

Human Rights in Earthquake Affected Areas

The global COVID-19 coronavirus pandemic has caused a partial suspension of human rights and freedoms in countries around the world, including the European Union member states. Measures introduced to protect against the exponential spread of infections and overloading of national public health systems have limited a number of human rights guaranteed by the United Nations Universal Declaration of Human Rights¹ and the EU Charter of Fundamental Rights², such as the right to liberty, the right to freedom of movement, the right to freedom of peaceful assembly and association, the right to work, the right of equal access to public services, the right to an adequate standard of living and the right to participate in the cultural life of the community. Governments around the world have justified the introduction of such emergency measures, arguing that it is necessary to restrict human rights and freedoms in order to preserve the health and safety of their citizens, emphasizing the primacy of the right to life and security above all else, as their absence negates all other rights and freedoms, while emphasizing the temporary and interim character of such restrictions. Thus, for the first time since the Second World War, the citizens of the European Union member states have witnessed a practical demonstration of the classic political and philosophical debate on the role of the state, ie finding a balance between freedom and security.

In the midst of the coronavirus pandemic, the Republic of Croatia was additionally affected by a series of devastating earthquakes that occurred during 2020 and 2021, which further aggravated the already complicated situation, causing human casualties and enormous material damage. Many residents in the affected areas - Sisak-Moslavina, Zagreb and Karlovac counties, as well as the City of Zagreb were left without a roof over their heads and access to public services and goods overnight, rendering their dignity and fundamental rights, such as the right to safety, food, housing, health care, education, social security, economic rights and the rights of children and the elderly in additional jeopardy. The discussion held in April 2021, organized by the Croatian Platform for International Citizen Solidarity and Human Rights House Zagreb within the EU-funded project *Towards an Open, Fair and Sustainable Europe in the World - EU Presidency Project 2019-2021*, attempted to offer possible suggestions and practical advice based on Croatia's recent experiences in order to ensure comprehensive and sustainable solutions towards

¹ Available at: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

² Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX%3A12012P/TXT>

protecting fundamental human rights and basic needs in the event of crises and natural disasters such as earthquakes.

The discussion was attended by Tamara Jovičić from the Petrinja non-governmental organization IKS, Maja Sever from the People for People initiative, Nikola Puharić from the Serbian National Council, Marina Škrabalo from the Solidarna Foundation and Antonija Komazlić from the Right to the City initiative, moderated by Sandra Kasunić from the Center for Peace Studies. Participants in the discussion are representatives of the local community from Petrinja, humanitarian organizations and initiatives that provided assistance on the ground, and experts in various fields of human rights.

According to the United Nations' Inter-Agency Standing Committee (IASC) Operational Guidelines on the Protection of Persons in Situations of Natural Disasters³, there are four groups of key human rights in need of protection in disasters:

- Protection of life, security and physical integrity, and family ties
- Protection of rights related to the provision of food, health, shelter and education
- Protection of rights related to housing, land and property, livelihoods, secondary and higher education
- Protection of rights related to documentation, movement, re-establishment of family ties, expression and opinion, and elections.

Tamara Jovičić from the Petrinja Association Iks, as an introduction to the discussion, described the situation and the apathetic atmosphere in the area of Banija and Sisak-Moslavina County, which suffered the most in the devastating earthquakes in December 2020 and January 2021. She emphasized that the area of Banija was economically and infrastructurally underdeveloped even before the earthquake, and due to the damage caused by the earthquake, the necessity of empowering the region through state measures for the development of deprived areas is even more glaring. Maja Sever from the humanitarian initiative People for People commented on the improvised and ad hoc nature of solutions for providing assistance in Banija, which initially amounted to interventions of informal initiatives, individual citizens from all over Croatia and several humanitarian organizations, which are insufficient and unsustainable in the long term. She stressed the need to address the issue of accommodation for persons whose homes were destroyed as well as organizing transportation necessary for them to be able to access various public services. She stressed the need for joint action of all stakeholders in order to present to decision makers concrete ideas for the adoption of strategic measures and resources to help the region.

Marina Škrabalo shared the experience of the Solidarna Foundation in providing emergency humanitarian aid to people affected by the earthquakes in Banija, while pointing out positive

³ Available at: https://www.ohchr.org/Documents/Issues/IDPersons/OperationalGuidelines_IDP.pdf



developments such as strong levels of citizen solidarity and de-escalation of social polarizations while providing assistance. On the other hand, she pointed out the lack of capacity of involved informal and non-state actors to sustainably and meaningfully address the structural issues, as unprepared and disorganized approach of the state and local authorities operating in the affected areas. According to her experience as director of a humanitarian organization providing direct aid on the ground, the priorities should be encouraging economic recovery, reconstruction of housing and agricultural facilities, ensuring employment opportunities for youth and implementing gender equality policies. She particularly emphasized the need to create an advocacy plan towards state authorities and starting a dialogue of human rights stakeholders in Croatia in order to encourage state and public institutions to combat many systemic problems in the long term. Nikola Kuharić, a representative of the Serbian National Council, stressed the need to focus on providing support to families with children and to local farmers to enable them to recover as quickly as possible and rebuild the affected areas, which all participants agreed on. All of them highlighted the importance of urgent implementation of systematic housing policies and expanding the local infrastructure because failure to do so would increase the risk of youth population permanently emigrating from the area.

Antonija Komazlić commented on the situation in the city of Zagreb, which was affected by an earlier earthquake in March 2020, pointing out that state and local authorities have not found an appropriate and timely solution for housing people whose homes were destroyed nor for rebuilding the city after the earthquake. To date, reconstruction projects haven't yet started despite the fact that the earthquake was over a year ago at the time of writing. There were delays in finding temporary accommodation for some citizens in Zagreb, while at the same time, due to administrative and bureaucratic obstacles, citizens had difficulty accessing public funds intended for the reconstruction of housing units. She concluded that the lack of planning by the crisis response system has significantly exacerbated to the situation.

The experiences and observations of the participants in the discussion largely correspond with the IASC Operational Guidelines, ie with their definition of the four key groups of human rights that need to be protected. On the other hand, the joint conclusions of the participants in the discussion indicate the inability of state institutions and local authorities to respond adequately and in a timely manner to natural disasters in the Republic of Croatia, although the General Principles of the IASC Operational Guidelines point out that the protection of persons affected by natural disasters and safeguarding their human rights is predominantly responsibility of the state.

Nikola Puharić gave examples of positive experiences during the humanitarian action *Banija is our home* by the Serbian National Council, who sought to establish better coordination of state bodies and civil society organizations from Croatia and neighboring countries. Strong sense of



solidarity by Croatian citizens from all over the country was displayed as they sent numerous donations and participated in rescue actions, cleaned up rubble and repaired damaged homes in the region. As a representative of the organization of the Serbian national minority, he felt that another positive aspect was unity of various groups on the ground and absence of unequal treatment during the provision of aid, meaning that the right to non-discrimination was respected.

However, it is important to point out that during crises and natural disasters, informal civic initiatives and civil society organizations, given their limited resources and infrastructure, can never replace the role of states. In the aftermath of earthquakes, numerous shortcomings in state crisis-response policy were detected. Among them, the most prominent were the slow response in providing alternative housing for citizens, insufficient capacity of state bodies to provide emergency humanitarian aid and public services (food, clothing, health care, education, etc.), poorly developed infrastructure (including temporary shelters, transportation, communication and bureaucracy), unclear and disorganized chains of command (crisis management), a large number of administrative barriers for citizens in accessing public funds for reconstruction and uneven regional economic and institutional development within Croatia which reduces the prospects for rapid recovery of neglected regions such as Banija while increasing the chances of their depopulation, especially regarding youth.

These shortcomings significantly decrease the possibility of adequately protecting the human rights of people affected by crises and natural disasters. In order to reduce the risk of human rights endangerment in similar situations in the future, it is necessary to establish systematic state policies for dealing with crises and natural disasters, including establishing clear communication channels and chain of command in crisis management, long-term and sustainable housing policy, increasing temporary accommodation capacities, strengthening local infrastructure, removing administrative barriers regarding citizens' access to public services and aid, regionally balanced economic and social development, and clearly defined models of cooperation with informal actors such as civic initiatives and civil society organizations.

