



Last update: 15/03/2021

## Croatia

Membership to the Council of Europe	6 November 1996
Entry into force of the European Convention on Human Rights	5 November 1997
First case under supervision of execution	<b>Rajak</b> (49706/99) Judgment final on 12 December 2001
Total number of cases transmitted for supervision since the entry into force of the Convention	511
Total number of cases closed by final resolution	439

### MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION\*

#### > Actions of security forces – Effective investigations

**Lack of effective investigation** into war crimes committed during the Croatian Homeland War.

**Skendžić and Krznarić** (16212/08)  
Judgment final on 20/04/2011

**Status of execution**  
Enhanced supervision

**Ill-treatment by the police or prison guards and lack of effective investigations.**

**Mader** (56185/07)  
Judgment final on 21/09/2011

**Status of execution**  
Standard supervision

**V.D. group** (15526/10+)  
Judgment final on 08/02/2012

**Status of execution**  
Standard supervision

#### > Protection of property rights

**Obligation under protected tenancy legislation** for landlords to let property for indefinite period without adequate rent.

**Statileo** (12027/10)  
Judgment final on 10/10/2014

**Status of execution**  
Enhanced supervision

#### > Discrimination

**Ineffective investigation** into a racist attack against a person of Roma origin.

**Šečić** (40116/02)  
Judgment final on 31/08/2007

**Status of execution**  
Standard supervision

\* Detailed information concerning the Committee of Ministers' supervision of the execution of judgments and decisions of the European Court of Human Rights, notably the distinction between enhanced and standard supervision, are available on [the website of the Department for the Execution of Judgments](#).



## MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION\*

## &gt; Human trafficking and forced prostitution

Lack of an effective investigation into the applicant's allegations of human trafficking and/or forced prostitution.

**S.M.** (60561/14)  
Judgment final on 25/06/2020

**Status of execution**  
Standard supervision

## &gt; No punishment without law

Administrative sanctions for importing goods into Croatia without paying customs on the basis of a provision giving rise to ambiguity as to who may benefit from an exemption from custom duties.

**Žaja** (37462/09)  
Judgment final on 04/01/2017

**Status of execution**  
Standard supervision

## &gt; Freedom of expression

Civil courts' failure to make a proper distinction between "statements of facts" and "value judgments".

**Stojanović** (23160/09)  
Judgment final on 17/02/2014

**Status of execution**  
Standard supervision

## &gt; Freedom of expression

Convictions imposed in 2009-2012 for defamation (Article 200 of the Criminal Code), breach of confidentiality of custody proceedings (Article 305 of the Criminal Code), and insult (Article 199 of the Criminal Code), which the European Court found disproportionate.

**Miljević** (68317/13)  
Judgment final on 25/09/2020

**Status of execution**  
Standard supervision

## &gt; Fairness of judicial proceedings

Lack of impartiality of domestic courts in civil proceedings.

**Ramljak** (5856/13)  
Judgment final on 13/11/2017

**Status of execution**  
Standard supervision

## &gt; Length of judicial proceedings

Excessively lengthy civil proceedings from 2000 onwards and lack of an effective remedy.

**Kirincic and Others** (31386/17)  
Judgment final on 30/10/2020

**Status of execution**  
Standard supervision

## SUPERVISION CLOSED - MAIN REFORMS ADOPTED\*\*

## &gt; Actions of security forces – Effective investigations

**Measures aimed at ensuring thorough, effective and independent investigations into the alleged ill-treatment by prison guards.** In 2011 the National Preventive Mechanism (NPM) was set up, aimed at ensuring protection against torture and ill-treatment. In 2014 the Constitutional Court introduced a new legal remedy for the lack of effective investigations into allegations of ill-treatment.

*Dolenec* (25282/06)  
Judgment final on 26/02/2010

**Final Resolution**  
**CM/ResDH(2020)309**

## &gt; Fairness of judicial proceedings-Excessive length of proceedings

**Introduction of and improvements to compensatory and acceleratory remedies,** notably in relation to the “constitutional complaint”, i.e. a remedy before the Constitutional Court.

*Horvat* (51585/99)  
Judgment final on 26/10/2001

**Final Resolution**  
**ResDH(2005)60**

**The amendments to the Civil Procedure Code of 2013** set tight deadlines and streamlined the civil proceedings. In 2013, the Ministry of Justice introduced the Integrated Court Case Management System (ICMS). The new 2013 Courts Act established the Judicial Inspection within the Ministry of Justice with the competence to supervise the court administration of all domestic courts.

*Raguz* (43709/02)  
Judgment final on 10/02/2006

**Final Resolution**  
**CM/ResDH(2018)408**

**The new 2013 Courts Act introduced two remedies, one acceleratory and one compensatory.** The Constitutional Court remained competent as a last resort. The Judicial Inspection of the Ministry of Justice supervises the lawfulness, efficiency and diligence of court administration concerning protection of the right to trial within reasonable time. In 2013, the Ministry of Justice furthermore introduced the Integrated Court Case Management System (ICMS) in municipal and county courts.

*Jakupovic* (12419/04)  
Judgment final on 31/10/2007

**Final Resolution**  
**CM/ResDH(2018)409**

## &gt; Fairness of judicial proceedings – Organisation of the judiciary

**Improvements in the proceedings before the National Judicial Council** reinforcing the impartiality of its members in disciplinary proceedings and ensuring public hearings and respect for the principle of equality of arms.

*Olujic* (22330/05)  
Judgment final on 05/05/2009

**Final Resolution**  
**CM/ResDH(2011)194**

**Reform of the land registration system** with a view to reducing the excessive length of land registry proceedings in accordance with the “reasonable time” requirement and extension of the scope of the constitutional complaint making it applicable to land registry proceedings.

*Buj* (24661/02)  
Judgment final on 01/09/2006

**Final Resolution**  
**CM/ResDH(2011)47**

**Resumption of civil proceedings which had been stayed during the Homeland War** following the adoption of two laws in 2003.

*Kutić* (48778/99)  
Judgment final on 01/06/2002

**Final Resolution**  
**ResDH(2006)3**

\*\* This section may also include certain major reforms already implemented in the context of cases still pending.

For a thorough overview of reforms adopted since the entry into force of Protocol No. 11 in 1998 see the [Annual Report 2015](#), Part IV “Main achievements”. As regards the period 1959-1998, see the overview provided by the European Court in its special publication “[Survey : 40 years of activity](#)”, section IV “Effects of judgments and decisions” – both documents, together with a number of additional ones, are available also on the website of the Department for the Execution of Judgments of the European Court of Human Rights.

## SUPERVISION CLOSED - MAIN REFORMS ADOPTED \*\*

## &gt; Fairness of judicial proceedings – Criminal charges

The **amendments to the Criminal Procedure Code adopted in July 2017** clarified the requirements for reopening of criminal proceedings conducted in absentia.

**Sanader** (66408/12)  
Judgment final on 06/07/2015

**Final Resolution**  
CM/ResDH(2020)250]

## &gt; Fairness of judicial proceedings – Criminal charges

**Change of the case-law by the Constitutional Court ensuring a proper examination of the evidence by the domestic courts.**

**Ajdarić** (20883/09)  
Judgment final on 04/06/2012

**Final Resolution**  
CM/ResDH(2016)38

## &gt; Fairness of administrative proceedings

**Adoption of the new Administrative Disputes Act in 2012**, which ensured respect for the principle of equality of arms in administrative proceedings, following which the courts have the obligation to give each party the opportunity to comment on the claims and observations of the other party.

**Hrdalo** group (23272/07+)  
Judgment final on 27/12/2011

**Maravić Markeš** (70923/11)  
Judgment final on 09/04/2014

**Final Resolution**  
CM/ResDH(2015)60

## &gt; Filiation

**Improvements in the proceedings to establish paternity**, including the establishment of time-limits for requesting medical tests (DNA tests), and the domestic courts' ability to take the alleged father's refusal or failure to undergo testing into account when reaching their decisions.

**Mikulić** (53176/99)  
Judgment final on 04/09/2002

**Final Resolution**  
ResDH(2006)69

## &gt; Legal capacity

**The possibility to institute proceedings to divest a person from legal capacity has been limited through the adoption of the new Family Act 2015.** Relevant decisions are subject to judicial review and the Social welfare centres are responsible for instructing, collecting and presenting evidence.

**Ivinović** (13006/13)  
Judgment final on 18/12/2014

**Final Resolution**  
CM/ResDH(2018)80

**M.S.** (36337/10)  
Judgment final on 25/07/2013

**Final Resolution**  
CM/ResDH(2018)81

**X.** (11223/04)  
Judgment final on 01/12/2008

**Final Resolution**  
CM/ResDH(2018)82

**X. and Y.** (5193/09)  
Judgment final on 03/02/2012

**Final Resolution**  
CM/ResDH(2018)117

## SUPERVISION CLOSED - MAIN REFORMS ADOPTED \*\*

## &gt; Protection of property rights of minors under a real-estate swap agreement

Under the Family Act 2015, Social welfare centres are no longer competent in matters concerning properties owned by minors. Such issues are henceforth dealt with by courts in non-contentious proceedings, taking into account the minors' best interests.

*S.L. and J.L.* (13712/11)  
Judgment final on 19/10/2015

Final Resolution  
CM/ResDH(2018)120

## &gt; Expropriations

The obligation to comply with the principles of the rule of law, public interest and proportionality in eviction proceedings was enshrined in a decision by the Constitutional Court in 2010.

*Ćosić* (28261/06)  
Judgment final on 05/06/2009

*Paulić* (3572/06)  
Judgment final on 01/03/2010

Final Resolution  
CM/ResDH(2011)48

Excessive delays in the execution of decisions ordering the eviction of temporary occupants of properties allocated by the state authorities under the Takeover Act: **financial resources were allocated to provide temporary occupants with alternative accommodation, thus creating the necessary conditions for the repossession of properties by their owners.**

*Radanović group* (9056/02+)  
Judgment final on 21/03/2007

Final Resolution  
CM/ResDH(2018)238

## &gt; Disproportionate restrictions to property rights - third auction sale

A new legislation enhanced the protection of debtors in enforcement proceedings on immovable property by determining clear proportions of the property value established by the court expert, under which it may not be sold at auctions.

*Ljaskaj* (58630/11)  
Judgment final on 20/03/2017

Final Resolution  
CM/ResDH(2018)29

## &gt; Discrimination

Equal treatment of adoptive and biological parents concerning maternity leave and related allowances following the adoption of the Maternity and Parental Benefits Act 2009.

*Topčić* (19391/11)  
Judgment final on 24/03/2014

Final Resolution  
CM/ResDH(2016)187

Abolishing "Roma-only"\*\*\* classes and further integration of primary education Roma children to mixed classes.

*Oršuš and Others* (15766/03)  
Judgment final on 16/03/2010

Final Resolution  
CM/ResDH(2017)385

\*\*\* The term "Roma and Travellers" is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Cale, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term "Gens du voyage", as well as persons who identify themselves as Gypsies.



## SUPERVISION CLOSED - MAIN REFORMS ADOPTED \*\*

## &gt; Protection of private and family life - Domestic violence

**A Strategy was adopted for the period 2017-2022** aiming to strengthen protection of victims of domestic violence and introducing secondary legislation.

**The Istanbul Convention entered into force in October 2018.**

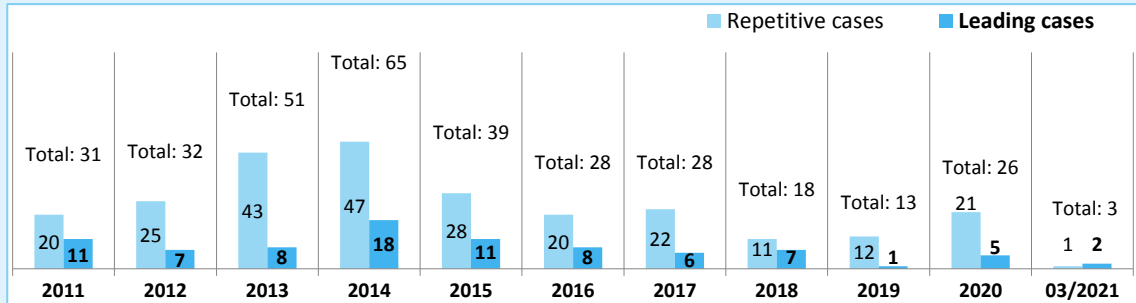
**A.** (55164/08)  
Judgment final on 14/01/2011

**Final Resolution**  
**CM/ResDH(2020)226]**

## STATISTICS\*\*\*

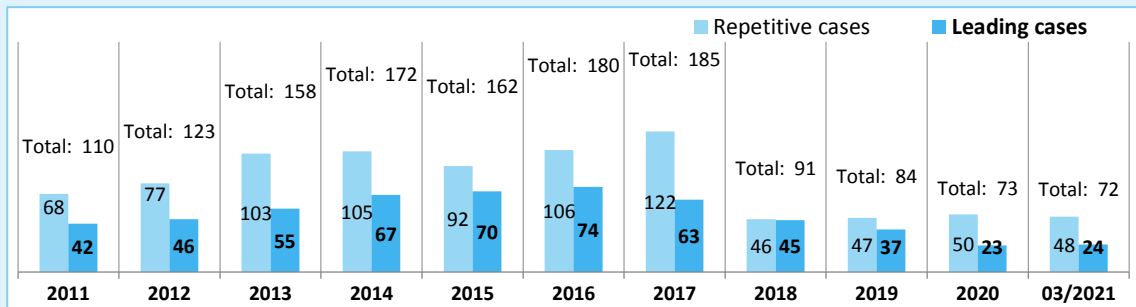
### New cases

(judgments transmitted for supervision of their execution during the year)



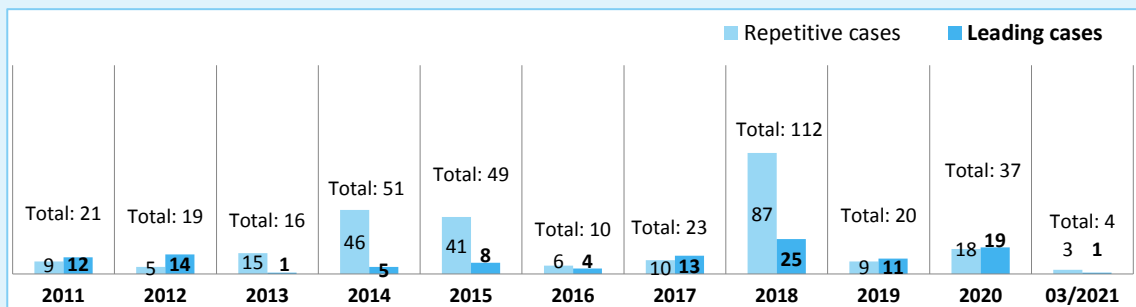
Figures bracketed correspond to the number of cases not yet classified as leading or repetitive, but they are taken into account in the total number of new cases.

### Pending cases

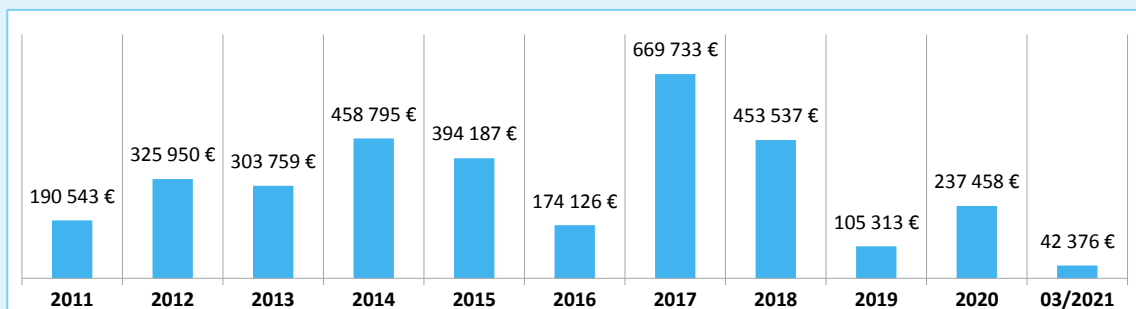


Figures bracketed correspond to the number of cases not yet classified as leading or repetitive, but they are taken into account in the total number of pending cases.

### Cases closed by final resolution



### Just satisfaction awarded by the European Court



\*\*\* Detailed statistics are available in the [annual reports](#) of the Committee of Ministers. Figures are reported as they appear in the annual report for each year.