

EUROPEAN COMMISSION
FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

PILOT-SCHEME
FOR
EVALUATING JUDICIAL SYSTEMS

SCHEME FOR EVALUATING JUDICIAL SYSTEMS

Country: **CROATIA**

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Contact Name: **Alan Uzelac, Katarina Zlatec**

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I. General information

1. Number of inhabitants

Number: **4.437.460**

Year of reference: **census of 31 March 2001**

Source: **Statistical Yearbook of the Republic of Croatia - 2003**
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2. Total annual State/regional public budget

Budget: **outturn of budgetary central government: total revenue and grants 69.869.112.000 kn (app. EURO 9.315.881.600); total expenditure and net lending 75.639.313.000 kn (app. EURO 10.085.241.000)**

Year of reference:
2002

Source: **Ministry of Finance of the Republic of Croatia**
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3. Average gross annual salary

Salary: **average monthly gross salary 5366 kn (app. 715 EURO) – average gross annual salary app. 8580 EURO**

Year of reference: **2002.**

Source: **Statistical Yearbook of the Republic of Croatia - 2003**
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II. Access to Justice and to all courts

II. A. Legal aid/cost of justice

4. Annual public budget spent on legal aid

Annual budget: N/A Year :
Source :

COMMENT: There are no funds allocated particularly for legal aid purposes, thus – there are no data on the amount spent from the state budget. Legal aid in civil cases is provided generally through the scheme of *pro bono* representation organised by the Croatian Bar Association. In criminal cases, legal representation is paid from the court budget, but no unified data is available. Scheme of legal aid also includes waiver of the obligation to pay court fees and/or costs of taking of evidence. No separate statistics exist on these forms of legal aid either.

5. If possible, specify

- the annual public budget spent on legal aid in criminal cases

Annual budget: N/A Year :
Source :

COMMENT: The costs of legal representation in criminal cases in which the parties should be represented by a qualified lawyer are paid from the overall budget of the courts. However, no specific funds are allocated for such a purpose, and there are no uniform data at the national level on the money spent for this purpose.

- annual public budget spent on legal aid in other court cases

Annual budget: N/A Year :
Source :

COMMENT: For other court cases see comment *supra* at question 4.

6. Total number of legal aid cases (in a year)

Number of cases: N/A Year :
Source :

COMMENT: There are no records on the total number of received requests for appointment of an attorney in criminal cases, because legal aid in such cases is already dealt with in the Criminal Procedure Act. The legal representation granted in criminal cases is being paid through the regular budget of criminal courts, but there are no data at the Ministry level on the total number of legal aid cases in criminal matters. For civil matters, see Q 7.

7. If possible, specify:

- the total number of legal aid cases in criminal matters (in a year)

Number of cases: N/A Year :
Source :

- the total number of legal aid cases in other court cases (in a year)

Number of cases: **incoming requests – 750 (in 2002) and 797 (in 2003)**

Source : **The Croatian Bar Association**

COMMENT: Data only includes representation organized by the Croatian Bar Association. The data relate only to civil cases, since criminal cases are being dealt with by the courts directly – see Q 6.

8. Does your country have an income and asset test for granting legal aid?

Yes / No: **Y**

COMMENT: Persons eligible to obtain legal aid by the Croatian Bar Association are socially challenged persons and victims of the Homeland war in legal matters where they exercise rights connected to their status. They are also obliged to file a certificate from the Tax authorities on their financial status.

When deciding whether a person meets the criteria to apply for free legal aid, relevant data on the status of the assets, on the ownership of real estate, or assets of greater value are obtained from the tax authorities (official certificate).

The Code of Civil Procedure provides for a possibility to appoint a lawyer in civil proceedings that would represent a party by the court (Art. 174 CCP). This option is, however, not often used in practice – it is in practice superseded by the legal aid provided through the Bar Association. In these cases, only actual expenses, and no fee is paid from the state budget.

9. If yes, what is the maximum income level for granting legal aid?

Income level: **monthly income in the amount of 2.000 kn (app. EURO 266).** Year : **2003.**

Source: **The Croatian Bar Association.**

10. Is it possible to refuse legal aid for lack of the merit of the case? (eg. for frivolous or vexatious actions, or cases without merit)

Yes / No: **Y**

If yes, is the decision taken by :

(please indicate the right answer)

- the court
- a body external to the court – **The Croatian Bar Association**
- a mixed decision-making body (court and external)
- other:

What factors are taken into account ?

Factors: The possibility to refuse legal aid is not officially stated in the acts of the Bar Association, but based on information received from it, this is possible. No factors were stated, and it seems that it depends on the discretion of the Bar Association.

11. In general do litigants have to pay a court tax or fee to start a proceeding at a general jurisdiction court?

Yes / No / Otherwise: **In general, the litigants pay court taxes, yet with many exceptions.**

.....

Yes / No / Otherwise: **N**

.....

Yes / No / Otherwise: **Y**

If yes, is this true for :

- criminal cases ?	Yes / No	Y
- other than criminal cases?	Yes / No	Y

concerning: - users? Yes / No **N**
- the State? Yes / No **N**

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.....
.....

II. B. Users of the courts and victims

- to other documents (for examples legal forms)? Yes / No **Y**
internet address: www.odvj-komora.hr (the Croatian Bar Association); <http://sudreg.pravosudje.hr> (on-line Company Register of the Republic of Croatia at the Commercial Courts); www.uhs.hr (official site of the Croatian Association of Judges)

If yes, please give the internet address

16. Is there a public and free-of-charge specific information system to inform and to help victims of crimes? Yes / No N

Comments:

17. Is there a public, free of charge and personalised specific information system, managed by the police or the justice system, on the follow up given to complaints by victims of crime? Yes / No N

Comments:

18. Does your country have a public compensation fund to compensate financially victims of crimes? Yes / No N

Comments:

19. Does your country have users' or legal professionals' (judges, lawyers, officials, etc.) surveys to measure public trust and satisfaction with the services delivered by the judiciary? Yes / No - N

If yes, are these surveys

- at national level Yes / No

- at court level Yes / No

20. Is there a national or local procedure for making complaints about the performance of the judiciary (eg. through an ombudsman)? Yes / No

Please specify:

- at court level/internal procedure Yes / No **Y. The presidents of the courts are in charge of dealing with the citizens' complaints on the performance of the court. Complaints may also be submitted to the Ministry of Justice (through Department for Complaints).**

- at court level/external procedure Yes / No

- at national level/internal procedure Yes / No

- at national level/external procedure Yes / No

Comments:

Citizens also send complaints of this nature to the ombudsman's office (unofficially, there were 286 complaints on slow or irregular work of the courts in 2003.), but this does not fall within the ombudsman's competence and the ombudsman rejects such complaints.

21. As a general rule, do the institutions which receive such complaints have an obligation to respond and/or to deal with the complaint within a certain time limit? N

- time limit to respond: Yes / No
- time limit for dealing with the complaint: Yes / No

III. Functioning of courts and efficiency of justice

III. A. Functioning

22. Total number of courts

Number of courts:

255 (104 municipal, 20 county, 12 commercial, 4 at the state level, 115 misdemeanour courts) - (in 2002.)
252 (105 municipal, 21 county, 12 commercial, 4 at the state level, 110 misdemeanour courts) – (in 2003)

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23. Number of general jurisdiction first instance courts

Number of courts:

104 municipal courts; 20 county courts – first instance only in some cases (in 2002.)

105 municipal courts; 21 county courts – first instance only in some cases (in 2003)

24. Number of specialised first instance courts

Please specify the different areas of specialisation

(area of specialisation)	(number of courts)
.....
Misdemeanour Courts	115 (in 2002) 110 (in 2003)
.....
Commercial Courts	12 (in 2002) 12 (in 2003)
.....

25. Number of professional judges sitting in courts

(present the information in full time equivalent and for permanent posts)

Number of judges: **1819 (403 judges of misdemeanour courts included)**

Year : **2002**

Number of judges: **1878 (409 judges of misdemeanour courts included)**

Year : **2003**

Source : **Ministry of Justice**

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26. Number of non-professional judges sitting in courts

(present the information in full time equivalent and for permanent posts)

Number of judges:

6804
6616

Year : **2002**
Year : **2003**

.....

.....

Source : **Ministry of Justice – Statistics**

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NOTE: The above information relate to the number of citizens that serve as judges assessors at various courts on temporary tasks. As their participation in adjudication is limited and depends on the occasional need to sit as members of the tribunal, it is virtually impossible to give data in full time equivalent (none of the lay judges are employed at the court). The participation of lay judges in civil cases is currently being scaled down or abolished.

Please give details:

Data for 2002:

4592 at municipal courts ; 1435 at county courts, 694 at commercial courts, 83 at High Commercial Court

Data for 2003:

4357 at municipal courts; 1452 at county courts; 726 at commercial courts; 81 at High Commercial Court

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27. Number of non-judge administrative staff who are working in courts
(present the information in full time equivalent and for permanent posts)

6020 (court counsellors, trainees, administrative staff etc.)

Year : 2002

6396 (court counsellors, trainees, administrative staff etc.)

Year : 2003

Source : Ministry of Justice – Statistics

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Please give details:

6020 in 2002:

275 court counsellors, 235 trainees, 4539 other employees (at municipal, county, commercial courts, High Commercial Court, Administrative Court, Supreme Court) and 27 counsellors, 39 trainees, 905 other employees (at misdemeanour courts).

6396 in 2003:

291 court counsellors, 213 trainees, 4914 other employees (at municipal, county, commercial courts, High Commercial Court, Administrative Court, Supreme Court) and 35 counsellors, 23 trainees, 920 other employees (at misdemeanour courts).

Source : Ministry of Justice Statistics

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28. Annual budget allocated to all courts

Annual budget: 1.012.819.315,00 kn (app. 135.042.575,00 EURO) from the State Budget Year : 2003

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Source : Ministry of Finance – Annual Budget 2003

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Supreme Court – 26.082.150,00 kn (app. 3.477.000 EURO)

High Commercial Court – 12.253.387,00 kn (app. 1.636.000 EURO)

Administrative Court – 18.301.530 kn (app. 2.440.000 EURO)

High Misdemeanour Court – 14.194.390,00 kn (app. 1.892.000 EURO)

County courts – 181.182.680,00 kn (app. 24.158.000 EURO)

Commercial courts – 71.606.955,00 kn (app. 9.550.000 EURO)

Municipal courts – 536.647.073,00 kn (app. 71.552.000 EURO)

Misdemeanour courts – 152.551.150,00 kn (app. 20.340.000 EURO)

COMMENT: The above budget does not include the capital investments, but salaries and running costs of the courts. The capital investments (e.g. introduction of IT technologies, new buildings etc.) are included in the budget of the Ministry of Justice (see question 29 and comment to it).

29. Annual budget allocated to the Ministry of justice or the institution (for example Judicial Council) which is responsible for the functioning of the courts

Annual budget: **319.235.858,00 kn (app. 42.564.781 EURO)** Year : **2003**

Source : Ministry of Finance – State Budget 2003

Comment: this amount is allocated from the State Budget to the Ministry of Justice, and it does not include the above costs for the courts in Q28 (it includes the overall costs of salaries for the employees of the Ministry, reform of criminal legislature, civil military service costs, prison system, State Judicial Council costs, Judicial Academy, reform of the computerization system of judiciary, land registry and cadastre reform. It also includes major investments such as purchase, adaptation and equipment for the court buildings, IBRD loans etc.)

30. Has the budget for justice increased during the last 5 years? Yes / No **Y**
What are the figures?

“The budget for the judiciary increased from EUR 192 million in 2002. to EUR 231 million in 2003.”

Source: COM (2004) 257 final: Opinion on Croatia’s application for EU Membership (European Commission document).

31. Which institution is formally responsible for setting up the budget devoted to courts?

- the ministry of Justice (or equivalent) Yes / No
- the Government Yes / No
- the Parliament Yes / No **Y**
- the Judicial Council Yes / No
- the Courts Yes / No
- other:

COMMENT: The budget devoted to courts is set up as a part of the overall State budget that is being adopted by the Sabor (National Parliament) upon the proposal of the Government. The Ministry of Justice and the Ministry of Finance negotiate about the proposal to the Government.

32. Who manages the budget of the courts?

- the President of the Court Yes / No **Y**
- the person administratively responsible for the court Yes / No
- other:

COMMENT: The Presidents of the Courts only supervise the execution of the budget, they have no autonomous power to change or reallocate resources given for particular purpose.

33. Which institution is responsible for arranging and scheduling the court hearings/sessions?

- in criminal cases: the court / public prosecutor / lawyer / other: **the court**
- in other than criminal cases the court / public prosecutor / lawyer / other: **the court**

III. B. Efficiency

34. Total number of criminal cases received by the public prosecutor (in a year)

Number of cases: **61889** Year : **2002**

Source : **Statistical Yearbook of the Republic of Croatia - 2003**

35. Total number of criminal cases dropped by the public prosecutor (in a year)

Number of cases: **38620** Year : **2002**

Source : **Statistical Yearbook of the Republic of Croatia - 2003**

Please indicate also, out of this total, those dropped as the offender has not been identified

Number of cases: **27070 charges** Year : **2002**

Source : **Statistical Yearbook of the Republic of Croatia – 2003**

36. Total number of criminal cases which are concluded by a sanction/measure, imposed or negotiated by the public prosecutor (in a year)

Number of cases: **19040** Year : **2002**

Source : **Statistical Yearbook of the Republic of Croatia - 2003**

37. Total number of criminal cases charged by the public prosecutor before the courts (in a year)

Number of cases: **27887** Year : **2002**

Source : **Statistical Yearbook of the Republic of Croatia - 2003**

38. Total number of incoming criminal cases in the courts involving robbery cases (in a year)

Number of cases: **N/A** Year : **2002**

Source :

39. Total number of judicial decisions, involving robbery (in a year)

Number of cases: **N/A** Year :

Source :

Please indicate, if possible:

Number of convicted persons:	.....	% of convicted persons:	.....
Number of acquitted persons:	.....	% of acquitted persons:	.....

40. Percentage of decisions involving robbery subject to an appeal to a higher court (in a year)

Percentage of decisions: N/A Year :

 Source :

41. Total number of incoming criminal cases in the courts, involving intentional homicide (in a year)

Number of cases: N/A Year :

 Source :

42. Total number of judicial decisions, involving intentional homicide (in a year)

Number of decisions: N/A Year :

 Source :

Please indicate also if possible:

Number of convicted persons:	.....	% of convicted persons:	.....
Number of acquitted persons:	.....	% of acquitted persons:	.....

43. Percentage of decisions concerning intentional homicide subject to an appeal to a higher court (in a year)

Percentage of decisions: N/A Year :

 Source :

44. Total number of incoming civil and administrative cases in the courts (in a year)

Number of cases:

incoming litigation cases in 2002:

- 124.994 (plus 62.595 probate cases, 278.866 enforcement cases and 59.373 out-of-court proceedings)

incoming litigation cases in 2003:

- 147.743 (plus 65.984 probate cases, 321.576 enforcement cases and 58833 out-of-court proceedings)

incoming administrative cases in 2002: 11.541

incoming administrative cases in 2003: 12.155

Source : Ministry of Justice Statistics
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45. Total number of judicial decisions in civil and administrative matters (in a year)

Number of decisions:

litigation - 116.441 in 2002, and 119.107 in 2003.

probate cases – 63.380 in 2002, 63.802 in 2003.

enforcement cases – 199.318 in 2002, 230.875 in 2003.

out-of-court proceedings – 59.607 in 2002, 58.558 in 2003.

administrative procedure – 15.011 in 2002, and 14.551 in 2003.

Source : Ministry of Justice
.....

**46. Percentage of decisions concerning civil and administrative matters
subject to an appeal to a higher court (in a year)**

Percentage of decisions:

appealed court decisions (civil matters) in 2002 – 54.977 (15,5% increase)

appealed court decisions (civil matters) in 2003 – 47.590

repeated proceedings in administrative disputes – 69 in 2002. and 87 in 2003. (increase of 26,1%)

Source : Ministry of Justice
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47. Total number of incoming divorce cases in the courts (in a year)

Number of cases: **5.956 in 2002; 6.634 in 2003**

Source : **Ministry of Justice Statistics**
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48. Total number of judicial decisions in divorce cases (in a year)

Number of decisions: N/A Year :

.....

Source :
.....

**49. Percentage of decisions concerning divorce cases subject to
an appeal to a higher court (in a year)**

Percentage of decisions: N/A Year :

.....

Source :
.....

50. Total number of incoming employment dismissal cases in the courts (in a year)

Number of cases: **34.697 disputes in labour relations** Year : 2002

Source :
Statistical Yearbook of the Republic of Croatia

COMMENT: This number relates to all disputes concerning employer-employee relations, not only the dismissal cases, because there are no unified data on specific types of disputes in labour relations. Yet, the vast majority of cases are the dismissal cases.

51. Total number of judicial decisions of employment dismissal cases (in a year)

Number of decisions: N/A Year :

Source :
.....

52. Percentage of decisions concerning employment dismissal cases subject to an appeal to a higher court (in a year)

Percentage of decisions: N/A Year :

Source :
.....

IV. Use of Information Technology in the court

53. Annual IT budget allocated to the courts (if possible in Euros)

Annual budget:

app. 18 mil. kuna (2,4 mil. EURO) in 2002 and 35 mil. kn (4,6 mil. EURO) in 2003 (data relevant for IT equipment for all parts of judiciary, not just the courts)

Source :
unofficial information from the Ministry of Justice

54. In general, do the courts in your country have computer facilities?

- for judges Yes / No

- for non-judges court staff Yes / No

In general, the courts are not well equipped IT-wise.

55. Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary ? Yes / No **Y**

If yes, please specify the name and the address of this institution

(Name) Ministry of Justice of the Republic of Croatia, Ulica Republike Austrije 14, HR-10000 Zagreb

56. What kind of facilities can be used by the clients of the courts to communicate with the courts ?

- Telephone Yes / No

- Mail Yes / No

Y (only possible to obtain general information)

Y (the only official means of communication between clients and the courts)

- Fax Yes / No
- E-mail Yes / No
- Internet Yes / No

Y (possible, but this is not official communication, because a submission sent by facsimile will not be considered official unless subsequently filed in original)
N
N

57. Is there an electronic form to carry out certain procedural steps? Yes / No **N**

V. Fair trial

58. Percentage of adversary judgements in criminal cases in first instance

Percentage of judgements: **34.556** Year : **2003**
.....

Source :
.....

COMMENT: There were 30.931 judgments in 2002. and 28.995 in 2001.

59. Is there a right to an interpreter for all those within your jurisdiction if the persons cannot understand or speak the language used in court? Yes / No **Y**

60. Is there an effective remedy to a superior jurisdiction for all cases? Yes / No **Y**

61. Are reasons given for all prison sentences? Yes / No **Y**

62. Average length, in days, of robbery cases from the formal beginning of the prosecution until the first instance judgment

Average length: **N/A** days Year :
.....

Source :
.....

COMMENT TO Q62-Q67:

There are no unified data on duration of particular types of proceedings. The only available statistics deal with the average length of criminal proceedings. It is the following:

Average length of criminal proceedings (in general, not per each particular offence) in 2002:

25% of cases up to 3 months
23,3% of cases 3-6 months
17,5% of cases 6 m. – 1 year
34,2% more than 1 year

average length of criminal proceedings (in general, not per each particular offence) in 2003:

20,4% of cases up to 3 months
26,5% of cases 3-6 months
21,4% of cases 6 m. – 1 year
31,6% more than 1 year

63. Average length, in days, of robbery cases from the formal beginning of the prosecution until the appellate judgment

Average length: N/A days Year :
Source :

64. Average length, in days, of divorce cases from the deposit of the complaint until the first instance judgment

Average length: N/A days Year :
Source :

65. Average length, in days, of divorce cases from the deposit of the complaint until the appellate judgment

Average length: N/A days Year :
Source :

66. Average length, in days, of employment dismissal cases from the deposit of the complaint until the first instance judgment

Average length: N/A days Year :
Source :

67. Average length, in days, of employment dismissal cases from the deposit of the complaint until the appellate judgment

Average length: N/A days Year :
Source :

68. Do you, on a regular basis, measure the size of backlog cases in the courts?

Yes / No Y

69. Do you have a way of analysing queuing time during court procedures?

Yes / No

If yes, please specify: N

VI. Judges

70. Gross annual salary of a first instance professional judge at the beginning of his/her career

Annual salary : **gross monthly salary of a 1st instance judge at the Municipal Court = 13.162,86 kn – app. 1.755 EURO (in 2003) - annual gross salary app. 21.060 EURO**

Source : calculation based on the data on coefficients and basis of salary from the Official Gazette of the Republic of Croatia “Narodne novine”.

71. Gross annual salary of a judge of the Supreme Court or of the highest appellate court

Annual salary : **gross monthly salary of the president of the Supreme Court = 34.697,34 kn – app. 4.626 EURO (in 2003) - annual gross salary app. 55.512 EURO**

Source : calculation based on the data on coefficients and basis of salary from the Official Gazette of the Republic of Croatia “Narodne novine”.

72. Can judges combine their work with other professions (for example as a university professor, arbitrator, consultant)? Yes / No **N**

If yes, please specify:

COMMENT: Combination of judicial work with other professional activities is rather limited. The judges are free to publish professional publications and court jurisprudence and participate, for a fee, in professional seminars and educational activities. For other activities they need a permit of compatibility with judicial function from the court president. Judges may also act as arbitrators, but only as sole arbitrators or presiding arbitrators, not as party appointed arbitrators.

73. Are judges recruited and nominated by an independent institution? Yes / No

Y, the State Judicial Council

(if yes), who are represented in this institution:

- the members of the judiciary Yes / No
- officials not part of the judiciary Yes / No
- a mixture of the two categories referred to above Yes / No **Y - prominent judges, public prosecutors, attorneys and university professors**

Is the process of selection and nomination of judges carried out according to pre-established procedures ? Yes / No **Y**

74. Is there a system of induction and continuation training for judges?

No / **Yes, but not compulsory (Judicial Academy – workshops, seminars etc.)** / Yes, compulsory

What is the average percentage of judges who have attended a continuation training session each year?

Percentage of judges: **N/A** Year :
 Source :

75. Is there a system of supervision and control on the courts - other than through appeal ? Yes / No

If yes, please specify: **Y**

COMMENT: Disciplinary control of individual judges is under authority of the State Judicial Council. Overall administrative control of the courts is within the authority of the Ministry of Justice. Administrative control over individual courts is in the authority of the court presidents (chief judges). Control of uniformity of decision-making and the consistency of the interpretation of the law may also be achieved through the Court Department sessions, that may also produce quasi-obligatory general legal opinions on particular issues where the courts have issued diverging judgments.

76. Is there in your country a system of temporary judges? Yes / No **N**

If yes, are these temporary judges paid on the basis of their activity? Yes / No

If yes, please specify:

COMMENT: Only lay judges – judges assessors, see Q26 serve on the temporary basis, sitting together with professional judges in some criminal cases (until recently also in civil cases) but their role is becoming increasingly irrelevant.

77. Annual number of disciplinary proceedings against judges

Number of proceedings: **24** Year : **2002**
 Source : **State Judicial Council**

78. Annual number of sanctions against judges

Number of sanctions: **8** Year : **2002**
 Source : **State Judicial Council**

VII. Public prosecutors

79. Annual budget for the public prosecution

Annual budget: data for 2003. - **18.877.110 kn for the public prosecution at the state level, 50.040.100 kn at the county level and 105.184.881 at the municipal level. Total of 174.102.091 kn (app. 23.213.000 EURO)**

Source : **Data from the Annual Budget 2003.**
.....

80. Number of professional public prosecutors (in full time equivalent)

Number of prosecutors: **499**

Year : **2002**

Source : Statistical Yearbook of the Republic of Croatia - 2003
.....

COMMENT: The above number encompasses all those who discharge authorities of public prosecution, including the (chief) public prosecutor and the (deputy) prosecutors.

81. Gross annual salary of a public prosecutor at the beginning of his/her career

Annual salary: **gross monthly salary of a deputy public prosecutor at the municipal level = 13.162,86 kn – app. 1.755 EURO (in 2003) – gross annual salary app. 21.060 EURO**

Source : calculation based on the data on coefficients and basis of salary from the Official Gazette of the Republic of Croatia “Narodne novine”
.....

82. Gross annual salary of a public prosecutor of the Supreme Court or of the highest appellate court

Annual salary : **gross monthly salary of the Public Prosecutor of the Republic of Croatia = 34.697, 34 kn (app. 4.626 EURO) in 2003. – gross annual salary app. 55.512 EURO**

Source : calculation based on the data on coefficients and basis of salary from the Official Gazette of the Republic of Croatia “Narodne novine”
.....

83. Can public prosecutors combine their work with other professions? Yes / No **N**

If yes, please specify:
.....

COMMENT: As with respect to judges (see Q72), combination with other type of work is rather limited for public prosecutors. They may participate in professional conferences, write professional papers and studies and participate as trainers in educational activities.

84. Are public prosecutors recruited and nominated by an independent institution? Yes / No

Y, The State Prosecutors' Council

(If yes), who are represented in this institution:

- the public prosecutors ? Yes / No

- other stakeholders outside? Yes / No

- a mixture of the two categories referred to above? Yes / No **Y – 7 deputy state prosecutors, 2 parliamentary representatives, 2 law professors**

Is the process of selection and nomination of public prosecutors done according to pre-established procedures? Yes / No **Y**

85. Is there a system of induction and continuation training for public prosecutors?

No / **Yes, but not compulsory** / Yes, but compulsory

What is the average percentage of prosecutors who have participated in continuation training each year?

Percentage of prosecutors: **N/A** Year :

Source :

86. Is there a system of supervision and control on public prosecutors? Yes / No

If yes, please specify: **Y**
.....

The office of public prosecution (i.e. state attorneys) is organised hierarchically, so every next level of prosecution has powers to supervise and control the lower level. At the county court level, prosecutors are obliged to control periodically the work of the municipal public prosecutors. The control over all prosecutors is done by the Public Prosecutor (State Attorney) of the Republic of Croatia. The administrative control over the prosecutors offices is undertaken by the Ministry of Justice. Disciplinary control of individual public prosecutors is undertaken by the State Prosecutors' Council.

87. Annual number of disciplinary proceedings against public prosecutors

Number of proceedings: **6 in 2002; 1 in 2003.**

Source : State Prosecution of the Republic of Croatia
.....

88. Annual number of sanctions against public prosecutors

Number of sanctions: **6 in 2002. and 1 in 2003**

Source : State Prosecution of the Republic of Croatia
.....

VIII. Lawyers

89. Number of lawyers practising in your country

Number of lawyers: **2493 (plus 965 apprentices)** Year : **2002**

Source : **The Croatian Bar Association**
.....

COMMENT: The number refers to licensed attorneys (members of the Bar Association). The apprentices (generally future attorneys) also have right to represent the clients in smaller matters and provide legal advice under supervision of the attorney at whose office they work. This number does not include in-house counsels that also have limited right of representation in court and providing legal advice (generally only to the company or individual that has employed them). There are no statistical data on the number of in-house counsels.

90. Is there a national bar association? Yes / No **Y- the Croatian Bar Association**

91. Have quality standards been formulated for lawyers? Yes / No **Y- the Code of Ethics**

If yes, who is responsible for formulating these quality standards?

- the bar association Yes / No **Y – the Assembly of the Bar adopted the Code of Ethics currently in force in February 1995, with amendments in 1999**

- the legislature Yes / No

- other Yes / No

92. Can disciplinary proceedings be instituted against lawyers? Yes / No **Y**

93. Annual number of disciplinary proceedings against lawyers

Number of proceedings: **74 in 2002. and 101 in 2003.** Year :

Source : **The Croatian Bar Association.**
.....

94. Annual number of sanctions against lawyers

Number of sanctions: **33 in 2002. and 24 in 2003** Year :

Source : **The Croatian Bar Association.**
.....

COMMENT: The difference in numbers between the initiated proceedings and sanctions results from the fact that the difference are either cases that are pending, or were concluded by acquittal judgments, or rejection due to statute of limitation and dropping the charges.

95. Is it possible to complain about the performance of lawyers? Yes / No **Y**

If yes, please specify: **It is possible to complain to the Croatian Bar Association.**
.....

96. What is the amount paid to a lawyer by the State in respect of legal aid for a first instance divorce case?

Amount: **N/A** Year :

Source :

COMMENT: If legal aid is provided through the Bar Association, it is provided pro bono (without any right to a fee). Only actual expenses would be covered.

IX. Mediators and mediation proceedings

97. Number of accredited or registered mediators

Number of mediators:

(110 trained) (40 members of the association) (29 for social and collective labour disputes) Year : 2003

Source :
Information received from the national Association of Mediators.

COMMENT: There are no mediators accredited by the state. According to available data, about 110 people have received certificates for attendance of training programme for mediators in commercial matters. The newly established Association of Mediators has about 40 members. A separate list of mediators is available for social and labour disputes that currently contains some 29 mediators.

98. How much public budget is devoted to mediation?

Amount: N/A Year :

Source :
.....

COMMENT: There are no separate public funds devoted to mediation. For commercial mediation, generally no public money is provided. For mediation in social and collective labour disputes, mediation is partially sponsored from the budget of partner organisations (government, labour unions, associations of employers etc.), but no information is available as to the amount of such funds.

99. Number of incoming mediation cases (in a year)

Number of cases: app. 10 (commercial) app. 101 (social and labour) Year : 2003/2004

Source : Unofficial information from the Association of Mediators (commercial); web-pages of the Social and Economic Council (<http://www.socijalno-partnerstvo.hr>). The data for social and collective labour disputes relate to the period between June 2003 and May 2004.
.....

100. Number of cases solved through mediation (in a year)

Number of cases: N/A (commercial) 67 (collective labour) Year : 2003/2004

Source : See source at Q99.
.....

If possible, please specify:

- number of criminal cases solved through mediation: **None.**
.....

- number of cases other than criminal solved through mediation: **N/A**
.....

COMMENT: Mediation in criminal cases so far does not exist. There are no available data on the number of cases solved through mediation in commercial disputes (process is confidential). The above data relate therefore only to collective labour disputes.

101. In which areas of law is mediation most practised and successful in your country?

- in criminal cases? Yes / No N

- in other than criminal cases? Yes / No Y

Year : Source : See Q99 and Q100.
.....

X. Enforcement agents and execution of court decisions

102. Number and types of enforcement agents N/A

COMMENT: the data about enforcement agents in the Croatian legal system are not available separately, as the judges control and undertake most of the action in enforcement of civil judgments (mostly judges of municipal courts, see Q25). Some actions in enforcement are undertaken by other staff in courts (see Q27), but there are no unified data on number of the employees (non-judge administrative staff) that deal with such activities.

- in criminal cases:

(Type)	(Number)	(Year)	(Source)
.....
.....
.....
.....

- in other than criminal cases:

.....
.....
.....

103. Is there an institution to supervise or control the activities of enforcement agents?

Yes / No

Y

If yes, please specify:

The court and the Ministry of Justice (for administrative staff in courts). See also supervision of courts (comment Q75).

104. Annual number of disciplinary proceedings against enforcement agents

Number of proceedings: N/A Year :

Source :

COMMENT: No data available.

105. Annual number of sanctioned enforcements agents

Number of agents: N/A Year :

Source :

COMMENT: No data available.

106. Is it possible to file a complaint against an enforcement agent? Yes / No Y

If yes, please specify: **Complaints are filed with the competent judge.**

107. Does the court play a role in the execution of court decisions? Yes / No **Y**

If yes, please specify:

The court is generally in full control of the execution of decisions (in civil cases).

108. Are the courts competent to decide against public authorities? Yes / No **Y**

Are the courts involved in executing decisions against public authorities? Yes / No **Y**