compensation for Property Taken During Yugoslav Communist Rule*. This implies that it is sufficient for one of authorized persons to submit compensation claim while it has been noticed in practice that first requests of clients were indeed solved in accordance with the above mentioned provisions. However, later requests, decided in 1st and 2nd instances, were resolved by issuing partial decisions, issued without fully appreciating the submitted claim or acting in accordance with the relevant provisions of the Law. This indicates inconsistent practice of competent administrative bodies in processes of issuing compensation decisions – restitution of property.

R.A. from Negoslavci submitted the request for property restitution of agricultural land while other successors of the same property failed to do so. The request was decided entirely in favor of the applicant in accordance with the provision of the Article 77 of the Law on Compensation for Property Taken During Yugoslav Communist Rule...while, on the other hand, S.V. from Borovo was issued with partial decision where the applicant succeeded only his portion of the inheritance. Such practice of the Office of the State Administration in Vukovar-Sirmium County violates the principles of the rule of law, legal safety of citizens and equality of citizens before the law.

CONCLUSIONS

Despite certain positive changes in decision-making processes and actions undertaken by the public administration bodies, this analysis suggests that basic feature in the decisions issued upon requests of clients in administrative cases refer to unreasonable lengths of proceedings in all levels (1st and 2nd instance proceedings). Further on, lack of transparent work, illicit and unprofessional actions undertaken by the public administration bodies, selective approach in deciding upon requests of citizens and setting out a too broad internal field of margin of appreciation belonging to competent bodies'; not abiding by provisions of LAP and other national regulations as well as non-recognition of acquired rights, jeopardize legal safety of citizens and the respect of the rule of law including the respect of all other fundamental principles of LAP as well as those contained in the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Results of this analysis indicate the necessity of undertaking immediate and comprehensive reforms of actions undertaken by the public administration bodies, aimed to contribute to a more qualitative access to rights in administrative proceedings. These measures targeting administrative proceedings primarily aim to ensure:

- 1) unbiased and fair decision-making process, conducted as well in reasonable deadlines,*
- 2) obligatory hearing of the client before undertaking any action that might directly or indirectly affect his/hers access to rights, when appropriate*
- 3 issuance of obligatory elaborations of decisions by the public administration bodies, and*
- 4) that actions and decisions-making processes are entirely founded in accordance to provisions of the Law on General Administrative.*

Further on, in performing the duties from the area of public administration work, bodies of the public administration should:

- 1) be open, efficient and independent,*
- 2) provide citizens with access to their rights,*
- 3) be assessable to mechanisms of responsibility,*
- 4) be efficient, and*
- 5) be skilled and independent from external, primarily political influences.*

According to the analysis of the progress and results of the project implementation, it can be concluded that construction of a skilled, efficient, reliable, transparent and independent public administration still constitutes a great challenge for the Republic of Croatia, requiring continuous and sincere efforts as well as participation of all relevant stakeholders.

OVERVIEW OF STATISTICAL DATA

Table 1 The overview of the number of cases by legal area

LEGAL AREA	CASES
	Number of cases
Housing care	232
Property rights	32
Reconstruction	94
Status rights	23
Pensions and health rights	75
Social and labor rights	59
Public utilities (duties)	23
Other	70
TOTAL	608

Table 2 The overview of the number of activities undertaken by CFPVU project team in providing technical assistance and legal advices to the citizens and overview of activities undertaken by citizens on the basis of the assistance provided by the project team by legal area

	Legal advice	Appeals	Requests / Applications	Pleas / Complaints	Queries / Letters	Submissions	Rush-notes	Lawsuits	TOTAL
Housing care	161	8	10	4	55	15	31	1	285
Pension and Health Rights	50	8	1	3	22	-	3	1	88
Other	65	3	-	4	7	1	3	2	85
Social and Labor Rights	53	4	1	4	3	2	3	-	70
Reconstruction	37	1	7	16	40	4	29	-	134
Property Rights	31	2	1	-	2	-	-	1	37
Status Rights	20	-	2	1	-	-	2	-	25
Public Utilities	15	1	-	4	-	2	-	-	22
TOTAL	432	27	22	36	129	24	71	5	746

Table 3 The overview of the number of activities undertaken by the project team on behalf of CFPVU by legal area

	Query / Letter	Rush-note	Submission	TOTAL
Housing Care	13	1	4	18
Pensions and Health Rights	3	-	-	3
Other	1	-	-	1
Social and Labor Rights	1	-	-	1
Reconstruction Rights	18	-	-	18
Property Rights	2	-	1	3
TOTAL	38	1	5	44

Table 4 The overview of the status of cases by legal area and by decision-making instance

	1 st instance				2 nd instance				3 rd instance			
	Pos	Neg	On going	Completed	Pos	Neg	On going	Completed	Pos	Neg	On going	Completed
Housing Care	35	10	173	48	-	-	10	-	-	-	1	-
Property Rights	-	2	20	8	-	1	2	1	-	-	1	-
Reconstruction	5	3	8	9	3	3	65	6	1	-	4	2
Status Rights	4	1	11	6	-	2	3	2	-	-	1	-
Pension and Health Rights	7	8	25	24	2	4	10	7	1	2	4	5
Social and Labor Rights	-	2	43	7	-	-	5	-	-	2	2	2
Public Utilities	3	2	11	10	-	1	1	1	-	-	-	-
Other	2	7	22	36	-	-	8	1	-	2	1	2
TOTAL	56	35	313	148	5	11	104	18	2	6	14	11

Table 5 The overview of the number of received feedbacks from / registered activities conducted by bodies of public administration

	Written interpretations / Reactions / Answers	Decisions	Total
Ministry of Regional Development, Forestry and Water Managements – Directorate for ASSC	32	21	53
Ministry of Regional Development, Forestry and Water Managements – Directorate for Reconstruction	5	10	15
Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity	1	0	1
Ministry of Justice	2	0	2
Ministry of Agriculture	2	0	2
Ministry of Health and Social Welfare	1	0	1
Ministry of Interior	1	2	3
Office of the President of the Republic of Croatia	2	0	2
Office of the President of the government of the Republic of Croatia	1	0	1
Office of the Vice president of the government of the Republic of Croatia	2	0	2
Croatian Parliament	1	0	1
Ombudsman Office	13	0	13
Constitutional Court	0	1	1
Administrative Court	2	8	10
Croatian Pension Fund	2	13	15
Center for Social Welfare	1	0	1
Offices of the State Administration – Departments for Reconstruction	5	1	6
Regional office for Reconstruction	5	0	5
Regional ASSC office	1	7	8
Agency for Real-estate Transactions (APN)	6	0	6
TOTAL	85	63	148

Table 6, 7, and 8 The overview of the average length of procedure by selected legal area and by decision-making instance

HOUSING CARE

Length of procedure	Number of cases
4 months	1
6 months	2
8 months	4

11 months	1
1 year	4
2 years	8
3 years	13
4 years	34
5 years	37
6 years	18
7 years	8
9 years	2

RECONSTRUCTION

Length of procedure	2nd instance - No. of cases	3rd instance – No. of cases
2 years	1	1
3 years	9	2
4 years	21	-
5 years	16	-
6 years	2	-

PENSION RIGHTS

Length of procedure	1st instance – No. of cases	2nd instance - No. of cases	3rd instance – No. of cases
1 month	1	-	-
2 months	2	2	
3 months	4	1	1
4 months	3	-	-
5 months	1	1	-
6 months	4	4	-
7 months	4	-	-
8 months	1	-	-
10 months	1	-	-
3 years	-	-	3
5 years	-	-	3