



Strasbourg, 8 February 2010

CCJE-GT(2010)1

**Consultative Council of European Judges  
(CCJE)**

**The role of judges in the enforcement of judicial decisions, in their relationships with other state functions and/or other actors**

**QUESTIONNAIRE**

## CONSULTATIVE COUNCIL OF EUROPEAN JUDGES

Answers: Croatia

### The role of judges in the enforcement of judicial decisions, in their relationships with other state functions and/or other actors

#### QUESTIONNAIRE

#### A) IN CIVIL AND ADMINISTRATIVE MATTERS

1. Is the authority responsible for the enforcement specified in the law or in the constitution?

Yes

**Courts are responsible for enforcement and their position is regulated by Constitution and by Laws ( Law on Courts, Law on Enforcement, Law on Civil Procedure)**

Please specify

No

2. What are the competences of the judge in the enforcement procedure?

➤ He is responsible for the enforcement

Yes

No

➤ He has others competences as regards enforcement

Yes

No

If yes, please specify

**Judge controls enforcement procedure from the beginning to its end. If some parts of procedure are entrusted to other persons ( i.e. notaries) they are controlled by a judge.**

3. Is the judge responsible for the enforcement (if exists) the same than the judge who took the decision?

Yes

No

4. Do the parties have to make a new application for the decision to be enforced?

Yes  
 No

5. Shall this new application end with a judicial decision ?

Yes  
 No

6. Is the judge working with other actors involved in the enforcement procedure?

Yes

Please specify which actors

**Notaries, court clerks, expert witness etc.**

No

7. When he is working with other actors in the enforcement procedure, what are the exact competences of the judge:

➤ He starts the procedure?

Yes

**Judge delivers decision upon the motion from the party.**

No

➤ He controls and supervises the procedure (eg timeframes) and the work done by the other actors?

Yes

No

➤ Others competences?

Yes

No

If yes, please specify

8. What is the training of the person responsible for the enforcement if it is not a judge?

9. Can the parties appeal if the decision is not enforced within a reasonable time?

Yes

No

If yes, what are the sanctions of this appeal?

**Any party can lodge an application to a higher court if his/hers rights to reach decision within reasonable time. Higher court if accepting this motion will order to a lower court in what time decision has to be delivered and decides what amount of money is fair as compensation to the aplicant.**

10. What are the powers of the judge to speed up the enforcement?

**If any party is misusing its rights judge can impose fines.**

11. What are the powers of the judge to force the enforcement?

**All powers of a judge are stipulated by Law on enforcement.**

12. What are the powers of the judge to protect the rights of parties and of third parties in the enforcement?

**Please, see answers under 10. and 11.**

13. In your country, what are the main obstacles to the enforcement of decisions?

**Broad rights to appeal and to postpone the enforcement, lack of trained educated and motivated court clerks, huge number of new incoming cases generated mostly by serious economic situation etc.**

14. According to you, what main changes are needed to improve the effectiveness of the enforcement proceedings in your country?

**in Croatia enforcement proceedings are under reform.**

**Enforcement proceedings will generally be in charge of private enforcement agents.**

**That could be good path in my opinion if courts will remain as authorities able to control the procedure.**

15. Are the enforcement procedures similar for civil and administrative matters?

Yes

No

If not, please clarify the differences.

B) IN CRIMINAL MATTERS
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16. Is the authority responsible for the enforcement of sentence specified in the law or in the constitution?

Yes

Please specify

No

17. What are the competences of the judge in the enforcement of sentences:

➤ He is responsible for the enforcement?

Yes

No

➤ He has others competences as regards enforcement?

Yes

No

If yes, please specify

18. Is the judge responsible for the enforcement (if exists) the same than the judge who took the decision?

- Yes  
 No

19. Is the judge working with other actors involved in the enforcement of sentences?

- Yes  
Please specify which actors  
 No

20. When he is working with other actors in the enforcement procedure, what are the exact competences of the judge:

➤ He starts the procedure?

- Yes  
 No

➤ He controls and supervises the procedure (eg timeframes) and the work done by the other actors?

- Yes  
 No

➤ Others competences?

- Yes  
 No

If yes, please specify

21. What are the powers of the judge to protect the rights of detainees and of third parties in the enforcement?

22. What are the powers of the judge as regards the alternative solutions to prison ?

23. What are the powers of the judge as regards the implementation of sentences (arrangement of sentence, conditional release, etc.) ?

24. What are the powers of the judge as regards the effective payment of fines ?

25. What are the main reasons for complaints concerning the rights of detainees?

26. Who is responsible in your country, for complaints about living conditions in prison? What is the procedure for processing such complaints?

27. In your country, what are the main obstacles to the enforcement of sentences?

28. According to you, what main changes are needed to improve the effectiveness of the enforcement of sentences in your country?

ANSWERS: CROATIA

B) IN CRIMINAL MATTERS

29. Is the authority responsible for the enforcement of sentence specified in the law or in the constitution?

Yes. **There is a special law.**

Please specify

No

30. What are the competences of the judge in the enforcement of sentences:

➤ He is responsible for the enforcement?

Yes. **One judge who deals only with enforcement of prison sentences.**

No

➤ He has others competences as regards enforcement?

Yes

No

If yes, please specify

31. Is the judge responsible for the enforcement (if exists) the same than the judge who took the decision?

Yes

No

32. Is the judge working with other actors involved in the enforcement of sentences?

Yes. **He/she works with prison authorities and oversees their work.**

Please specify which actors

No

33. When he is working with other actors in the enforcement procedure, what are the exact competences of the judge:

➤ He starts the procedure?

Yes

No. **When the judgment is final, the trial judge informs him about the sentence and then the enforcement is in his hands**

➤ He controls and supervises the procedure (eg timeframes) and the work done by the other actors?

- Yes  
 No
- Others competences?  
 Yes  
 No

If yes, please specify. **He can postpone the execution of prison sentence for limited time.**

34. What are the powers of the judge to protect the rights of detainees and of third parties in the enforcement?

**Judge is deciding on appeal against prison warden decisions. Judge will at least once a year speak with prisoners, warned them about their rights and ways to ensure those rights.**

35. What are the powers of the judge as regards the alternative solutions to prison?

**He overseas community service as well and just recently together with probation office which is new in Croatia.**

36. What are the powers of the judge as regards the implementation of sentences (arrangement of sentence, conditional release, etc.) ?

**None**

37. What are the powers of the judge as regards the effective payment of fines?

**None, enforcement of fine payment is in jurisdiction of Ministry of Finance.**

38. What are the main reasons for complaints concerning the rights of detainees?

**Lack of space in prisons.**

39. Who is responsible in your country, for complaints about living conditions in prison? What is the procedure for processing such complaints?

**Judge competent for the execution of prison sentence. Prisoner can file complaint to the judge directly.**

40. In your country, what are the main obstacles to the enforcement of sentences?

**There is no enough space in prisons.**

41. According to you, what main changes are needed to improve the effectiveness of the enforcement of sentences in your country?

**Building one or more prison.**