



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2013

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1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants (if possible on 1 January 2013)

4 262 140

2) Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €) - (If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP).

	Amount
State or federal level	18 152 164 367
Regional / federal entity level (total for all regions / federal entities)	NAP

3) Per capita GDP (in €)

10 290

4) Average gross annual salary (in €)

12 571

5) Exchange rate of national currency (non-Euro zone) to € on 1 January 2013

1€=7,546594 kuna

A1. Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

Croatian Bureau of Statistics

1. 1. 2. Budgetary data concerning judicial system

6) Annual approved public budget allocated to the functioning of all courts, in € (if possible without the budget of the public prosecution services and without the budget of legal aid):

TOTAL annual approved budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	<input checked="" type="checkbox"/> Yes	156 601 458
1. Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	149 182 668
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	6 134 132
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.		NA
4. Annual public budget allocated to court buildings (maintenance, operating costs)	<input checked="" type="checkbox"/> Yes	809 410
5. Annual public budget allocated to investments in new (court) buildings		NA
6. Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	475 248
7. Other (please specify):		NA

7) If you cannot separate the budget of the public prosecution services and the budget of legal aid from the budget allocated to all courts, please indicate it clearly. If "other", please specify:

The budgets are separated.

8) Are litigants in general required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

- for criminal cases?
 for other than criminal cases?

If yes, are there exceptions to the rule to pay court a tax or fee? Please provide comments on those exceptions:

Article 16 of the Court Fees Act (including amendments from 2013)

The following subjects are exempt from paying court fees:

1. The Republic of Croatia and state government bodies
2. Persons and bodies performing public authorities for the performance of such authorities
3. Workers and employees in labour disputes and officials in administrative disputes with regard to exercising their rights from official relations
4. Workers in administrative disputes arising from pre-bankruptcy settlement
5. Disabled veterans of the Homeland War, based on adequate documents proving their status
6. Spouses, children and parents of veterans who were killed, missing or captured in the Homeland War, based on adequate documents proving their status
7. Spouses, children and parents of those who were killed, missing or captured in the Homeland War, based on adequate documents proving their status
8. Displaced persons, refugees and returnees, based on adequate documents proving their status
9. Social aid beneficiaries who receive a subsistence allowance
10. Humanitarian organisations and organisations dedicated to the protection of disabled persons and families of those who were killed, missing or captured during the performance of humanitarian activities
11. Children as parties in proceedings for child care support or in proceedings regarding claims based on that right
12. Plaintiffs in proceedings for acknowledgement of maternity and paternity, and for costs incurred from extramarital pregnancy and childbirth
13. Parties requesting the restoration of legal competence
14. Minors requesting the acquisition of legal competence based on becoming parents
15. Parties in procedures for transferring custody of a child and for reaching a decision on organizing meetings and spending time with the child
16. Plaintiffs in disputes regarding rights from mandatory pension and basic health insurance, rights of unemployed persons based on regulations on employment and social welfare rights
17. Plaintiffs, i.e. applicants in procedures for the protection of constitutionally-guaranteed rights and freedoms against final decisions in individual acts, i.e. for protection due to unlawful actions
18. Plaintiffs in disputes regarding the compensation of damages for environmental pollution
19. Unions and higher level union associations in civil procedure acts for a replacement court agreement and in collective labour disputes, and union representatives in civil procedure acts performing the authority of a worker's council.

Foreign countries are exempt from paying fees if that is determined by an international agreement or subject to reciprocity.

In case of a doubt regarding the existence of conditions from paragraph 2 of this Article, the court shall seek explanation from the Ministry of Justice.

Provision in paragraph 1, point 10 of this Article applies to those humanitarian organizations determined by the Minister of Social Welfare.

Provision in paragraph 1 of this Article does not apply to municipality and city bodies, unless the performance of public authorities was transferred to them based on a special act.

mail CN 5/2/14: Litigants are required to pay a court tax or fee to start a proceeding at a court of general jurisdiction for criminal cases, but only when the procedure is initiated by a private claim. The same rule was applied in 2010 as it was explained below the question n. 8. („In the proceedings before the courts criminal according to a private claim..."). Therefore, this year the answer for criminal matters is yes in order to include them transparently in the answer.

8.1) Please briefly present the methodology of calculation of courts fees?

The calculation of court fees is made in accordance with the value of the subject of litigation and pre-defined tariff of court fees (Law on Court Fees- OG 157/13, Article 21-36 + tariff of court fees).

8.2) Please indicate, if possible, the amount of court fees to commence an action for 3000€ debt recovery?

76€ (570 Kn)

9) Annual income of court taxes or fees received by the State (in €)

28 759 251

12) Annual approved public budget allocated to legal aid, in €. - If one or several data are not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. (Question modified)

If your system enables to be granted legal aid for cases which are non litigious or not brought to court, please specify:

	Amount (in €)
Total annual approved public budget allocated to legal aid (12.1 + 12.2)	166631
12.1 Annual public budget allocated to legal aid for cases brought to court	NA
12.1.1 in criminal law cases	NA
12.1.2 in other than criminal law cases	166631
12.2 Annual public budget allocated to legal aid for non litigious cases or cases not brought to court (legal consultation, ADR, etc)	NA

Comment :

mail CN 5/2/14: Due to the decreased budget planned for the Ministry of Justice in 2012, the amount is lower than in 2010.

13) Total annual approved public budget allocated to the public prosecution services (in €). Please indicate in the "comment" box below any useful information to explain the figures provided .

Amount 42 040 323

Comment :

14) Authorities formally responsible for the budgets allocated to the courts (multiple options possible) :

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level
Ministry of Justice	Yes	No	Yes	No
Other ministry	Yes	No	No	No
Parliament	No	Yes	No	Yes
Supreme Court	No	No	No	No
High Judicial Council	No	No	No	No
Courts	Yes	No	Yes	No
Inspection body	No	No	No	No
Other	No	No	No	No

14.1) If any other Ministry and/or inspection body and/or other, please specify (considering question 14):

mail CN 5/2/14: The Courts propose their courts' budget, but the bodies responsible for the budget are the Ministry of Finance the Government and the Parliament. The President of each court is responsible for the budget allocated to the Court.

A.2 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years
- if available, an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

Please indicate the sources for answering questions 6, 9, 12 and 13.

Ministry of Justice of the Republic of Croatia

1. 1. 3. Budgetary data concerning the whole justice system

15) The following data would be useful for information

15.1) (Former question 10) Annual approved public budget allocated to the whole justice system, in € (this global budget does not include only the court system as defined under question 6, but also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.)

NA

340465130

15.2) (Former question 11) Please indicate the budgetary elements that are included in the whole justice system. If "other", please specify in the "comment" box below.

Court (see question 6)	Yes
Legal aid (see question 12)	Yes
Public prosecution services (see question 13)	Yes
Prison system	Yes
Probation services	Yes
Council of the judiciary	Yes
Constitutional court	No
Judicial management body	Yes
State advocacy	No
Enforcement services	No
Notariat	No
Forensic services	No
Judicial protection of juveniles	Yes
Functioning of the Ministry of Justice	Yes
Refugees and asylum seekers services	No
Other	No

Comment :

2. Access to justice

2. 1. Legal aid

2. 1. 1. Principles

16) Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	Yes	Yes

17) Does legal aid include the coverage of or the exemption from court fees?

- Yes
 No

If yes, please specify:

The approval of exemption from payment of court proceeding costs includes the exemption from payment of court fees. The exemption from payment of court proceeding costs includes the exemption from payment of an advance for the costs of witnesses, expert witnesses, inspections, announcements and other costs prescribed in accordance with the applicable rules of procedure.

When necessary for the conduct of the proceedings, the advance for the costs of the court proceedings shall covered from the funds of the court before which the proceedings are being conducted, and in accordance with the applicable rules of procedure, the obligation for payment of the advance lies with the beneficiary of legal aid. Any funds paid from the court funds form part of the the costs of the proceedings, and the court shall decide on the reimbursement of such costs from the adversary of the party who is the beneficiary of the legal aid, pursuant to the provisions of the applicable rules of procedure on the reimbursement of costs.

The court shall recover any costs paid out of the court budget, in accordance with the official duty, from the party which is required to refund them in accordance with the applicable rules of procedure.

If the party opposing the beneficiary of the legal aid is ordered to refund the costs of the proceedings, and it is established that he or she is not capable of paying such costs, the court may subsequently order for the costs to be paid in full or partially by the beneficiary of the legal aid from the money awarded to him or her, if the amount of the awarded sum affects the material situation of the beneficiary insofar as it justifies the refund. This does not touch on the rights of the beneficiary to request, in that case, repayment from his or her adversary for what he or she has paid.

18) Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

- Yes
 No

If yes, please specify:

Exemption from payment of court fees may be granted in all judicial proceedings, including enforcement procedures and security procedures, if the financial situation of the applicant is such that payment of court fees could threaten the maintenance of the applicant and household members(Articles 13 and 14 of the Free Legal Aid Act (OG 143/13)).

19) Can legal aid be granted for other costs (different from questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc ? If yes, please specify it in the "comment" box below).

Criminal cases	Other than criminal cases
No	No

Comment :

20) Number of cases referred to the court for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please specify in the "comment" box below, when appropriate.

[This question concerns only the annual number of cases for which legal aid has been granted to those referring a case to a court. It does not concern legal advice provided for cases that are not brought before the court.]

	Number
Total	NA
in criminal cases	NA
other than criminal cases	NA

Comment :

From 1 February 2009 until 7 November 2013, legal aid has been granted in 18,905 such cases. In 2012, it has been granted in 5,872 cases.

20.1) Number of cases not brought to court (see 12.2 above) for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Number of cases
465

Comment :

From 1 February 2009 until 7 November 2013, legal aid was granted in 2,900 cases that were not conducted before a court. In 2012, legal aid was granted in 465 such cases.

21) In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer?

Please specify in the "comment" box below.

Accused individuals	Yes
Victims	Yes

Comment :

The Criminal procedure Act in its provisions prescribes that the individuals who do not have sufficient financial means have the right to an attorney free of charge for defending their rights in the criminal proceedings. This also stems from the Constitution of the RoC and is one of the principles of the right to a fair trial.

22) If yes, are individuals free to choose their lawyer within the framework of the legal aid system

Yes

No

23) Does your country have an income and assets evaluation for granting legal aid to the applicant ? If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.

Please provide in the "comment" box below any information to explain the figures provided.

	amount of annual income (if possible for one person) in €	amount of assets in €
for criminal cases	NA	NA
for other than criminal cases?	YES	NA

Comment :

Legal aid shall be granted when the material situation of the applicant and his/her household satisfies the following

conditions:

- a) total income and total benefits of the applicant and adult members of his/her household do not exceed, per month and per household member, the amount of the lowest basis for the calculation and payment of contributions for obligatory insurance on the day the application is submitted, pursuant to the Act on Obligatory Insurance Contributions (HRK 2,200);
- b) none of the applicants or any adult members of their household own any assets, in cash or in kind, other than real estate, which exceed the amount of twenty of the lowest monthly bases for the calculation and payment of contributions for obligatory insurance on the day the application is submitted, pursuant to the Act on Obligatory Insurance Contributions;
- c) none of the applicants or any adult members of their household have, other than a flat or house in which they reside, another flat or a house, i.e., other real estate;
- d) none of the applicants or any adult members of their household own a vehicle whose value exceeds eighteen of the lowest monthly bases for the calculation and payment of contributions for obligatory insurance on the day the application is submitted, pursuant to the Act on Obligatory Insurance Contributions.

Exceptionally, legal aid shall be granted to the applicants who do not meet the abovementioned criteria if their material situation is such that, in view of the actual or foreseeable costs of the proceedings, the payment of the costs of the proceedings would endanger the maintenance of the applicant and members of his/her household.

Legal aid shall be granted to children whose parents or other persons are obliged to support them according to the provisions of the law, in proceedings conducted before competent bodies for the realization of the rights of children to maintenance regardless of the financial status of the family.

Exceptionally, and provided that the criteria based on which it would be possible to deny free legal aid to the persons who, under the Free Legal Aid Act, may be beneficiaries of the free legal aid, are not met, legal aid shall be granted without determining the material situation if:

- a) the person is entitled to maintenance in accordance with the special regulations governing the exercise of the rights from the social welfare system or
- b) the right to maintenance according the Act on the rights of Croatian Homeland War Veterans and Members of their Families and the Act on the Protection of Military and Civil War Invalids.

24) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

- Yes
 No

If yes, please explain the exact criteria for denying legal aid:

Legal aid shall be denied if the applicant is capable of representing himself/herself; if the financial status of the applicant is such that hiring an attorney would not endanger the livelihood of the applicant and members of his/her household; if the submitted application is clearly unfounded or unfeasible; if the proceeding involves frivolous litigation or if the proceeding is not more complex (legally).

25) In other than criminal cases, is the decision to grant or refuse legal aid taken by:

- the court?
 an authority external to the court?
 a mixed authority (court and external bodies)?

26) Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?

- Yes
 No

If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

In Republic of Croatia 'legal expense insurance' exists according to the Insurance Act, but the system is still not being broadly exercised in practice.

27) Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared, in:

criminal cases?	Yes
other than criminal cases?	Yes

B.1 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

Q 22: Mail CN 7/4/14: In general, the individuals in criminal cases are free to choose their lawyer. If he or she cannot afford it, it will be appointed at the expense of the public budget. In that case, the individuals cannot choose their lawyer. The same situation was in 2010.

Please indicate the sources for answering questions 20 and 23:

Ministry of Justice of the Republic of Croatia

2. 2. Users of the courts and victims

2. 2. 1. Rights of the users and victims

28) Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for which the general public may have free of charge access to the following:

The websites mentioned could appear in particular on the internet website of the CEPEJ. Please specify in the "comment" box below what documents and information the addresses for "other documents" include:

- legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es): Yes
- case-law of the higher court/s? Internet address(es): Yes
- other documents (e.g. downloadable forms, online registration)? Internet address(es): Yes

Comment :

The official website of the Ministry of Justice of the Republic of Croatia (www.mprh.hr), the heading „Laws and regulations“ of the Directorate for Criminal Law and Probation (<http://www.mprh.hr/zakoni-i-pravilnici-01>) contains up-to-date laws and regulations which are directly or indirectly related to the areas that fall under the authority of the Directorate for Criminal Law and Probation, while the heading “Forms” contains application forms for the issuance of criminal record data on individuals and legal persons. The information on the official website of the Ministry is regularly updated and available to the public concerned without restriction.

Furthermore, the Ministry's official website, part related to the Independent Sector for Victim and Witness Support (<http://www.mprh.hr/samostalni-sektor-za-podrsku-zrtvama-i-svjedocima0>) contains detailed information related to victims and witnesses in criminal proceedings, while the special link titled “Support to witnesses and victims” contains the information about courts that have formed Departments for the organisation and provision of support to witnesses and victims, as well as the necessary information and contact details. From 15 August 2013, the heading “Monetary compensation to the victims of criminal offences” contains documents titled “Brochure on the crime victims’ rights” and “Form of compensation request”, pursuant to the Crime Victims' Compensation Act.

Any laws and other regulations are available to the public on the official website of the Official Gazette (the Official Journal of the Republic of Croatia): www.nn.hr.

The case law is available to the public on the official website of the Supreme Court of the Republic of Croatia (www.vsrh.hr).

29) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

- Yes
- No
- Yes only in some specific situations

If yes only in some specific situations, please specify:

30) Is there a public and free-of-charge specific information system to inform and to help victims of crime?

- Yes
- No

If yes, please specify:

Organisation and Provision of Support to Victims / Witnesses Departments have been established and are active in the County Courts in Zagreb, Vukovar, Osijek, Zadar, Split, Sisak and Rijeka, as well as in the Municipal Courts in Zagreb. Namely, from 1 May 2008, Organisation and Provision of Support to Victims / Witnesses Departments started operating (until 1 November 2009 they were called Offices for the Support of Victims / Witnesses) as a result of a joint pilot project of the Ministry of Justice and the United Nations Development Programme.

The main tasks of the Department are the provision of emotional support to victims / injured persons before, during and after the court proceedings, provision of practical information to witnesses, injured persons and their family members, standardisation of proceedings / actions towards injured persons and witnesses, and selection, education and coordination of the work of volunteers providing support.

In addition to the above, witnesses and/or crime victims may, through the competent Organisation and Provision of Support to Victims / Witnesses Department at one of the courts where they have been established, obtain required free information (information on the rights of witnesses/victims, court proceedings and other information depending on the rights of witnesses and/or victims, etc.).

For the period 2013

1. As of 1 February 2013, under the Act on Amendments to the Execution of Prison Sentence Act (Official Gazette, No 56/13), Provision of Support to Victims / Witnesses Department and international cooperation, as a part of the Independent Sector for the Provision of Support to Victims / Witness of the Ministry of Justice, notifies the victim or the injured person about the release of the persons serving prison sentence.

2. From 15 July 2013, the National Call Centre for the victims of crimes and misdemeanours started operating. The Centre was established thanks to the financial aid from the UNDP and technical assistance of the Ministry of Justice. The holder of the National Call Centre is the Association for the Support of Victims and Witnesses. The National Call Centre uses a free phone number 116 006. The work of the National call centre is based on the decision of the European Commission No 2007/116/EC and 009/884/EC on the introduction of unique free 116 numbers in the European Union for harmonised services of social value. The National Call Centre provides information about the rights and ways in which the victims can attain them, and directs the victims to other institutions and organisations that may be able to offer them professional assistance. Based on the Agreement on Cooperation with the Association for the Support of Victims and Witnesses, the Ministry of Justice provided the premises where the National Call Centre can operate during a two-year period, and procured the equipment necessary for the work of the National Call Centre, which includes information technology and programming equipment.

31) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons. If "other vulnerable person" and/or "other special arrangements", please specify it in the "comment" box below.

[This question does not concern the police investigation phase of the procedure and does not concern compensation mechanisms for victims of criminal offences, which are addressed under questions 32 to 34.]

	Information mechanism	Special arrangements in court hearings	Other
Victims of sexual violence/rape	Yes	Yes	No
Victims of terrorism	Yes	Yes	No
Children (witnesses or victims)	Yes	Yes	No
Victims of domestic violence	Yes	Yes	No
Ethnic minorities	Yes	Yes	No
Disabled persons	Yes	Yes	No
Juvenile offenders	Yes	Yes	No
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	Yes	Yes	No

Comment :

Pursuant to Article 43 of the Criminal Procedure Act (Official Gazette No 152/08, 76/09, 80/11, 121/11, 91/12 and 143/12 – as of 31 December 2012, hereinafter referred to as: "ZKP/08"), a victim of a criminal offence shall be entitled to:

1) efficient psychological and other expert help and support of the authority, organization or institution for the aiding victims

of criminal offences in accordance with the law;

- 2) participate in crime proceedings as an injured person;
- 3) other rights prescribed by law.

In accordance with special regulations, a victim of a criminal offence for which punishment of imprisonment for a term of five years or longer is prescribed shall have a right to:

- 1) counsel at the expense of the budget funds, before testifying in criminal proceeding, and in submitting claims for indemnification, if he suffers from more severe psycho-physical damage or severe consequences from the criminal offence; and
- 2) compensation for material and immaterial damages from the state fund under the conditions and in a manner determined by a special law.

The court, the State Attorney's Office, the investigator or the police are required to notify the victim of the rights to which he is entitled to pursuant to the provisions of /08, when taking the first action in which the victim shall take part.

Pursuant to Article 44 of /08, other than the rights to which the victim is entitled to as referred to in Article 34 of ZKP/08 and other provisions of this Act, a child who is a victim of criminal offence shall be entitled to:

- 1) a legal guardian at the expense of the budget funds,
- 2) confidentiality of personal data,
- 3) exclusion of the public.

In accordance with the provision of Article 45 of ZKP/08, other than the rights referred to in Articles 43 and 44 of ZKP/08, a victim of a criminal offence against sexual freedom and sexual morality is also entitled to:

- 1) talk to a counsel at the expense of the budget funds before the interrogation;
- 2) be interrogated by a person of the same sex from the police authority and State Attorney's Office;
- 3) refuse to answer the questions related to the strictly private life of the victim;
- 4) request to be interrogated via an audio-video device pursuant to Article 292 paragraph 4 of ZKP/08;
- 5) confidentiality of personal data;
- 6) request the exclusion of the public at the hearing.

a) Victims of sexual violence/rape

As already mentioned, pursuant to Article 45 of ZKP/08, a victim of a criminal offence against sexual freedom and sexual morality has all the rights referred to in Articles 43 and 44 of ZKP/08, as well as the right to:

- 1) talk to a counsel at the expense of the budget funds before the interrogation;
- 2) be interrogated by a person of the same sex from the police authority and State Attorney's Office;
- 3) refuse to answer the questions related to the strictly private life of the victim;
- 4) request to be interrogated via an audio-video device pursuant to Article 292 paragraph 4 of ZKP/08;
- 5) confidentiality of personal data,
- 6) request the exclusion of the public at the hearing.

Prior to the first interrogation,, the court, the State Attorney, the investigator and the police authority shall inform the victim of a criminal offence against sexual freedom and sexual morality of his rights as referred to in this Article.

ZKP/08 provides special manners of questioning of the victim of a crime against sexual freedom and sexual morality.

Namely, pursuant to Article 292 paragraph 4 of ZKP/08, upon his request, the victim of a criminal offence against sexual freedom and sexual morality shall be interrogated in his apartment or another place where he resides. These witnesses may be questioned by means of audio and video devices which are operated by an expert assistant, and if required so by the condition of the witness, the questioning shall be organized in such a manner that the witness can be questioned by the parties without their presence in a room where the witness is situated. If necessary, the interrogation shall be video-taped and audio-taped, and the recording sealed and enclosed with the record.

Also, pursuant to the provision of Article 388 paragraph 1 of ZKP/08, upon the request of the victim of a criminal offence against sexual freedom and sexual morality, the panel shall exclude the public from the whole or part of the trial.

b) Victims of terrorism

Other than the rights that victims are entitled to under ZKP/08, pursuant to Article 43 paragraph 2 of ZKP/08, victims of a criminal offence for which punishment of imprisonment for a term of five years or longer is prescribed (and which includes terrorism) shall also have a right to compensation for material and immaterial damages from the state fund under the conditions and in a manner determined by a special law (Crime Victims' Compensation Act), if they are suffering from more severe psycho-physical damage or severe consequences from the criminal offence, as well as to the right to a counsel at the expense of the budget funds before testifying in criminal proceeding, and in submitting claims for indemnification.

In accordance with Article 16 paragraph 4 of ZKP/08, a victim of a severe criminal offence of violence shall have the right to damages from the state budget funds.

Also, pursuant to the Act on Liability for Damage Resulting from Terrorist Acts and Public Demonstrations, the injured person is entitled to compensation only for the damage caused by death, bodily injury or damage to health. The injured person is entitled to compensation in the amount of 60% of determined damage, up to the maximum amount of HRK 350,000.00.

c) Minors (witnesses or victims)

In accordance with ZKP/08 (Article 44), other than the rights that victims are entitled to, a child who is a victim of a criminal offence shall be entitled to:

- 1) a legal guardian at the expense of the budget funds,
- 2) confidentiality of personal data,
- 3) exclusion of the public.

The court, the State Attorney the investigator and the police authority must treat the child who is a victim of a criminal offence carefully, taking into account his/her age, personality and other circumstances, in order to avoid harmful consequences for the child's education and development.

Unless otherwise prescribed by a special law (Juvenile Courts Act), the examination of a child as a witness shall be carried

out by the investigating judge (Article 292 paragraph 1 of ZKP/08). The examination is conducted without the physical presence of the judge and the parties at the premises where the child is located via audio-video equipment, operated by an expert. The examination shall be carried out in the absence of the judge and parties in the room where the child is situated through audio and video devices which are operated by an expert assistant. The examination is carried out with the assistance of a psychologist, educator or other expert person and unless this is contrary to the interests of proceedings or the child, parents or a guardian may be present during the examination. The parties may ask the child- witness questions authorised by the investigating judge through an expert. The examination shall be video-taped and audio-taped and the recording shall be sealed immediately and enclosed with the record. The child may be examined again only in exceptional cases and in the same manner.

Unless otherwise prescribed by a special law (Juvenile Courts Act), the examination of a minor as a witness shall be carried out by the investigating judge (Article 292 paragraph 2 of ZKP/08). During the examination of a minor, especially if the minor is the injured person of the criminal offence, special care shall be taken lest the examination have a harmful effect on the mental condition of the minor. According to circumstances, the examination may be conducted in the manner referred to in Article 292 paragraph 1 of ZKP/08.

Also, pursuant to the provision of Article 388 paragraph 1 of ZKP/08, in order to protect the minors, the panel shall exclude the public from the whole or part of the trial.

d) Victims of domestic violence

In accordance with Article 16 paragraph 4 of ZKP/08, a victim of a severe criminal offence of violence shall have the right to damages from the state budget funds. The funds shall be collected from fines and confiscated pecuniary gains acquired by criminal offences in a special fund.

Under Article 292 paragraph 4 of /08, if a criminal offence has been committed in a family, witnesses may be examined in their dwellings or other premises where they are situated. These witnesses may be questioned by means of audio and video devices which are operated by an expert assistant. If required so by the condition of the witness, the questioning shall be organized in such a manner that the witness can be questioned by the parties without their presence in a room where the witness is situated. If necessary, the interrogation shall be video-taped and audio-taped, and the recording sealed and enclosed with the record.

e) Ethnic minorities

ZKP/08 contains a provision about the costs of translation into languages of minorities in the Republic of Croatia which occur by the application of the provisions of the statute on the rights of minorities in the in Republic of Croatia to use their language (Article 145 paragraph 5 of ZKP/08). These costs shall not be collected from persons who are according to the provisions of ZKP/08 required to pay the costs of criminal proceedings.

ZKP/08 contains a general provision (Article 6), which prohibits any discrimination based on ethnicity in any proceedings regulated by that Act.

f) Disabled persons

In accordance with Article 292 paragraph 3 of ZKP/08, witnesses who cannot obey the summons due to their old age, state of health, serious physical disabilities or mental may be questioned in their dwellings or other premises where they are situated. These witnesses may be questioned by means of audio and video devices which are operated by an expert assistant. If required so by the condition of the witness, the questioning shall be organized in such a manner that the witness can be questioned by the parties without their presence in a room where the witness is situated. If necessary, the interrogation shall be video-taped and audio-taped, and the recording sealed and enclosed with the record.

g) Juvenile offenders

The Juvenile Courts Act (hereinafter referred to as: "ZSM") applies to young criminal offenders (minors and younger individuals over the age of majority. ZSM contains provisions of substantive criminal law, provisions on courts, provisions of criminal procedural law and provisions on enforcement of sanctions, all applicable to young perpetrators of criminal offences (minors and young adults), as well as rules on criminal-law protection of children and minors.

Pursuant to Article 2 of ZSM, a minor shall be a person whose age, at the time when the offence was committed, was between fourteen and eighteen, and a young adult shall be a person whose age, at the time when the offence was committed, was between eighteen and twenty one.

In accordance with Article 3 of ZSM, provisions of the Penal Code, Criminal Procedure Act, Courts Act, Protection of Persons with Mental Disorders Act, laws governing the enforcement of sanctions for criminal offences and other general regulations shall be applied only if not regulated otherwise by ZSM.

In accordance with Article 4 of ZSM, criminal proceedings against a minor, a young adult and in connection with criminal-law protection of children are urgent.

Juvenile courts shall have jurisdiction over criminal cases involving minors (Article 35 of ZSM).

In municipal courts located in the places where county courts have their seats, as well as in county courts themselves, juvenile divisions shall be established. Juvenile divisions shall be composed of juvenile panels. Also, in the Supreme Court a juvenile panel shall be constituted.

In the proceeding against a minor, the authorised prosecutor shall be the public prosecutor for juveniles. With regard to criminal offences for which the proceedings may be instituted by a motion to indict or by charges brought by private individuals, such proceedings may be instituted only if the authorized person put filed a motion with the competent public prosecutor within three months of the date when he or she came to know about the criminal offence concerned and the perpetrator of that offence (Article 50 of ZSM).

In the criminal proceedings against minors, the injured party cannot act as prosecutor (Article 51 of ZSM).

In the criminal proceedings against minors, investigations are conducted by specially trained police officers.

Proceedings against minors are conducted by public prosecutors for juveniles and investigators for juveniles. In exceptional cases, another public prosecutor or an investigator may assume these roles, if the circumstances are such that the public prosecutor or the investigator for juveniles is unable to act.

If the Criminal Procedure Act prescribes the need for an investigating judge in cases against minors, a juvenile judge shall

assume that role.

If, under the circumstances, a juvenile judge is unable to act, an investigating judge shall assume these duties and shall inform the juvenile judge accordingly.

If provisions of the Criminal Procedure Act prescribe the need for investigation, a minor shall be put through a preparation proceeding.

The preparation proceeding is conducted by the public prosecutor for juveniles.

For the purpose of criminal-law protection of children, Article 113 of ZSM prescribes that juvenile courts shall try adult perpetrators of the following criminal offences committed against children and youth, as provided by the Penal Code:

- against sexual freedom and sexual morality (Chapter XIV),
- against marriage, family and youth (Chapter XVI),
- first-degree murder (Article 91),
- infanticide (Article 93),
- assisting a suicide (Article 96),
- illegal deprivation of freedom (Article 124),
- kidnapping (Article 125),
- abuse while on duty or in public office (Article 127),
- human trafficking and slavery (Article 175),
- international prostitution (Article 178),
- transmission of a sexually transmitted disease (Article 239) and
- violent behaviour (Article 331).

h) Others (for example, victims of human trafficking, forced marriage, genital mutilation)

In accordance with Article 43 of ZKP/08, a victim of criminal offence shall be entitled to:

- 1) efficient psychological and other expert help and support of the authority, organization or institution for aiding victims of criminal offences in accordance with the law;
- 2) participate in criminal proceedings as the injured person;
- 3) other rights prescribed by law.

In accordance with special regulations, a victim of a criminal offence for which punishment of imprisonment for a term of five years or longer is prescribed shall have a right to:

- 1) counsel at the expense of the budget funds before testifying in criminal proceeding, and in submitting claims for indemnification, if he suffers from more severe psycho-physical injuries or more severe consequences from the criminal offence;
- 2) compensation for material and immaterial damages from the state fund under the conditions and in a manner determined by a special law.

The court, the State Attorney, the investigator or the police authority are required to notify the victim of the rights to which he is entitled to pursuant to the provisions of ZKP/08, when taking the first action in which the victim shall take part.

Under Article 16 paragraph 3 of ZKP/08, a victim who suffers from severe psycho-physical injuries or severe consequences of a criminal offence shall have the right to use expert help of a free adviser pursuant to law.

Victims who are called to testify at one of the seven county courts at which Organisation and Provision of Support to Victims / Witnesses Departments are established, shall receive the information with the contact details of the Support Department in the text of the subpoena, and consequently the possibility to obtain necessary information and support by calling or e-mailing the Department. The said Support Departments also operate at municipal courts and misdemeanour courts.

Victims from the Republic of Croatia who are called, via international legal aid, to testify at international or domestic court by request, as well as victims from abroad, who are, also called to testify, via international legal aid, at the courts in the Republic of Croatia, the Independent Sector for Victim and Witness Support of the Ministry of Justice shall send such victims an information letter, based on which they may contact the Independent Sector and seek further information.

31.1) Is it possible for minors to be a party to a judicial proceedings :

Yes

No

If yes, please specify which procedure can be concerned (civil, criminal, administrative/normal or accelerated procedure) and at which conditions (can children benefit from legal aid, be represented by a lawyer, etc.) :

In accordance with Article 202 paragraph 12 of CPA/08, the parties in criminal proceedings mean the prosecutor and the defendant. Pursuant to paragraph 15 of the said Article, the prosecutor means the State Attorney, subsidiary prosecutor and private prosecutor. Subsidiary prosecutor means the person who assumed the prosecution from the State Attorney who had not initiated or had withdrawn from the criminal prosecution, and the private prosecutor means the person who submitted a private charge for prosecution of criminal offences that are prosecuted upon a private charge.

A minor may participate as the prosecutor in criminal proceedings under the provision of CPA/08.

The victim of criminal offence is entitled to participate in criminal proceedings as the injured person.

In accordance with Article 47 of CPA/08, in criminal proceedings, the injured person shall be entitled to:

- 1) communicate in his native language and be assisted by a translator;
- 2) file a claim for indemnification and a request for temporary insurance measures for such claim;
- 3) have a legal guardian;
- 4) point out the facts and suggest evidence;
- 5) be present at the evidentiary hearing;
- 6) be present at the hearing, participate in evidentiary proceedings and make a closing statement;
- 7) inspect documents and files;
- 8) file an appeal under the conditions stipulated by CPA/08;
- 9) file a motion for prosecution and a private charge pursuant to the provisions of this Act;;
- 10) be informed if criminal charges are dismissed or the State Attorney decides not to proceed with the criminal prosecution;
- 11) take over the criminal prosecution from the State Attorney;
- 12) request the case to be reinstated to the prior state of affairs;
- 13) be informed on the outcome of the criminal proceedings.

In Article 48, CPA/08 prescribes that, as regard criminal offences prosecuted upon a motion, the motion must be submitted within a term of three months from the day when the authorized physical or legal person learns of the offence and the perpetrator. The motion for prosecution shall be submitted to the State Attorney's Office. If the injured person himself reports the offence or makes a motion for indemnification in criminal proceedings, he shall be deemed to have submitted the motion for prosecution.

A private charge submitted in due time shall be deemed to be a timely motion of the injured person if it transpires in the course of proceedings that an offence prosecuted upon motion is involved. A minor of sixteen years of age or more may submit a motion for prosecution by himself.

Pursuant to Article 53 of CPA/08, where the injured person is a minor or a person declared incapable of performing legal acts, his legal guardian shall be authorized to give all statements and perform all actions to which, according to CPA/08, the injured person is entitled.

Provisions on a minor perpetrator of a criminal offence are prescribed in Juvenile Courts Act (further: JCA). It must be noted here, pursuant to Article 10 of the Penal Code (Official Gazette No 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 85/05, 71/06, 110/07, 152/08 and 57/11 – which entered into force on 31 December 2012; hereinafter referred to as: "PC/97"), criminal legislation shall not be applied to a child who, at the time of committing a criminal offence, had not reached fourteen years of age.

JCA regulates provisions for young perpetrators of criminal offences (minors and young adults) in material criminal law, provisions on courts, provisions on criminal proceedings and provisions on enforcement of sanctions, as well as rules on criminal-law protection of children.

In accordance with JCA/11, a minor shall be a person whose age, at the time when the offence was committed,, was between fourteen and eighteen, and a young adult shall be a person whose age, at the time when the offence was committed, was between eighteen and twenty one.

Sanctions to be imposed on minors for the offences committed shall be correctional measures, juvenile imprisonment and safety measures, under the conditions provided for in JCA, safety measures. as well. A minor who, at the time when he/she committed an offence was at least fourteen, but under sixteen years of age, may be prescribed

educational and security measures. A minor who, at the time when he/she committed an offence was at least sixteen, but under eighteen years of age, may be prescribed educational and security measures and, under the conditions provided for in JCA, juvenile prison as well.

Juvenile courts shall have jurisdiction over criminal cases involving minors – specifically, departments for juveniles consisting of a committee for juveniles and judges for juveniles.

In the proceedings against a minor perpetrator of a criminal offence who, at the time when the proceedings were instituted was under twenty three years of age, the provisions of JCA shall be applicable, together with the provisions of the Penal Code if they are not contrary to the provisions of JCA.

In the proceeding against a minor, the authorized prosecutor shall be the public prosecutor. With regard to criminal offences for which the proceedings may be instituted by a motion to indict or by charges brought by private individuals, such proceedings may be instituted only if the authorized person put filed a motion with the competent public prosecutor within three months of the date when he or she came to know about the criminal offence concerned and the perpetrator of that offence.

In the criminal proceedings against minors, the injured party cannot act as prosecutor. A minor may not be tried in absentia.

In accordance with Article 54 of JCA, a minor must have a defence counsel at the first interrogation until the finality of the criminal proceeding when deciding upon the substitution of an educational measure by an institutional educational measure, and upon subsequent sentencing to juvenile prison. If the public prosecutor is deciding in accordance with the principle of opportunity, a minor may have a defence counsel. If a minor or persons authorized to hire a defence counsel within the meaning of the provisions of Criminal Procedure Act do not hire a defence counsel, the juvenile judge shall ex officio provide one to him or her. Defence counsel shall be appointed from among lawyers with expressed preferences and basic knowledge of the area of education and welfare for juveniles, from the list of lawyers for juveniles of the Croatian Bar Association. A minor may be defended only by an attorney-at-law.

Inquiries into criminal offences and proceedings against minors are confidential (Article 60 of JCA). Without the approval of the competent body, the contents and the course of the proceedings against a minor or decision issued in such proceeding may not be disclosed. Only the information about the part of the proceedings, and only the part of the decision for which approval has been given by the court or the public prosecutor for juveniles may be disclosed. However, in that case it is not allowed to state the minor's name and other information on the basis of which the identity of the minor concerned might be revealed.

Inquiries into criminal offences in proceedings against minors shall be conducted by specially trained police officers. Inquiries may cover collection of data on the minor's personal and family circumstances.

When the investigation is conducted pursuant to the provisions of the Criminal Procedure Act, a minor shall be put through a preparation proceeding. The preparation proceeding is conducted by the public prosecutor for juveniles.

Generally, in civil cases, minors may be parties in proceedings since they have the capacity to be parties – in accordance with Article 77, section 1 of the Civil Procedure Act (CPA), every physical and legal person may be a party in the proceedings.

Participation in civil proceedings, within the meaning of taking actions in the proceedings, requires litigation capacity, and pursuant to the provision of Article 79 of CPA, a party who has full disposing capacity is deemed to have litigation capacity.

Disposing capacity is acquired upon the age of majority, i.e., upon attaining the age of eighteen (exceptionally earlier, upon getting married before the age of majority, with the prior consent of the court), in accordance with the provisions of Article 120, paragraphs 1 and 2 of the Family Act.

Parties who do not have litigation capacity shall be represented by their legal representatives in civil proceedings. In accordance with Article 98, paragraph 1 of the Family Act, parents shall have the right and duty to represent their child, provided that, in case of conflict of their interests, the child shall be represented by a special guardian who may be a lawyer. In case of minors without parental care, a guardianship which replaces parental guardianship is established.

The Centre for Social Welfare always participates in family civil proceedings involving decisions on child's rights.

32) Does your country allocate compensation for victims of crime?

Yes

No

If yes, for which kind of offences

Pursuant to the Crime Victims' Compensation Act, victims who have suffered serious personal injury or serious deterioration of health as a result of the criminal offence, are entitled to costs of healthcare in the amount of the value of health standards determined by the rules of obligatory health insurance in the Republic of Croatia. A direct victim is also entitled to compensation for loss of earnings, as a lump sum up to the amount of HRK 35,000.00. In the event of death of a direct victim of a violent crime, an indirect victim (who was supported by the direct victim) is entitled to compensation for loss of statutory maintenance up to the amount of HRK 70,000.00. A person who paid for funeral expenses of a deceased direct victim is entitled to compensation up to the amount of HRK 5,000.00.

33) If yes, does this compensation consist in:

- a public fund?
 damages to be paid by the responsible person (decided by a court decision)?
 a private fund?

34) Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?

- Yes
 No

If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

35) Do public prosecutors have a specific role with respect to the victims (protection and assistance)?

- Yes
 No

If yes, please specify:

Article 16, section 2 of CPA (2008) prescribes that the police, the investigator, the State Attorney and the court shall act with special regard towards a victim of a criminal offence. These authorities shall instruct the victim pursuant to paragraph 3 of this Article and the information about the rights of the victims of criminal offence, the rights of a child who is a victim of criminal offence and the rights of a victim of a criminal offence against sexual freedom and sexual morality, and take care of the interests of the victim when making decisions on undertaking criminal proceedings against the defendant, or when taking actions in criminal proceedings in which the victim has to participate in person. Paragraph 3 of this Article prescribes that a victim who suffers from severe psychophysical injury or severe consequences of a criminal offence shall have the right to use expert help of a free adviser pursuant to law.

Also, in accordance with Article 16, paragraph 6 of CPA (2008), the State Attorney and the court are bound in every stage of proceedings to examine if there is a possibility for a settlement between the defendant and the injured person regarding the damage caused by the criminal offence and, with the explicit consent of the injured person, to this end refer them to a psychosocial counselling centre of the authorized natural person or legal entity.

36) Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case?

Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge".

- Yes
 No
 NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed).

If necessary, please specify:

If the State Attorney determines that there are no grounds for institution or conducting of a criminal prosecution, his role may be assumed by the injured person acting as subsidiary prosecutor under the conditions stipulated by CPA/08 (Article 2, paragraph 6).

In accordance with Article 55 of CPA/08, where the State Attorney determines that no grounds exist to institute the prosecution for an offence subject to public prosecution or where he determines that there are no grounds to institute the prosecution against one of the persons reported to the authorities, he shall be bound within eight days to notify the injured person thereof and instruct him that he may assume the prosecution by himself. The same procedure shall apply to the court when it renders a ruling discontinuing the proceedings by reason of the prosecutor's nolle prosequi in other cases. The injured person shall be entitled to institute or continue prosecution within eight days following receipt of the notice.

The injured person who is not notified that the State Attorney has failed to institute the prosecution or has desisted from the prosecution may, within three months from the day the ruling discontinuing the proceedings was rendered or six months from the date the State Attorney dismissed the crime report, declare to the court having jurisdiction that he shall continue proceedings.

When the State Attorney or the court notifies the injured person that he may assume or continue prosecution, it shall inform him of the procedural actions he may undertake in order to realize that right, and shall, for that purpose, allow the injured person to inspect and copy documents, and copy visual and audio files.

2. 2. 2. Confidence of citizens in their justice system

37) Is there a system for compensating users in the following circumstances:

- excessive length of proceedings?
- non execution of court decisions?
- wrongful arrest?
- wrongful condemnation?

Where appropriate, please give details on the compensation procedure, the number of cases, the result of the procedures and the existing mechanism for calculating the compensation (e.g. the amount per day for unjustified detentions or convictions):

The provision of Article 14 of the Criminal Procedure Act (Official Gazette nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12 and 56/13) prescribes that a person who was unjustifiably convicted or arrested shall be entitled to full rehabilitation, compensation from budget funds, and other rights established by law. With respect to the procedure for compensation and rights of persons who were unjustifiably convicted or arrested, Article 573, indent 3, left in force the provisions of Title XXX of the earlier Criminal Procedure Act (Official Gazette nos. 110/97, 27/98, 58/99, 112/99, 58/02, 143/02, 115/06), until a special law shall be adopted. The said provisions of Chapter XXX of the earlier CPA (from Article 476 to Article 484) closely regulate the state's responsibility for damages in the event of unjustifiable conviction or arrest, while the type and the amount of material and immaterial damages are determined in accordance with the general provisions on damages in accordance with the provisions of the Obligations Act (Official Gazette Nos 35/05, 41/08 and 125/11).

An injured person is entitled to all types of monetary and non-monetary damages set forth in the Obligations Act, for the full amount of damages suffered (in accordance with Articles 1085 to 1100 of that Act). An injured person may be awarded compensation for non-monetary damages in case of harm inflicted on his/her individual rights, namely the right to freedom, honour, reputation and respect. Monetary compensation is typically awarded as a result of the loss of earnings or income. In accordance with Article 478 of the earlier CPA, an injured person is required to submit his/her request for compensation to the Ministry of Justice with the aim of reaching settlement, and if settlement is not reached through non-contentious proceedings within three months from the submission of the request, the injured person is entitled to submit to the court a claim for compensation against the Republic of Croatia.

On average, the Ministry of Justice annually receives between 200 and 250 requests for compensation for unjustified conviction or arrest, and settles approximately 50-60% of cases dealing with the type and amount of damages. Parties who have submitted a request, but have not reached a settlement in non-contentious proceedings (because they did not accept an offer, considering it too low, or because the Ministry did not respond to their requests) shall have a claim for damages against the Republic of Croatia heard before the competent court.

The amount of monetary compensation offered to injured persons on the basis of non-monetary damages depends on the length of time during which they were deprived of freedom, because the criteria that this Ministry and the courts use for determining the amount of compensation are based on the number of days of freedom deprivation.

Regarding the non execution of court decisions, the Republic of Croatia provides the compensation for the users in the cases related to the non execution of final decisions of the European court of Human Rights, according to the Convention.

mail CN 5/2/14: Regarding the non execution of court decisions, the Republic of Croatia provides the compensation for the users in the cases related to the non execution of final decisions of the European court of Human Rights, according to the Convention. If this question refers to non execution of court decisions only of domestic courts, then we can confirm that there is no compensation system for non-execution of court decision (as it was also in 2010). In other words, we confirm that in the last paragraph of the comments concerning this question we refer to non-execution of final decisions of the ECHR and not of the domestic courts.

38) Does your country have surveys aimed at legal professionals and court users to measure their trust and/or satisfaction with the services delivered by the judicial system? (multiple options possible)

- (Satisfaction) surveys aimed at judges
- (Satisfaction) surveys aimed at court staff
- (Satisfaction) surveys aimed at public prosecutors
- (Satisfaction) surveys aimed at lawyers
- (Satisfaction) surveys aimed at the parties
- (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)
- (Satisfaction) surveys aimed at victims

If possible, please specify their titles, object and websites where they can be consulted:
 NAP in Croatia (No survey are being conducted on behalf of State authorities, but there have been different surveys conducted by NGOs).

39) If possible, please specify:

	Surveys at a regular interval (for example annual)	Occasional surveys
Surveys at national level	No	No
Surveys at court level	No	No

40) Is there a national or local procedure for making complaints about the functioning of the judicial system (for example the handling of a case by a judge or the duration of a proceeding)?

- Yes
 No

41) Please specify which authority is responsible for dealing with such complaints and inform whether there is or not a time limit to respond and/or a time limit for dealing with the complaint (multiple options possible). Please give information concerning the efficiency of this complaint procedure in the "comment" box below.

	Time limit to respond (e.g. to acknowledge receipt of the complaint, to provide information on the follow-up to be given to the complaint, etc.)	Time limit for dealing with the complaint
Court concerned	Yes	No
Higher court	Yes	No
Ministry of Justice	No	No
High Council of the Judiciary	No	No
Other external bodies (e.g. Ombudsman)	No	No

Comment :

mail 5/5/14: There are no national legal provisions prescribing mandatory time limit for the Ministry of Justice, but in practise the Ministry of Justice responds/deals with the complaint within 45 days. Therefore, the answer is No.

According to the Law on courts (OG 28/13 article 4. par. 3), that entered into force in March 2013, everyone has the right to submit written or oral complaints to the President of the Court on the work of the court or judge because of delays in the proceedings in which a party or has a legal interest or because of inappropriate or improper conduct of the judge and the employees in official relations with the party that is contrary to the code of ethics and get an answer them.

The President of the Court is obliged to respond to the petition no later than 30 days from its receipt, but we inform you that the above mentioned law on Courts entered into force in March 2013, so in 2012 there was no time limit for dealing with the complaint for all types of court.

Time limit to respond and time limit for dealing with the complaint are the same procedure.

Due to the Law on courts (OG 28/13 article 4. par. 3) everyone has the right to submit written or oral complaints to the President of the Court on the work of the court or judge because of delays in the proceedings in which parts or has a legal interest or because of inappropriate or improper conduct of the judge and the employees in official relations with the party that is contrary to the code of ethics and get an answer them.

The President of the Court is obliged to respond to the petition no later than 30 days from its receipt.

41.1) Please indicate the number of complaints that are upheld and the amount of compensation given to users in 2012 for complaints about the functioning of the judicial system

NA in the Republic of Croatia

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

42) Number of courts considered as legal entities (administrative structures) and geographic locations. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total number
42.1 First instance courts of general jurisdiction (legal entities)	67
42.2 First instance specialised Courts (legal entities)	74
42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	158

43) Number (legal entities) of first instance specialised courts (or specific judicial order). If data is not available, please indicate NA.

If the situation is not applicable in your country, please indicate NAP.

	Number
Total (must be the same as the data given under question 42.2)	74
Commercial courts (excluded insolvency courts)	7
Insolvency courts	NAP
Labour courts	1
Family courts	NAP
Rent and tenancies courts	NAP
Enforcement of criminal sanctions courts	NAP
Fight against terrorism, organised crime and corruption	NAP
Internet related disputes	NAP
Administrative courts	4
Insurance and / or social welfare courts	NAP
Military courts	NAP
Other specialised 1st instance courts	62

Comment :

Other specialized 1st instance courts are all misdemeanour courts and Municipal Criminal Court in Zagreb

44) Is there a foreseen change in the structure of courts [for example a reduction of the number of courts (geographic locations) or a change in the powers of courts]?

Yes

No

If yes, please specify:

The Ministry of Justice continues with the process of rationalization of the court network and the physical merge of permanent services.

45) Number of first instance courts (geographic locations) competent for the following cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number
a debt collection for small claims	73
a dismissal	66
a robbery	49

Please give the definition for small claims and indicate the monetary value of a small claim:

Small claim is dispute which value does not extend the amount of 10000 kunas.

Please indicate the sources for answering questions 42, 43 and 45:

Ministry of Justice of the Republic of Croatia

3. 1. 2. Judges, court staff

46) Number of professional judges sitting in courts (if possible on 31 December 2012) (please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please provide in the "comment" box below any useful comment for interpreting the data above.

[Please make sure that public prosecutors and their staff are excluded from the following figures (they will be part of questions 55-60). If a distinction between staff attached to judges and staff attached to prosecutors cannot be made, please indicate it clearly.]

Please indicate the number of posts that are actually filled at the date of reference and not the theoretical budgetary posts.]

	Total	Males	Females	NAP
Total number of professional judges (1 + 2 + 3)	1932	603	1329	
1. Number of first instance professional judges	1378	389	989	
2. Number of second instance (court of appeal) professional judges	514	192	322	
3. Number of supreme court professional judges	40	22	18	

Comment :

47) Number of court presidents (professional judges). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total	Males	Females	NAP
Total number of court presidents (1 + 2 + 3)	158	69	89	
1. Number of first instance court presidents	139	54	85	
2. Number of second instance (court of appeal) court presidents	18	14	4	
3. Number of supreme court presidents	1	1	0	

48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December 2012).

Please provide in the "comment" box below any information to explain the answer under question 48.

Gross figure NAP
 If possible, in full-time equivalent NAP

Comment :

49) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December 2012) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury):

If such non-professional judges exists in your country, please specify it in the "comment" box below:

Gross figure NAP

Comment :

50) Does your judicial system include trial by jury with the participation of citizens?

Yes

No

If yes, for which type of case(s)?

51) Number of citizens who were involved in such juries for the year of reference:

NAP

52) Number of non-judge staff who are working in courts for judges (if possible on 31 December 2012) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled). If "other non-judge staff", please specify it in the "comment" box below.

Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5) Yes (among which women) 6 9 32 (5 9 7 3) w
o m e n

1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal Yes (among which women) 5 9 0 (4 56)

2. Non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, court recording, helping to draft the decisions) such as registrars Yes (among which women) 5 08 9 (4 7 43)

3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management) Yes (among which women) 3 9 5 (3 09)

4. Technical staff Yes (among which women) 7 5 3 (4 65)

5. Other non-judge staff NA

Comment :

53) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their status and duties:

Authorised land registry officers. Such officers are authorised to independently decide in land registry cases.

54) Have the courts delegated certain services, which fall within their powers, to private providers (e.g. IT services, training of staff, security, archives, cleaning)?

Yes

No

If yes, please specify:

The courts are authorised to delegate certain private investigators (security - court protection).

C1 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

Please indicate the sources for answering questions 46, 47, 48, 49 and 52

Ministry of Justice of the Republic of Croatia

[3. 1. 3. Public prosecutors and staff](#)

55) Number of public prosecutors (if possible on 31 December 2012) (please give the information in full-

time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females	NAP
Total number of prosecutors (1 + 2 + 3)	617	232	385	
1. Number of prosecutors at first instance level	441	133	308	
2. Number of prosecutors at second instance (court of appeal) level	155	88	67	
3. Number of prosecutors at supreme court level	21	11	10	

Comment :

The above information include all officials in the public prosecutor's offices, including heads of the public prosecutor's offices (the Public Prosecutor of the Republic of Croatia, county and municipal public prosecutors, the head of the Bureau for Combating Corruption and Organised Crime) and all public prosecutors' deputies (deputies of the Public Prosecutor, deputies of the head of the Bureau for Combating Corruption and Organised Crime and deputies of the county and municipal public prosecutors).

The number of prosecutors at the first instance level includes all municipal public prosecutors, their deputies, as well as the head of the Bureau for Combating Corruption and Organised Crime and his deputies. The number of prosecutors at the second instance (court of appeal) level includes all county public prosecutors and their deputies. The number of prosecutors at the supreme court level includes the Public Prosecutor and his deputies.

In 2012, 617 officials were employed at the public prosecutor's offices. The public prosecutor's Office of the Republic of Croatia employed 21 officials. The county public prosecutor's offices employed 155 officials, and the municipal public prosecutor's offices employed 441 officials. Out of 617 officials, 385 or 62.4% are women. The number of officials remained the same as in 2011. As of 31 December 2012, seven public prosecutor's posts and 130 deputy public prosecutor's posts were vacant.

56) Number of heads of prosecution offices. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females	NAP
Total number of heads of prosecution offices (1 + 2 + 3)	43	19	24	
1. Number of heads of prosecution offices at first instance level	27	11	16	
2. Number of heads of prosecution offices at second instance (court of appeal) level	15	7	8	
3. Number of heads of prosecution offices at supreme court level	1	1	0	

Comment :

In 2012, the organisation structure of public prosecution in the Republic of Croatia comprised: the public prosecutor's office of the Republic of Croatia, the Bureau for Combating Corruption and Organised Crime (USKOK), 15 county public prosecutor's offices and 33 municipal public prosecutor's offices. The number of public prosecutor's offices has been significantly rationalised. In 2010, there were 20 county public prosecutor's offices and 53 municipal public prosecutor's offices. The number of heads of the public prosecutor's offices at the first instance level does not correspond to the number of municipal public prosecutor's offices (33), because in some of the municipal public prosecutor's offices municipal public prosecutors were not appointed and, until such appointment is made, their duties are exercised by their deputies. The number of heads of the public prosecutor's offices at the first instance level includes the head of USKOK, in addition to the municipal public prosecutors.

57) Do other persons have similar duties to public prosecutors?

- Yes
 No
 NA

Number (full-time equivalent)

58) If yes, please specify their title and function:

Public Prosecutor's Office may have advisors and senior advisors. Advisors assist the public prosecutor or his deputy in

work, draft opinions, record citizens' crime reports, submissions and statements. They do this independently or under supervision, and in accordance with the instructions of the public prosecutor or his/her deputies, they also undertake other professional duties envisioned by law and regulations adopted on the basis of laws.

59) If yes, is their number included in the number of public prosecutors that you have indicated under question 55?

- Yes
 No

59.1) Do all prosecution offices have specially trained prosecutors in domestic violence and sexual violence etc.?

- Yes

60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2012) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).

Number NA 1095
 Among which women NA 938

C2 You can indicate below:

- Any useful comments for interpreting the data mentioned in this chapter
 - The characteristics of your judicial system and the main reforms that have been implemented over the last two years

Total number of professional staff (public prosecution advisors, administrative clerks, typists, etc.) is 986 (868 of whom are women and 118 men). Total number of support staff (drivers, cleaners) is 109 (70 of whom are women and 39 are men). Total number of employees is 1095. Mail CN 7/4 and 15/4 : Q 60 : The number 38 in previous exercise refers only to technical stuff (drivers and cleaner), while the number 1095 refers both to them and to civil servants (state judicial counsellors, administrative clerks, etc.). The number 1095 does not include the non-judge staff.

Please indicate the sources for answering questions 55, 56 and 60.

Public prosecutor's office of the Republic of Croatia

3. 1. 4. Management of the court budget

61) Who is entrusted with responsibilities related to the budget within the court?

If "other", please specify it in the "comment" box below.

	Preparation of the budget	Arbitration and allocation	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	No	No	No	No
Court President	Yes	Yes	Yes	Yes
Court administrative director	No	No	No	No
Head of the court clerk office	No	No	No	No
Other	Yes	Yes	Yes	Yes

Comment :

The other includes Ministry of Justice of the Republic of Croatia and court's financial and accounting departments.

3. 1. 5. Use of Technologies in courts

62) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?

	Percentage of courts
Electronic data base of caselaw	+50% of courts

Electronic files	+50% of courts
E-mail	100% of courts
Internet connection	100% of courts

63) For administration and management, what are the computer facilities used within the courts?

Case registration system	100% of courts
Court management information system	+50% of courts
Financial information system	100% of courts
Videoconferencing	-10% of courts

64) For the electronic communication and exchange of information between the courts and their environment, what are the computer facilities used by the courts ?

Si "autres moyens de communication électronique", veuillez le préciser dans la boîte de commentaires ci-dessous.

Electronic web forms	-10% of courts
Website	+50% of courts
Follow-up of cases online	+50% of courts
Electronic registers	+50% of courts
Electronic processing of small claims	0 % of courts
Electronic processing of undisputed debt recovery	0 % of courts
Electronic submission of claims	0 % of courts
Videoconferencing	-10% of courts
Other electronic communication facilities	100% of courts

Comment :

65) The use of videoconferencing in the courts (details on question 63).

Please indicate in the "comment" box below any clarification on the legal framework and the development of videoconferencing in your country.

65.1 In criminal cases, do courts or prosecution offices use videoconferencing for hearings in the presence of defendants or witnesses or victims?	Yes
65.2 Can such court hearing be held in the police station and/or in the prison?	Yes
65.3 Is there any specific legislation on the conditions for using videoconferencing in the courts / prosecution offices, especially in order to protect the rights of the defence?	Yes
65.4 Is videoconferencing used in other than criminal cases?	No

Comment :

mail CN 5/2/14: 65.2. According to the Amendments to the Criminal Procedure Act, that entered into force in July 2011, there is a possibility, for all criminal cases, to hold a court hearing in premises other than court (including police station/prison). For that reason, the answer is YES.

65.4. There is a legal and technical possibility of using videoconference in other than criminal cases but in practice it is used only in criminal cases (especially cross border proceedings). Therefore, the answer is NO.

C3 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

3. 2. Monitoring and evaluation

3. 2. 1. Performance and evaluation

66) Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary? Yes No

If yes, please indicate the name and the address of this institution:

Ministry of Justice of the Republic of Croatia, Ulica grada Vukovara 49, 10000 Zagreb

66.1) Does this institution publish statistics on the functioning of each court on the internet: Yes No, only in an intranet website No**67) Are individual courts required to prepare an annual activity report (that includes, for example, data on the number of cases processed or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?** Yes No, only in an intranet website**68) Do you have, within the courts, a regular monitoring system of court activities concerning:**

The monitoring system aims to assess the day-to-day activity of the courts (namely, what the courts produce) thanks in particular to data collections and statistical analysis (see also questions 80 and 81).

 number of incoming cases? number of decisions delivered? number of postponed cases? length of proceedings (timeframes)? other?

If other, please specify:

69) Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?

The evaluation system refers to the performance of the court systems with prospective concerns, using indicators and targets. The evaluation may be of more qualitative nature (see questions 69-77). It does not refer to the evaluation of the overall (good) functioning of the court (see question 82).

 Yes No

If yes, please specify:

Integrated case management system is software developed to track performance of each judge in all the courts regarding resolved, pending and unresolved cases. All those data are visible to the court's president so he can evaluate judges performance. Also, all those data are being automatically sent to Ministry of Justice which makes all sorts of statistics regarding functioning of each court in Croatia.

70) Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 72) Yes No**71) Please select the 4 main performance and quality indicators that have been defined:**

- incoming cases
- length of proceedings (timeframes)
- closed cases
- pending cases and backlogs
- productivity of judges and court staff
- percentage of cases that are processed by a single sitting judge
- enforcement of penal decisions
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- judicial quality and organisational quality of the courts
- costs of the judicial procedures
- other:

If other, please specify:

72) Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?

- Yes
- No

73) Who is responsible for setting the targets for each judge?

- executive power (for example the Ministry of Justice)?
- legislative power
- judicial power (for example a High Judicial Council, Higher Court)
- President of the court
- other

If other, please specify:

The Minister of Justice is adopting the Framework criteria for judges on a proposal from the Supreme Court of the Republic of Croatia.

74) Are there performance targets defined at the level of the court (if no please skip to question 77)?

- Yes
- No

75) Who is responsible for setting the targets for the courts?:

- executive power (for example the ministry of Justice)?
- legislative power
- judicial power (for example a High Judicial Council, Higher Court)
- President of the court
- other

If other, please specify:

76) Please specify the main targets applied to the courts:

Lawful and timely resolution of cases, efficiency, promptness, quantity and quality.

Framework Standards for the Workload of Judges lay down how many judgments shall be brought by each judge on every court during one calendar year. They are based on legitimate, regular and timely resolution of cases, during working hours.

77) Who is responsible for evaluating the performance of the courts (see questions 69 to 76)? (multiple options possible)

- High Council of judiciary
- Ministry of Justice
- Inspection authority
- Supreme Court
- External audit body
- Other

If other, please specify :

78) Are quality standards determined for the whole judicial system (are there quality systems for the judiciary and/or judicial quality policies)?

- Yes
- No

If yes, please specify:

The quality of the judicial system is determined by the number of confirmed decisions.

79) Do you have specialised court staff that is entrusted with these quality standards?

- Yes
- No

80) Do you monitor backlogs and cases that are not processed within a reasonable timeframe for ?

- in civil law cases
- in criminal law cases
- in administrative law cases

81) Do you monitor waiting time during court procedures?

- Yes
- No

If yes, please specify:

mail CN 5/2/14: In the Republic of Croatia waiting time, as the time during which nothing happens in a procedure, is not being monitored regularly.

There are only post-analysis of the reasons why the waiting time has occurred, when a claim for a protection of the right to trial within a reasonable time has been raised for a case concerned. Also, the statistics of individual performance of a judge allows for an effective monitoring of the duration of court proceedings, which can indirectly lead to the possible insight of the duration and the reasons for a waiting time to occur. Courts Rulebook envisages the possibility of re-assigning cases to another judge or another council of the same court, if there is no possibility of completing the proceeding within a reasonable time or for other justified reason.

82) Is there a system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan (plan of visits) agreed beforehand?

This question does not concern the specific evaluation of performance indicators.

- Yes
- No

Please specify the frequency of the evaluation:

The Republic of Croatia continuously monitors the functioning of courts. The quality of the judiciary is assessed on the basis of the number of affirmed decisions.

83) Is there a system for monitoring and evaluating the performance of the public prosecution service?

- Yes
 No

If yes, please give further details:

There is a system for monitoring and evaluating the performance of the public prosecution service.

Characteristics of the monitoring system:

1. Within the public prosecutor's office, there is monitoring by higher-level public prosecutor's office, which reviews and evaluates a lower-level public prosecutor's office every two years.
2. In addition, public prosecutors and deputies are evaluated individually. Every deputy public prosecutor, who has been appointed to the public prosecution service for the first time is evaluated on an annual basis within first three years from the appointment. Other deputies are evaluated every three years. The public prosecutor evaluates performance of the deputies within his office. The public prosecutor is evaluated by the directly higher public prosecutor.

In performing their duties, public prosecutors and their deputies are evaluated on the basis of: their diligence in completing cases that have been assigned to them, in comparison to average performance results of county or municipal public prosecutor's offices in the year preceding the year of evaluation; the use of appeals; demonstrated expertise and work results; quality of work; ability and readiness to learn and acquire new knowledge; active participation and success in professional education programmes; published academic and expert papers, and participation in practical trainings on legal subjects and other relevant academic and expert seminars; cooperation and relationship with other employees and ability to manage and perform public prosecutor's work, if they have been appointed to such duty.

The Internal Supervision Department has been formed within the Public Prosecutor's Office of the Republic of Croatia for the purposes of supervising the work of the public prosecutor's offices, reviewing the entire work of different public prosecutor's offices, monitoring of monthly and annual statistics and providing professional education to public prosecutors, their deputies, advisors, trainees and other professional and support staff members. Thanks to quality supervision and initiation of disciplinary proceedings against those who have unjustifiable backlogs, public prosecution service is and has been efficient.

C.4 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your court monitoring and evaluation systems

mail CN 5/2/14: Q 79: In the Republic of Croatia there is no specialized court staff entrusted with quality standards. The implementation of quality policy and quality system of justice is entrusted to the presidents of courts and sessions of judges of a particular court in certain cases. Therefore, the answer is NO.

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

84) Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a lawyer)?

NA

85) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?

- Yes
 No

Number of successful challenges (in a year):

NA

86) Number of cases regarding Article 6 of the European Convention of Human Rights on duration and non-execution. If data is not available, please indicate NA.

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	3	15	4	0
Civil proceedings - Article 6§1 (non-execution)	0	2	0	0
Criminal proceedings - Article 6§1 (duration)	0	2	0	0

Please indicate the sources:

Office of the Agent of the Republic of Croatia before the European Court of Human Rights

D.1 You can indicate below any useful comments for interpreting the data mentioned in this chapter

4. 2. Timeframes of proceedings

4. 2. 1. General information

87) Are there specific procedures for urgent matters as regards:

- civil cases?
 criminal cases?
 administrative cases?
 there is no specific procedure

If yes, please specify:

Civil: labour , maintenance disputes and other court cases, trespassing

Criminal: investigative actions, detention cases and detentions themselves

Administrative cases: civil service disputes, refugee disputes and asylum seekers disputes

88) Are there simplified procedures for:

- civil cases (small disputes)?
 criminal cases (small offences)?
 administrative cases?
 there is no simplified procedure

If yes, please specify:

Civil proceedings – order for payment and small claims

Criminal proceedings - In accordance with Article 520 of the Criminal Procedure Act (CPA) from 2008, in proceedings before a municipal court (pursuant to Article 19a of the CPA/08, municipal courts at first instance conduct proceedings for criminal offences for which the main punishment prescribed by is a fine or imprisonment not exceeding twelve years unless otherwise provided by law), the provisions of the CPA/08 (Articles 521 to 548) apply a summary procedure. If there are no special rules, the provisions of ordinary proceedings apply.

Out of the important provisions, it should be noted that in summary proceedings the State Attorney may, in cases prescribed by law, reject the criminal charge or withdraw from the prosecution, although there is a reasonable suspicion that the offence was committed which is prosecuted by virtue of the office and punishable by a fine or imprisonment up to five years (Articles 521 and 522 of the CPA/08).

Furthermore, in summary proceedings there are two types of indicting acts: indictment and private charge. The indictment for criminal offences punishable by a fine or imprisonment for up to eight years has only a summarised statement of reasons and a proposed sanction, while for serious offences the content of the indictment in summarised and ordinary proceedings is the same. The uniqueness of the summarised proceedings also exist in the stage of submitting charges, for example, the indictment is submitted to the President of the Panel or the single judge, and if it relates to an offence punishable by a fine or imprisonment for up to eight years to the prosecution panel which examines it in a panel session without participation of the parties, which is a significant difference in relation to the examination of the indictment in the ordinary procedure. If it is a criminal offence punishable by an imprisonment for up to eight years, the examination of the indictment is the same as in the standard procedure.

The central stage of the hearing in the summary proceedings also differs from the hearing in the ordinary proceedings, for example, a different sequence of actions at the hearing, specifics related to the preparation of a judgment – a written judgment always includes a statement of reasons if the accused is sentenced to imprisonment, otherwise it is delivered only with a brief statement of reasons, and only at the request of the party. Also, if the party does not require a written copy immediately after the announcement of the judgment, and if the defendant pleaded guilty and accepted the proposed sanction, a brief statement of reasons is entered in the record of the hearing, and a copy of the judgment need not include the statement of reasons. Finally, it should be noted that the appeal against the judgment may be filed within eight days, as opposed to the ordinary procedure, where the deadline is 15 days.

The CPA/08 also provides the possibility of issuance of a criminal order, a special procedure within the framework of summary proceedings (Articles 540 to 545 of the CPA/08). The provisions on the criminal order intend to impose certain criminal sanctions for the perpetrators of certain criminal offences punishable by a fine or imprisonment for up to five years tried in the summary proceedings without a hearing based on the proposal of the State Attorney.

The specifics of the provisions imposing criminal order are reflected in the fact that the judgement is rendered before opening the hearing, the judgment is made on the basis of the information from the criminal order, and the data as evidence are not presented in a direct, oral and contradictory way. Also, the specificity is that the judgement which includes penal order may be contested by a special remedy, the complaint against the criminal order and by filing it, the proceedings continue under the provisions of the summary proceedings.

88.1) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?

Yes

No

89) Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?

Yes

No

If yes, please specify:

4. 2. 2. Case flow management and timeframes of judicial proceedings

90) Comment:

The national correspondents are invited to pay special attention to the quality of the answers to questions 91 to 102 regarding case flow management and timeframes of judicial proceedings. The CEPEJ agreed that the subsequent data would be processed and published only if answers from a significant number of member states – taking into account the data presented in the previous report – are given, enabling a useful comparison between the systems.

91) First instance courts: number of other than criminal and criminal law cases.

Number of other than criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note 1: cases mentioned in categories 3 to 5 (enforcement, land registry, business register) should be presented separately in the table. Cases mentioned in category 6 (administrative law) should also be separately mentioned for the countries which have specialised administrative courts or separate administrative law procedures or are able to distinguish in another way between administrative law cases and civil law cases.

Note 2: check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means: "(pending cases on 1 January 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should r

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)*	430500	1097909	1119696	408713
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	208520	182693	173631	217582
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	34596	232155	247217	20534
3. Non litigious enforcement cases	125949	191514	211643	105820
4. Non litigious land registry cases**	57484	476543	479099	54928
5. Non litigious business registry cases**	NA	NA	NA	NA
6. Administrative law cases	NA since the Administrative courts as first instance courts started to work on 1 January 2012	12011	4936	7075
7. Other cases (e.g. insolvency registry cases)	3951	2993	4170	2774

92) If courts deal with "civil (and commercial) non-litigious cases", please indicate the case categories included:

Following indications/citations comprise the answer on the questions under points 92 and 93:

Out-of-court proceedings (non-litigious cases) are divided in the following categories:

1. Out-of court proceedings referred to issues on personal status (status law):
 - a) Restriction, deprivation and returning of capacity to exercise rights
 - b) Prolongation of parental care
 - c) Deprivation and restriction of parental care,
 - d) Permit for entering into marriage,
 - e) Confession of fatherhood,
 - f) Detention in the institutions for mental diseases,
 - g) Promulgation of vanished persons dead and proving of death
2. Out-of-court proceedings referred to property issues:
 - a) Inheritance proceedings
 - b) Regulation of co-ownership relations
 - c) Division of property and voluntary transmission of common property
 - d) Boundary regime/regulation
 - e) Amortisation of decrees
 - f) Conduction of different registers
3. In the scope of out-of-court proceedings there have been developed special, different units:
 - a) Insolvency proceedings
 - b) Liquidations and forced settlements
 - c) Land registry proceedings
 - d) Enforcement proceedings

93) If "other cases", please indicate the case categories included:

94) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: please check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means that: "(pending cases on 1 January 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. Vertical consistency of data means that the sum of the categories 8 and 9 for criminal cases should reflect the total number of criminal cases.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	209435	347949	359223	198161
8. Severe criminal cases	25920	41238	45405	21753
9. Misdemeanour and / or minor criminal cases	183515	306711	313818	176408

95) To differentiate between misdemeanour / minor offenses and serious offenses and ensure the consistency of the responses between different systems, the CEPEJ invites to classify as misdemeanour / minor all offenses for which it is not possible to pronounce a sentence of deprivation of liberty. Conversely, should be classified as severe offenses all offenses punishable by a deprivation of liberty (arrest and detention, imprisonment). If you cannot make such a distinction, please indicate the categories of cases reported in the category "serious offenses" and cases reported in the category "minor offenses":

In the legislation of the Republic of Croatia, there are misdemeanours and criminal offences. The Misdemeanor Act (Official Gazette 107/07) stipulates that the misdemeanour harms the public order, social discipline or other social values not protected under the Penal Code and other acts where criminal offences are prescribed. Consequently, the misdemeanours constitute certain misdemeanours that deserve to be sanctioned, but by its severity and consequences do not deserve criminal liability. In criminal law sanctioned actions are not divided as severe and misdemeanour cases, but there are several categories of criminal cases (in that category are minor criminal cases) and misdemeanour cases are completely different category.

96) Comments on questions 90 to 95 (specific situation in your country e.g. NA-answers and the calculation of the total number of other than criminal law cases, differences in horizontal consistency etc.)
Explained in the previous question.

97) Second instance courts: total number of cases

Number of "other than criminal law" cases.

If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)	101 122	89 588	94 481	96 229
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	68 554	85 606	76 556	77 604
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	NA	NA	NA	NA
3. Non litigious enforcement cases	NA	NA	NA	NA
4. Non litigious land registry cases	NA	NA	NA	NA
5. Non litigious business registry cases	NA	NA	NA	NA
6. Administrative law cases	32 568	3 982	17 925	18 625
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

98) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	61582	54125	42700	73007
8. Severe criminal cases	3464	9464	10387	2541
9. Misdemeanour and/or minor criminal cases	58118	44661	32313	70466

Comment :

See explanation for question 94.

99) Highest instance courts: total number of cases

Number of "other than criminal law" cases:

If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)	7435	7440	5940	8935
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	NA	NA	NA	NA
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)	NA	NA	NA	NA
3. Non litigious enforcement cases	NA	NA	NA	NA
4. Non litigious land registry cases**	NA	NA	NA	NA
5. Non litigious business registry cases	NA	NA	NA	NA
6. Administrative law cases	NA	NA	NA	NA
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

99.1) At the level of the Higher court, is there a procedure of manifest inadmissibility?

Yes. If yes, please indicate the number of cases closed by this procedure?

No

Number

NA

100) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	1210	3095	3208	1097
8. Severe criminal cases	NA	NA	NA	NA
9. Misdemeanour and/or minor criminal cases	NA	NA	NA	NA

Comment :

101) Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases and intentional homicide cases received and processed by first instance courts. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 January 2012	Incoming cases	Resolved cases	Pending cases on 31 December 2012
Litigious divorce cases	NA	NA	NA	NA
Employment dismissal cases	NA	NA	NA	NA
Insolvency	NA	NA	NA	NA
Robbery cases	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA

102) Average length of proceedings, in days (from the date the application for judicial review is lodged). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure.]

	% of decisions subject to appeal	% pending cases more than 3 years	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)
Litigious divorce cases	NA	NA	NA	NA	NA	NA

Employment dismissal cases	NA	NA	NA	NA	NA	NA
Insolvency	NA	NA	NA	NA	NA	NA
Robbery cases	NA	NA	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA	NA	NA

103) Where appropriate, please inform about the specific procedure as regards divorce cases (litigious and non-litigious):

NA in the Republic of Croatia.

104) How is the length of proceedings calculated for the five case categories? Please give a description of the calculation method.

Proceedings begin when the party to the proceedings submits submission to the competent court. The proceedings end when the court renders final decision on the case.

105) Role and powers of the public prosecutor in the criminal procedure (multiple options possible):

- to conduct or supervise police investigation
- to conduct investigations
- when necessary, to request investigation measures from the judge
- to charge
- to present the case in the court
- to propose a sentence to the judge
- to appeal
- to supervise the enforcement procedure
- to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)
- to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- other significant powers

If "other significant powers", please specify:

Role and powers of the State Attorney in the criminal proceedings listed in the Questionnaire:

The State Attorney supervises the conduct of police investigations, carries out surveys for collecting data important for initiating an investigation, leads the investigation, has the power to propose investigative detention to the investigating judge, and request issuance of the search warrant and specific evidence collecting procedures.

The State Attorney issues the indictments and prosecutes them in the Court, he/she may propose a punishment, but his proposal, unless for certain exceptions prescribed by law, does not bind the Court. Even in such cases, the Court is authorized to pronounce lower sentence.

The State Attorney has the right and duty to file an appeal against non-final court decisions and against extraordinary legal remedies against final court decisions. He also has the right and duty of consultation in the proceedings on the application for judicial review of the decisions or actions of administrative bodies responsible for enforcement of the sentence or measures involving deprivation of liberty imposed by a final judgment in criminal proceedings.

The State Attorney may, only when applying opportunity, terminate the case without a court decision.

Other significant powers:

In addition to the above powers, the State Attorney has the right to negotiate and communicate with the defendant on the plea and sanction. The State Attorney General decides on granting the procedural immunity to a member of the criminal organization in accordance with the law.

106) Does the public prosecutor also have a role in civil and/or administrative cases?

- Yes
- No

If yes, please specify:

Yes, the State Attorney has a role in civil and/or administrative cases. Exceptionally, he/she can act when it comes to protecting general interests. Regularly, he/she is the legal representative of the state and its bodies; under the law, the State Attorney represents the Republic of Croatia, the Government, the ministries and other bodies and, as the legal representative, he/she is authorized to take all actions.

106.1) Does the public prosecutor also have a role in insolvency cases?

- Yes
 No

If yes, please specify:

Yes. Acting as the representative of the Republic of Croatia according to law, on the proposal of the state bodies, most commonly the Ministry of Finance, Tax Administration submits proposals to the competent commercial courts to institute bankruptcy proceedings or files claims of government bodies in bankruptcy proceedings that have been initiated by other authorized persons.

107) Case proceedings managed by the public prosecutor

Total number of 1st instance criminal cases.

If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Received by the public prosecutor	Cases discontinued by the public prosecutor (see 108 below)	Cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	82596	52687	2673	21661

107.1) Among cases charged by the public prosecutor before the courts, how many were brought to court under a guilty plea procedure or similar ?

	Before the court case:	During the court case:
If possible, please distinguish the number of guilty plea procedure:	NA	NA

108) Total cases which were discontinued by the public prosecutor. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number
Total cases which were discontinued by the public prosecutor (1+2+3)	52 687
1. Discontinued by the public prosecutor because the offender could not be identified	32 257
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	19 217
3. Discontinued by the public prosecutor for reasons of opportunity	1 213

109) Do the figures include traffic offence cases?

- Yes
 No

D.2 You can indicate below:

**any useful comments for interpreting the data mentioned in this chapter
the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years**

Q. 108: mail CN 7/4/14 : The number of cases which were discontinued because the offender could not be identified has significantly increased in 2012 (4893 cases). The reason for that is because every year the number of criminal charges against the offender which could not be identified is increasing and when in those cases the statute of limitations has expired, the proceedings is discontinued. Furthermore, in 2012, and due to the fact that the new Criminal Code came into force on 1 January 2013, all state attorney's offices checked their records in order to close the cases prior to the coming into force of the new Criminal Code. This is also one of the reasons of the increased number of cases which were discontinued because the offender could not be identified. Also, some cases were discontinued because incriminations in question were abolished by new Criminal Code.

Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107 and 108.

Annual Report of the State Attorney's Offices for 2012.

5. Career of judges and public prosecutors

5. 1. Recruitment and promotion

5. 1. 1. Recruitment and promotion

110) How are judges recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
- Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- A combination of both (competitive exam and working experience)
- Other

If "other", please specify:

Until 31 December 2012

A person who, after passing the bar exam, has worked as a counsellor in a court or other judicial body for at least two years or who has been a lawyer, notary public, notary public assessor or professor of law at a university for at least two years, or has worked in other legal matters for at least four years could have been appointed as judge of a misdemeanour, commercial or administrative court. A person who has worked as a judicial official for at least eight years, or has been a legal adviser, lawyer, notary public, notary public assessor or professor or assistant professor of law at a university for at least 12 years after passing the bar exam, or a person who has worked in other legal matters for at least 12 years after passing the bar exam, could have been appointed as judge of a county court, the High Magistrates Court of the Republic of Croatia, the High Commercial Court of the Republic of Croatia and the Administrative Court of the Republic of Croatia. A person who has worked as a judicial official for at least 15 years or has been a notary public or a lawyer for that many years, or a professor of law at university who passed the bar exam and had a minimum of 20 years of experience with proven expert knowledge in a particular field of law as well as in professional and scientific papers, could have been appointed as judge of the Supreme Court of the Republic of Croatia.

Candidates who were not judges but had submitted an application for a judge position, had to take an exam before the Council which consisted of drawing up one or more written papers in accordance with the provisions of the Regulations adopted by the State Judicial Council. The candidates' written papers were made under a personal code. The candidate could get the maximum of 120 points for the written papers. The candidates also got points for average grade achieved at the study, and on that basis the candidates could achieve a maximum of 30 points. For candidates who were judges and who submitted application for the judge, the Council requested an evaluation of the performance of judicial duties from a competent judicial council, which could reach a maximum score of 150 points. Furthermore, the candidates who had scored 100 points for the performance of judicial duties or sufficient number of points for the appointment, and the candidates whose points for written papers and grades at the study achieved 100, or the candidates who achieved the best results, were invited for an interview before the Council where one could achieve a total of 20 points. After the interview, the Council voted in secret, after which a ranking list of candidates was compiled based on the total sum of points awarded for assessment of the performance of judicial duties and interviews with the candidates, or the sum of points earned for written papers, grades at the studies and interviews with the candidates, and the decision on the appointment of judges was made.

From 1 January 2013

A person who has completed the State School for Judicial Officials can be appointed as a judge (municipal, commercial, administrative and misdemeanour court). When the Council appoints a judge out of the candidates who have completed the State School for Judicial Officials, the selection must be based on final assessment of the candidates achieved at the State School and the points from interviews with the candidates before the Council at which they may receive a maximum of 20 points.

A person who has worked as a judicial official for at least eight years can be appointed as a judge at a county court, the High Misdemeanour Court of the Republic of Croatia, the High Commercial Court of the Republic of Croatia and the High Administrative Court of the Republic of Croatia, while at the Supreme Court of the Republic of Croatia a person who has worked at least 15 years as a judicial official, has been a lawyer, notary public for that many years, professor of law who has passed the bar exam and has at least 15 years of work experience after passing the bar exam, and a prominent lawyer who passed the bar exam and has a minimum of 20 years' experience with proven expertise in a particular legal area, as well as in professional and scientific papers, can be appointed as a judge. A candidate for the judge of the Supreme Court who is not a judicial official takes a test before the Council, which consists of drawing up one or more written papers in accordance with the provisions of the Ordinance adopted by the Council. The candidates prepare their papers under a personal code, and based on the written papers they can get a maximum of 150 points. At the interview before the Council the candidates can get a maximum of 20 points.

A candidate who submits an application to announcement of vacancy of the office of county judge, a judge of the High Misdemeanour Court of the Republic of Croatia, the High Commercial Court of the Republic of Croatia and the High Administrative Court of the Republic of Croatia, and who qualifies, i.e. o has at least 8 years of service as a judicial official but is not a judge (State Attorney/Deputy State Attorney) in accordance with the provisions of the Ordinance on evaluation in the process of appointment of judges (Official Gazette no. 93/13 – hereinafter referred to as 'Ordinance') takes a test before the Council, which consists of drawing up one or more written papers under a personal code. For one or more written papers, a candidate can get a maximum of 150

points. For candidates who submit an application, meet the requirements of service and who are judges, the Council will request the evaluation of the performance of judicial duties from a competent judicial council. Once the competent judicial council submits the final evaluation of the performance of judicial duties for which the judge can get up to 150 points, the Council conducts interviews with the candidates for which candidate can get up to 20 points.

The candidates who got less than 100 points for evaluation of the performance of judicial duties or after knowledge exam, and the candidates who after the interview would not achieve sufficient points for the appointment are generally not invited for an interview. After the interview, the Council votes and the points the candidates achieved at the interview before the Council are added to the points for the assessment of the performance of judicial duties, and points acquired in a knowledge exam and a ranking list of candidates is compiled and a decision on the appointment of judges made. The decision on the appointment of judges must be based on the total number of points and the ranking list of candidates. The ranking list is published on the website of the Council.

As for the appointment of judges of the Supreme Court, if a judge applies the procedure as stated above with regard to the process of obtaining assessment of the performance of judicial duties; if the applicant is the judicial official who is not a judge (state attorneys/deputy state attorneys), the Council will, before conducting interviews, on the basis of assessment of the performance of a state attorney's duties determine the appropriate number of points for performing duties of a justice officials in accordance with the Ordinance. On the basis of general criteria and standards applied to all similar cases, the Council is authorized to determine that a candidate gets from 0 to 100 points for his/her previous work in the judicial system and to determine the number of points which is different from the one the candidate got from the body for assessment of his public attorney's work. A candidate for a judge of the Supreme Court who is not a judicial official takes a knowledge test before the Council, which consists of making one or more written papers. The candidates' papers are made under a personal code and for the written papers one can get a maximum of 150 points. At the interview before the Council, candidates can get a maximum of 20 points. As for inviting candidates for an interview, compiling of a ranking list and making the decision on the appointment, the same rules apply as stated in the previous paragraph.

110.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?

- Yes
 No

If "yes", please specify:

111) Authority(ies) in charge: are judges initially/at the beginning of their carrier recruited and nominated by:

[This question strictly concerns the authority entrusted with the decision to recruit (not the authority formally responsible for the nomination if different from the former)].

- An authority made up of judges only?
 An authority made up of non-judges only?
 An authority made up of judges and non-judges?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

The Judicial Trainees and Bar Examination Act regulate the conditions for admission of trainees to courts.

Each year, the ministry competent for judicial matters determines the number of available trainee vacancies at courts at the proposal of the President of the Supreme Court of the Republic of Croatia, in accordance with standards for determining the number of servants pursuant to regulations governing courts.

Vacancies for trainees are filled by means of public announcement published by the ministry responsible for judicial affairs in the Official Gazette and on the website of the Ministry of Justice. Knowledge testing and evaluation of candidates is conducted by the Trainee Selection Committee composed of three members. The Committee members are appointed by the Minister of Justice for a two-year term as follows: one member from high-ranking officials of the ministry competent for judicial matters, one from the rank of judges at the proposal of the President of the Supreme Court of the Republic of Croatia, and one from the rank of state attorneys and their deputies at the proposal of the Chief State Attorney of the Republic of Croatia.

Trainee vacancies will be filled with candidates who acquire the highest number of points during the selection procedure. The total number of points is determined on the basis of results of grades acquired from university law studies, written knowledge test and conducted structured interview.

Once the procedure has been completed, the Trainee Selection Committee establishes a list of candidates proposed for selection to the Minister competent for judicial matters. Selected candidates are admitted to state service on a temporary basis by a decision of the minister competent for judicial matters.

A candidate becomes a trainee on the first day of work. The first day of work is determined in accordance with a decision on assignment by the head of the judicial body to which a trainee is assigned.

A court may have judicial advisers and senior judicial advisers. The judicial adviser may be a person who has completed graduate studies in law and passed the bar exam. Judicial advisers and senior judicial advisers participate in trials and are authorized to conduct certain court proceedings independently, evaluate evidence and determine facts. Based on the procedure conducted in such a way, judicial adviser submits to a judge, who has been authorised by the president of the court, a written proposal based on which the judge renders the decision. By the authority of a judge, a judicial adviser or senior legal adviser announces the decision. If the judge does not accept the proposal submitted by a judicial adviser or senior legal adviser, he will conduct the procedure himself.

Attendees of the State School for Judicial Officials who are judicial advisers are assigned to positions of senior judicial advisers for an indefinite period in courts according to the decision of the National Judicial Council.

If a senior legal adviser, within the time established by the Law on Judicial Academy, completes the State School for Judicial Officials, his/her civil service in the court in which he was assigned as a member of the National School for the Judiciary terminates.

Appointing of judges falls within the scope of work of the State Judicial Council.

Since in the Supreme Court of the Republic of Croatia may be appointed a person who has at least 15 years of work experience as a lawyer, notary public, a professor of law who has passed the bar exam and at has least 15 years of work experience after passing the bar exam, as well as a person who is a reputable lawyers who has passed the exam and has at least 20 years of experience, these people are recruited by the competent authorities.

The right to practice law in the territory of the Republic of Croatia is acquired by being enrolled on the list of attorneys and upon taking an oath.

The decision to be entered in the list of attorneys is made by a body of the Association specified in its by-laws.

Public notary service is performed by public notaries as autonomous and independent carriers of the service who have the status of a person of public trust.

Notary public is appointed by a decision by the minister competent for judicial matters on the basis of the conducted competition. The announcement for the appointment of a notary public is carried out by the notary associations based on the order of the Ministry of Justice.

Vacancy announcements for positions of professors of law at university are carried out by the existing legal faculties of universities in the Republic of Croatia, in accordance with the provisions of the Law on Science and Higher Education.

In-house lawyers are employed by employers or companies under the provisions of the Labour Act.

112) Is the same authority competent for the promotion of judges?

Yes No

If no, which authority is competent for the promotion of judges ?

112.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?

 Yes No

If "yes", please specify:

113) Which procedures and criteria are used for promoting judges? Please specify.

After the State Judicial Council publishes an announcement on vacant judge position, upon the deadline for applications and after the Secretariat of the SJC reviews documents in the Official Gazette, and determine which candidates meet the requirements, the Council will seek from the competent judicial council an assessment of the performance of judicial duties of judges who have submitted the applications based on which a judge can get up to 150 points, while if the application is submitted by a candidate who is a judicial official but not a judge (state attorneys / deputy state attorneys) they will take a knowledge exam as previously stated in the question 110, while in the case of application for a judge of the Supreme Court, the Council will, for the judges who filed the application, also request from the competent judicial councils the evaluation of the performance of judicial duties; for candidates who are judicial officials but not judges (state attorneys / deputy state attorneys) it will request the evaluation of the performance of state attorney's duties of these candidates and for candidates for the Supreme Court who are not judicial officials will request to take a knowledge exam before the Council by the method of writing one or more papers which can get them up to 150 points. Once the competent judicial councils submit the final evaluation of the performance of judicial duties, or after the Council obtains assessments of the performance of state attorney's duties and on that basis, as already mentioned in the question 110, determines the appropriate number of points, and after the Council gives 'points to the written papers of the candidates who are not officials, the Council conducts interviews with the candidates in which the candidates may get up to 20 points. Candidates who got less than 100 points for evaluation of the performance of judicial duties or after knowledge exam and the candidates who would not achieve sufficient points for the appointment after the interview are generally not invited for an interview. At the interview, the Council considers and evaluates the skills necessary for decision-making, sense of justice, appropriate and responsible performance of duties, and motivation of candidates to work in the courts, and previous work and activities relevant to the successful performance of duties as judges for which the candidates applied. After the interview, the Council takes a secret voting and the candidates' points achieved in the interview before the Council are added to the points earned at the assessment of the performance of judicial duties, number of points based on the evaluation of the performance of state attorney's office if the deputies/ state attorneys applied, the points earned on a written papers of the candidates and draw up a ranking list of candidates and make a decision on the appointment of judges. The decision on the appointment of judges should be based on the total number of points and the determined ranking list of candidates. The ranking list is published on the website of the Council.

114) Is there a system of qualitative individual assessment of the judges' activity?

 Yes No

If yes, please indicate the frequency

President of the court where the judge holds judicial office determines by a decision for the preceding calendar year if the judge has fulfilled his/her judicial duties. Furthermore, judges are evaluated both in the process of appointment to another court and when running for president of the court, and they are assessed by the competent judicial council.

115) Is the status of prosecution services:

 Independent? Under the authority of the Minister of justice ? Other?

Please specify:

According to the the Constitution of the RoC, the Public Prosecution Service is an autonomous and independent judicial body empowered and duty-bound to instigate prosecution of perpetrators of criminal and other penal offences, to initiate legal measures to protect the property of the Republic of Croatia and to apply legal remedies to protect the Constitution and law.

116) How are public prosecutors recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
- Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- A combination of both (competitive exam and working experience)
- Other

If "other", please specify:

See answer 117

117) Authority(ies) in charge: are public prosecutors initially/at the beginning of their carrier recruited by:

[This question concerns the authority entrusted with the responsibility to recruit only (not the authority formally responsible for the nomination if different from the former).]

- An authority composed of public prosecutors only?
- An authority composed of non-public prosecutors only?
- An authority composed of public prosecutors and non-public prosecutors?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

The Judicial Trainees and Bar Examination Act regulate the conditions for admission of trainees to state attorney's office.

The ministry competent for judicial matters determines the number of available trainee vacancies at state attorney's offices each year, at the proposal of the Chief State Attorney of the Republic of Croatia, in accordance with standards for determining the number of servants pursuant to regulations governing state attorney's offices.

Vacancies for trainees are filled by means of public announcement published by the ministry responsible for judicial affairs in the Official Gazette and on the website of the Ministry of Justice. Knowledge testing and evaluation of candidates is conducted by the Trainee Selection Committee composed of three members. The Committee members are appointed by the Minister of Justice for a two-year term as follows: one member from high-ranking officials of the ministry competent for judicial matters, one from the rank of judges at the proposal of the President of the Supreme Court of the Republic of Croatia, and one from the rank of state attorneys and their deputies at the proposal of the Chief State Attorney of the Republic of Croatia.

Trainee vacancies will be filled with candidates who acquire the highest number of points during the selection procedure. The total number of points is determined on the basis of results of grades acquired from university law studies, written knowledge test and conducted structured interview.

Once the procedure has been completed, the Trainee Selection Committee establishes a list of candidates proposed for selection to the Minister competent for judicial matters. Selected candidates shall be admitted to state service on a temporary basis by a decision of the minister competent for judicial matters.

A candidate becomes a trainee on the first day of work. The first day of work is determined in accordance with a decision on assignment by the head of the judicial body to which a trainee is assigned.

The State Attorney's Office may have advisers who help the State Attorney or his/her deputy in the work, prepare draft decisions, take on the record reports, submissions and statements from citizens and perform, independently or under supervision and following the instructions of the State Attorney or his/her deputy, other professional activities provided for by law and regulations adopted on the basis of law. For advisers in municipal and county state attorney's offices a person who has a university degree in law and has passed the bar exam can be appointed.

Attendees of the State School for Judicial Officials who are state attorney's advisers, are assigned to a position of senior state attorneys' advisers in the state attorney's office for an unlimited period. The State Council makes a decision on that matter.

If a senior adviser in the state attorney's office completes State School for Judicial Officials within the period determined by the Law on Judicial Academy, his/her civil service in the State Attorney's Office in which he/she was assigned as a member of the National School for the Judicial Officials terminates.

Appointing of state attorneys and their deputies falls within the scope of work of the National Judicial Council

Since a person may be appointed Deputy Chief State Attorney of the Republic of Croatia if he/she has been at least 15 years a lawyer, notary public, a professor of law who has passed the bar exam and has at least 15 years of work experience after passing the bar exam, as well as a person who represents reputable lawyer who has passed the exam and has at least 20 years of experience, these persons are appointed by the competent authorities.

117.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?

- Yes
 No

If "yes", please specify:

118) Is the same authority formally responsible for the promotion of public prosecutors?

- Yes
 No

If no, please specify which authority is competent for promoting public prosecutors:

119) Which procedures and criteria are used for promoting public prosecutors? Please specify:

Deputy stateattorneys are appointed in a way and under the terms and procedure which ensures their competence, independence and suitability for performing state attorney's duties.

A Croatian citizen who has completed graduate studies in law, passed the bar exam and who meets the additional requirements laid down in Article 110 of the Act on the State Attorney's Office may be appointed. Article 110 of the Act on the State Attorney's Office provides that a person who has completed the State School for Judicial Officials may be appointed the Deputy State Attorney in the district attorney's office. Furthermore, the same article stipulates that a person who, as an official in the judicial bodies, has performed judicial duties for at least 15 years or has been a lawyer, notary public for that many years, a professor of law who has passed bar exam and has at least 15 years of work experience after passing the bar exam, and a prominent lawyer who has passed the bar exam and has a minimum of 20 years' experience and who has proved his professional work, in particular in the legal field, as well as in professional and scientific papers may be appointed the Deputy State Attorney General of the County State Attorney's Office

To be appointed in the high state attorney's office, the Deputy State Attorney must, in addition to the conditions listed and described above, in the final evaluation before the appointment be evaluated at least with a grade from which it follows that he/she has performed the duty of Deputy State Attorney in a scrupulous, professional and orderly manner or with a higher grade, meaning that he/she performed the duty of the deputy in a conscientious, professional and orderly manner, and in doing so achieved outstanding results.

Regarding the appointment of county and municipal state attorneys, the Act on State Attorneys' Office provides that the county state attorney, with a prior opinion of the Collegium of the State Attorney of the Republic of Croatia and the Minister of Justice, at the proposal of the Chief State Attorney is appointed by the State Attorney's Council, for a term of four years and after this time maybe re-appointed to the same office. County state attorney is appointed from among state attorneys and deputy county state attorneys or senior state attorney's office, which has performed state attorney's duties at least five years.

Following a prior opinion of the Collegium of the State Attorney of the Republic of Croatia and the Minister of Justice, at the proposal of the Chief State Attorney the State Attorney Council appoints the municipal state attorney from among state attorneys and deputies of the respective State Attorney's Office or other state attorney's offices for a period of four years and after this time maybe re-appointed to the same office.

119.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?

- Yes
 No

If "yes", please specify:

120) Is there a system of qualitative individual assessment of the public prosecutors' activity?

- Yes
 No

121) Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below

Yes. If yes, please indicate the compulsory retirement age	70
No	

Comment :

Judges are appointed for an undetermined period, but when they turn 70 their judicial office ceases by operation of law and the State Judiciary Council relieves a judge of his judicial duties. Judicial duties of a judge may finish even before he is 70 years old at a court in which he is appointed by operation of law when he/she assumes office at another court or judiciary or state body or by death – the decision is adopted by the Council. The judicial duties of a judge may finish if the Council relieves him/her of his/her duty in accordance with the Constitution of the Republic of Croatia and the Law, if he personally requests so, if he becomes incapacitated for performing judicial duties, if sentenced for a criminal offence which makes

him/her unworthy of the judicial office, if, in conformity with the law, so decides the State Judicial Council due to the commitment of an act of serious infringement of discipline.

121.1) Can a judge be transferred to another court without his consent:

- For disciplinary reasons
 For organisational reasons
 For other reasons. Please specify modalities and safeguards

Please specify modalities and safeguards

Yes, in accordance with the Constitution of the Republic of Croatia and the Law on the State Judiciary Council, in case of dissolution or restructuring of a court, the Council shall relocate the judge to another court of the same instance even without his consent.

122) If there is a probation period for judges (e.g. before being appointed "for life"), how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of the probation period (in years)
Yes	
No	NO
NAP	

123) Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below:

Yes. If yes, please indicate the compulsory retirement age	70
No	

Comment :

According to the Constitution of the RoC and the State Attorney's Office Act a county state attorney shall be appointed by the State Attorney Council for a term of four years, and when this term expires, he or she may be reappointed to the same office.

A municipal state attorney shall be appointed by the State Attorney Council for a term of four years, and after this term he or she may be reappointed to the same office.

Deputy State Attorneys are appointed for a lifelong time period (whole-life), i.e. their mandate is for an undetermined period.

The Attorney General is appointed by the Croatian Parliament for a four-year term and can be reappointed to the same office upon expiry of the stated term.

The compulsory retirement age is 70.

See answer 126.

124) Is there a probation period for public prosecutors? If yes, how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of the probation period (in years)
Yes	
No	NO
NAP	

125) If the mandate for judges is not for an undetermined period (see question 121), what is the length of the mandate (in years)? Is it renewable?

NAP

126) If the mandate for public prosecutors is not for an undetermined period (see question 123), what is the length of the mandate (in years)? Is it renewable?

NAP

E.1 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of the selection and nomination procedure of judges and public prosecutors and the main reforms that have been implemented over the last two years

5. 2. Training

5. 2. 1. Training

127) Training of judges

Initial training (e.g. attend a judicial school, traineeship in the court)	Compulsory
General in-service training	Optional
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Optional
In-service training for management functions of the court (e.g. court president)	Optional
In-service training for the use of computer facilities in courts	Optional

128) Frequency of the in-service training of judges:

General in-service training	Occasional (e.g. at times)
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Occasional (e.g. at times)
In-service training for management functions of the court (e.g. court president)	Occasional (e.g. at times)
In-service training for the use of computer facilities in courts	No training proposed

129) Training of public prosecutors

Initial training	Compulsory
General in-service training	Compulsory
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Optional
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	No training proposed
In-service training for the use of computer facilities in office	No training proposed

130) Frequency of the in-service training of public prosecutors

General in-service training	Occasional (e.g. at times)
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Occasional (e.g. at times)
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	No training proposed
In-service training for the use of computer facilities in office	No training proposed

131) Do you have public training institutions for judges and / or prosecutors? If yes, please indicate the budget of such institution(s) in the "comment" box below.

If your judicial training institutions do not correspond to these criteria, please specify it:

	Initial training only	Continuous training	Initial and continuous	2012 budget of the
--	-----------------------	---------------------	------------------------	--------------------

		only	training	institution, in €
One institution for judges	No	No	No	No
One institution for prosecutors	No	No	No	No
One single institution for both judges and prosecutors	No	No	Yes	No

Comment :

2012 budget of the institution, is €1.716.506,54.

Q130 of E2 "Mail CN 7/4/14 : Q. 130: Both in 2010 and 2012 the frequency of General in-service training and In-service training for specialised functions was the same. The term that best describes the frequency is occasional (e.g. at times) because the training of judges and prosecutors does not take place during the year in regular intervals, neither exists a system by which judicial officers know in advance that few times a year (eg. every three months) they will attend a training. It may happen that in one year they do not attend any seminar, and that in another year they attend a few of them.

The reason for the difference in answers in 2010 in 2012 is probably the imprecise translation of the questionnaire to Croatian language. As mentioned in the previous answer, during the year 2012, the Judicial Academy in its program did not offer the training for IT skills and management skills for judicial officials, while in the year 2010 these topics were included in the program. Therefore, for the year 2012 the answer to these two categories is „no training proposed „,

131.1) If there is no initial training for judges and/or prosecutors in such institutions, please indicate briefly how these judges and/or prosecutors are recruited and trained ?

E.2 You can indicate below:

any useful comments for interpreting the data mentioned in this chapter

comments regarding the attention given in the curricula to the European Convention on Human Rights and the case law of the Court

the characteristics of your training system for judges and public prosecutors and the main reforms that have been implemented over the last two years

Q. 129:Mail CN 7/4/14: According to the State Attorney's Act, prosecutors have the right and duty to the professional education. The mentioned Act stipulates that the prosecutors have a duty to respond to the call of the Judicial Academy to participate as lecturers or participants in the training programs of the Judicial Academy. In practice, the Judicial Academy sends the calls to the State Attorney's Office. The State Attorney's Office selects the participants and those participants must respond to the call. However, prosecutors who do not educate themselves during one year, because they were not selected by their superior, will therefore not be penalized. In other words, there is a problem of the interpretation of those statutory provisions. In order to be consistent in the questionnaire, we suggest to put the answer „compulsory“ for the „general in-service training“ of the prosecutors also for the year 2012. In service training for management functions of the court and in service training for the use of computer facilities in office: During the year 2012, the Judicial Academy in its program did not offer the training for IT skills and management skills for judicial officials, while in the year 2010 these topics were included in the program. Therefore, for the year 2012 the answer to these two categories is „no training proposed „.

System of education of judges and state attorneys in the Republic of Croatia

Central institution for professional training of judicial officials in the Republic of Croatia is the Judicial Academy. The predecessor of Judicial Academy was the Center for professional training of judges and other judicial officials, which was established in 2003 as an independent unit of the International Cooperation and Human Rights Directorate of the Ministry of Justice of the Republic of Croatia. In 2004, the Center was transformed into the Judicial Academy as an institute within the Ministry of Justice. As from entry into the force of the Judicial Academy Act ("Official Gazette" No 153/09, 116/10) on 1 January 2010, the Judicial Academy became an independent and autonomous public institution. Its founder is the Republic of Croatia, while the founding rights and obligations are performed by the Ministry of Justice.

Within the Academy there are two organisational units:

- The State School for Judicial Officials and
- The Directorate for Professional Training of Trainees, Advisors and Judicial Officials.

Judicial Academy performs its activities in the central office in Zagreb and in Regional Centres in Split, Rijeka, Osijek and Varaždin.

Main activities of the Judicial Academy are:

- initial training of candidates for judicial officials (judges and state attorneys);
- initial professional training of trainees in judicial bodies;
- continuous professional training of judicial officials and advisors in judicial bodies.

In addition to the above, the Academy carries out many other activities, such as the establishment and development of

international cooperation, the participation in bilateral and multilateral projects, as well as in the projects of the European Union, information-documentation activities, etc.

In line with the main activities of the Judicial Academy, its target groups are as follows:

- o Attendants of the State School for Judicial Officials;
- o Trainees in judicial bodies;
- o Judicial officials; and
- o Advisors in judicial bodies.

Initial professional training of candidates for judicial officials is conducted at the State School for Judicial Officials, which is an independent organisational unit within the Academy. The objective of the State School is to ensure that candidates for future judicial officials acquire knowledge and skills for autonomous, responsible, independent and impartial performance of judicial duties. The professional training for judicial officials lasts for two years and consists of a theoretical part and professional workshops conducted at the School, as well as of a practical part conducted at courts or State Attorney's offices, and if necessary in the state administration bodies.

Judicial Academy carries out the initial professional training of trainees in judicial bodies as well, i.e. young lawyers who have not passed the Bar Exam yet. Work of a trainee consists of a practical part at courts and prosecutor offices and of participation at professional workshops at the Judicial Academy. Professional workshops, the duration of which is two months, are organised by the Judicial Academy in order to acquire skills to solve practical tasks from the scope of work of courts and state attorney's offices.

The largest target group of the Judicial Academy consists of judicial officials – judges and state attorneys and deputy state attorneys. The continuous professional training programmes for judges and state attorneys can be divided in two main categories: standard professional training which is intended for all judges and state attorneys and specialised professional training which is aimed at selected target groups of judicial officials who deal with specific legal fields. The above training programmes are conducted in the form of workshops, seminars, round tables and conferences, and sometimes professional training is conducted in the form of study visits and exchanges. The largest number of activities is conducted in the form of interactive workshops targeted to smaller groups of up to twenty participants. Judges and deputy state attorneys are engaged as trainers or moderators as well. Train-the-trainers programmes are organised for judges and state attorneys in order to prepare them for teaching. Judicial Academy is financed from the budget of the Republic of Croatia.

Training on human rights and European Convention for the protection of human rights and fundamental freedoms (ECHR)

In 2012 a two-day workshop was organised under the name "European systems of human rights protection" for the total of 21 attendees (judges, state attorneys, advisors in judicial bodies). Within the project „Judgments of the European Court for human rights against the Republic of Croatia in criminal matters" which the Academy carried out in cooperation with the Faculty of Law in Zagreb, the total of 8 one-day workshops were organised for 72 attendees. Within the IPA project 2009 "Establishing a Comprehensive System for Anti-Discrimination Protection", in 2012, the Academy organised 2 two-day workshops for judges (total of 45 judges) and one for state attorneys (16 attendees) on enforcement of Anti-Discrimination Act. The project was carried out by the Office for human rights and rights of national minorities of the Republic of Croatia in cooperation with the Office of the Ombudsman and the Institute for human rights Ludwig Boltzmann from Vienna.

In 2013 the Judicial Academy participated in the project of the European university institute from Florence (EUI) "European judicial cooperation in the fundamental rights practice of national courts – the unexplored potential of judicial dialogue methodology". Within this project in Florence 2 workshops were held in 2013 (one on non-discrimination and the other on the right to fair trial). 10 judges from Croatia participated at these workshops. The third workshop will be held in 2014, the topic of which will be freedom of expression. In 2013, 1 one-day workshop was organised for judges (7 attendees) on enforcement of Anti-Discrimination Act.

Education on the European Convention on Human Rights is also carried out at the State School for Judicial Officials. During workshops on this topic, trainers tried to introduce the attendees with the basic standards of human rights protection in accordance with the European Convention for the Protection of Human Rights and Fundamental Freedoms in order to motivate them to consider their own role in human rights protection and application of human rights protection standards in their everyday work.

The plan for 2014 is to organise workshops on Article 6 and Article 8 of European Convention on Human Rights in all regional centres of the Judicial Academy, as well as more active involvement of Croatian judicial officials in program HELP II activities.

Novelties in professional training in 2013

As a result of a regional project IPA 2010 "Regional cooperation in combating cyber-crime in the countries of Southeast Europe" (carried out by the Council of Europe), a Regional Centre was established within the Judicial Academy for education of judicial officials in combating cyber-crime. Three to four activities a year are planned annually within the Centre, and the organisation of these activities should be financed via European Union projects and bilateral projects.

Within the project IPA 2009 „Professional development of advisors in judicial bodies and future judge and state attorneys through the establishment of self-sustainable training system" (the implementation of which lasts from the end of May 2012 till the end of February 2014) on-line education is introduced and a system of education is developed for lifelong education of judicial advisors in judicial bodies. This is a target group of the Academy for which a specific education program has not been systematically developed with topics adapted exclusively for advisors, but advisors mostly used to join education activities intended for judicial officials, respectively judges and state attorneys.

Mail CN 07/04/2014 Q130 : Comment under Q131

5. 3. Practice of the profession

5. 3. 1. Practice of the profession

132) Salaries of judges and public prosecutors.

	Gross annual salary, in €, on 31 December 2012	Net annual salary, in €, on 31 December 2012
First instance professional judge at the beginning of his/her career	29 184	16 992
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	63 120	31 320
Public prosecutor at the beginning of his/her career	33 126	18 696
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Public prosecutor General)	63 120	31 320

Comment :

mail CN 5/2/14: Due to the different calculation of tax rates and changes in the amounts of tax reliefs, there is a difference between calculation of salaries in 2010 and 2012.

133) Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	No	No
Special pension	No	No
Housing	No	No
Other financial benefit	No	No

134) If other financial benefit, please specify:

State Attorneys in the RoC are entitled to the following:

- a salary as determined for the State Attorney or Deputy State Attorney in the State Attorney's Office to which s/he has been appointed;
- a compensation instead of a salary when he/she is not able to perform his/her duties;
- a pension, disability and health insurance, with all rights pertaining thereto in accordance with special regulations;
- vacations and holidays pertaining to servants and employees in the State Attorney's Office and an annual vacation of 30 working days;
- right to material expenses under the conditions determined by law and other regulations;
- separation allowance, as well as reimbursement of travel expenses to a family place of residence during weekly breaks or public holidays, when the State Attorney or Deputy State Attorney is temporarily seconded to work in another State Attorney's Office or assigned to work in the ministry competent for judicial matters, or performs the duties of Deputy Attorney General;
- the reimbursement of travel expenses to and from work, if the State Attorney or Deputy State Attorney does not reside in the place where the seat of State Attorney's Office is located;
- compensation for business travel and expenses related to the performance of state attorney duties;
- professional training and specialization within the framework of resources provided for that purpose.

Judges in the RoC are entitled to:

- a salary established for the judge of the courts to which he/she has been appointed;
- bonus to the salary when a judge has been transferred to work at some other court,
- compensation, instead of a salary, when he/she is not able to perform his/her judicial function;
- a pension, disability and health insurance, with all rights pertaining thereto in accordance with general regulations;
- vacations and holidays pertaining to court employees and an annual vacation of 30 working days;
- reimbursement of material costs, under the conditions regulated by law and other regulations;
- separation allowance, as well as reimbursement of travel expenses to a family place of residence during weekly breaks or public holidays, when the judge is temporarily seconded to work at another court or assigned to work in the Ministry of Justice, or performs the duties of judge of the highest court of a particular type or a judge of the Supreme Court of the Republic of Croatia;
- reimbursement of travel expenses to and from work if the judge does not reside in the place where the seat of the court is located;
- compensation for business travel and expenses related to the performance of judicial duties;
- professional training and specialization within the framework of resources provided for that purpose.

135) Can judges combine their work with any of the following other functions ?

Teaching	Yes	No

Research and publication	Yes	No
Arbitrator	Yes	No
Consultant	No	No
Cultural function	No	No
Political function	No	No
Other function	No	No

136) If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify.

mail CN 5/2/14: Q 135: According to the Law on Arbitration, a judge can perform his duty as an arbitrator receiving remuneration, but only if he is performing arbitration in the institutions outside of the court. When a judge mediates in the court premises, he does not have the right to a remuneration. Therefore, the answer is YES.

137) Can public prosecutors combine their work with any of the following other functions ?

	With remuneration	Without remuneration
Teaching	Yes	No
Research and publication	Yes	No
Arbitrator	No	No
Consultant	No	No
Cultural function	No	No
Political function	No	No
Other function	No	No

138) Please specify existing rules (e.g. authorisation to perform the whole or a part of these activities). If "other function", please specify:

139) Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the delivery of judgments (e.g. number of judgments delivered over a given period of time)?

- Yes
 No

If yes, please specify the conditions and possibly the amounts:

5. 4. Disciplinary procedures

5. 4. 1. Disciplinary procedures

140) Who has been authorised to initiate disciplinary proceedings against judges (multiple options possible)?

- Citizens
 Relevant Court or hierarchical superior
 High Court / Supreme Court
 High Judicial Council
 Disciplinary court or body
 Ombudsman
 Parliament
 Executive power
 Other
 This is not possible

If "executive power" and/or "other", please specify:

Executive power - Minister of Justice

[Mail NC 9/7/2014 : In the situation of the reasonable doubt that a judge committed a disciplinary offence, the president of the court or other person authorized for conducting the judicial administration tasks, is obliged to initiate disciplinary procedure against that judge. Disciplinary procedure could also be initiated by the Minister of justice, the president of the directly higher instance court, president of the Supreme court of the Republic of Croatia, as well as judicial council.]

141) Who has been authorised to initiate disciplinary proceedings against public prosecutors: (multiple options possible):

- Citizens
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power
- Other
- This is not possible

If "executive power" and/or "other", please specify:

Executive power - Minister of Justice

142) Which authority has disciplinary power on judges? (multiple options possible):

- Court
- Higher Court / Supreme Court
- Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power
- Other

If "executive power" and/or "other", please specify:

143) Which authority has the disciplinary power on public prosecutors? (multiple options possible):

- Supreme Court
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power
- Other

If "executive power" and/or "other", please specify:

144) Number of disciplinary proceedings initiated against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Judges	Public prosecutors
Total number (1+2+3+4)	44	4
1. Breach of professional ethics	2	1
2. Professional inadequacy	11	3
3. Criminal offence	0	0
4. Other	31	0

Comment :

145) Number of sanctions pronounced in 2012 against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Judges	Public prosecutors
Total number (total 1 to 9)	28	2
1. Reprimand	20	0
2. Suspension	0	0
3. Removal of cases	0	0
4. Fine	3	0
5. Temporary reduction of salary	0	0
6. Position downgrade	0	0
7. Transfer to another geographical (court) location	0	0
8. Resignation	1	1
9. Other	4	0

Comment :

For judges other meaning suspended sentence of dismissal.

E.3 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning disciplinary procedures for judges and public prosecutors and the main reforms that have been implemented over the last two years

Please indicate the sources for answering questions 144 and 145

Official data of State Prosecutor Council.

6. Lawyers

6. 1. Status of the profession and training

6. 1. 1. Status of the profession and training

146) Total number of lawyers practising in your country.

4392

147) Does this figure include "legal advisors" who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?

- Yes
 No

148) Number of legal advisors who cannot represent their clients in court:

NAP

149) Do lawyers have a monopoly on legal representation in (multiple options are possible):

- Civil cases?
 Criminal cases - Defendant?
 Criminal cases - Victim?
 Administrative cases?
 There is no monopoly

If there is no monopoly, please specify the organisations or persons that may represent a client before a court (for example a NGO, a family member, a trade union, etc) and for which types of cases:

Lawyers in general do not have a monopoly in legal representation in civil cases since the provision referred to in Article 89 of Civil procedure act lays down that parties can undertake procedural actions either personally or through agents in civil cases.

Provision in Article 89 A of the same act lays down that only a lawyer may represent a party as an agent, if not otherwise prescribed by the law. The same Article stipulates that a party may be represented by a person as an agent who is in an employment relationship with him/her if he/she has full disposing capacity. (the persons mentioned in answer 147). The same provision provides that a party may be represented by a blood relative in a legal line, a brother, sister or marriage partner – if he/she has full disposing capacity and if he/she is not illegally practicing law.

Article 91 of Civil Procedure Act lays down that in litigations involving property claims, the amount in dispute exceeds HRK 50,000 (cca EUR 6,500), agents for legal persons may only be persons who have passed the bar exam.

In criminal cases, defence counsels may only be lawyers. In case of petty criminal offences, the defendant may represent himself without the assistance of a lawyer.

In criminal cases, the defendant's representative may only be a lawyer. A child as a victim of a criminal offence is entitled to a lawyer-representative at the budget cost.

In administrative cases, lawyer's representation is not obligatory.

150) Is the lawyer profession organised through? (multiple options possible)

- a national bar?
 a regional bar?
 a local bar?

151) Is there a specific initial training and/or examination to enter the profession of lawyer?

- Yes

No

If not, please indicate if there are other specific requirements as regards diplomas or university degrees :

152) Is there a mandatory general system for lawyers requiring in-service professional training?

Yes

No

153) Is the specialisation in some legal fields tied with specific training, levels of qualification, specific diploma or specific authorisations?

Yes

No

If yes, please specify:

Ordinance on Specialist's Accreditation to lawyers registered on the list of Croatian Bar Association lays down that a lawyer can be recognised as a specialist in a particular field of law if he has performed lawyers practice for at least:

- 3 years after acquiring the academic degree of doctor of jurisprudence (PhD) in area of law for which he requires specialization and has published at least two expert papers;
- 5 years after acquiring the academic degree of Master of Legal Science (MSc) in area of law for which he requires specialization and has published at least two expert papers;
- 8 years after being registered as a lawyer, if he mostly practices the area of law for which he requires specialization and has published at least three expert papers;
- 3 years if prior to being listed at the list of lawyers he was for at least 5 years a professor of legal sciences in the field of law for which he requires specialization, judge of regular or specialized courts, who is specialized in that particular area of law, or a legal advisor specialist in specific institutions, who during that time published at least 2 expert papers as a support to either theory or practice in that area of law;
- 5 years, if he has substantially contributed by means of his scientific work as a lawyer to the development of legislation or legal understanding in the area of law for which he requires accreditation.

If a candidate fulfills the above mentioned conditions, a Commission for the Assessment of the Fulfillment of Requirements for Specialists' Accreditation is established, consisting of a president and 4 members. Members are appointed from the ranks of distinguished jurists specialised in the area for which accreditation is being sought. Two members of the Commission are lawyers with either a masters or a doctorate degree in the area for which accreditation is being sought, and the other two are appointed from the ranks of professors from Faculties of law or Supreme Court judges or High Commercial Court judges depending on the area of law for which accreditation is being sought.

Please indicate the sources for answering questions 146 and 148:

The source for question 146 is the database of Croatian Bar Association and as for question 148 there is no source since quantified data do not exist.

F1 Comments for interpreting the data mentioned in this chapter:

6. 2. Practising the profession

6. 2. 1. Practising the profession

154) Can court users establish easily what the lawyers' fees will be (i.e. do users have easy access to prior information on the foreseeable amount of fees, is the information transparent and accountable)?

Yes

No

155) Are lawyers' fees freely negotiated?

Yes

No**156) Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?**

- Yes laws provide rules
- Yes standards of the bar association provide rules
- No, neither laws nor bar association standards provide rules

F2 Useful comments for interpreting the data mentioned in this chapter:

Question 155 – lawyers' fees are partially negotiated freely, namely in the part in which compensation is negotiated for the lawyer's work on an hourly basis, but the contract on such a compensation must be concluded in the written form. The court is not bound by the mentioned contract when deciding on the cost for the successful party but by the general provisions of the Tariff for Lawyers' Fees and Cost Compensation.

Question 156 – Tariff for Lawyers' Fees and Cost Compensation lays down rules on lawyer's remuneration and at the same time these standards are laid down by the Lawyers Code of Conduct. Tariff for Lawyers' Fees and Cost Compensation and Lawyers Code of Conduct are adopted by the Croatian Bar Association. Standards on remuneration of lawyers' expenses are laid down by procedural rules such as Civil Procedure Act, Criminal Code, General Administrative Procedure Act, The Misdemeanour Act, etc.

6. 3. Quality standards and disciplinary proceedings

6. 3. 1. Quality standards and disciplinary proceedings

157) Have quality standards been determined for lawyers?

- Yes
- No

If yes, what are the quality criteria used?

Quality standards for lawyers are laid down in the Law on the Legal Profession, Statute of the Croatian Bar Association and especially by the Lawyers Code of Conduct.

Quality criteria are the same to those laid down by the Code of the majority of countries applying continental law and by the Council of Bars and Law Societies of Europe.

The Lawyers Code of Conduct lays down the principles and rules of conduct which lawyers have to follow in their practice. They are contained in the solemn oath that every lawyer takes before starting his legal practice, by which he commits himself to perform conscientiously his duty of a lawyer and that he will respect the Constitution of the Republic of Croatia, laws, Statute of the Croatian Bar Association and the Lawyers Code of Conduct and that he will in all his duties observe the reputation of the profession.

The Code furthermore lays down that while performing his professional activities the lawyer has to behave in such a way as to gain and maintain the trust of the client, and at the same time, of the judicial and other bodies before which he or she appears. His/her conduct has to serve as an example of humanity, respect of human dignity and progressive efforts in the recognition and exercise of basic human rights and freedoms. He/she may protect the client's interests by applying only such means that are in line with the law, the dignity of the legal profession, good practice, and which are not contrary to the lawyer's own conscience.

In representing a client, a lawyer must preserve his independence and must not accept any undertakings that are incompatible with the legal profession. A lawyer must renew, broaden and improve his legal and general education. A lawyer must preserve the confidentiality of any information acquired from a client or otherwise while rendering legal assistance, in particular during representation or defence. A lawyer has to render free legal assistance to socially deprived persons and victims of the Homeland War, and that particular legal assistance has to be given as conscientiously and carefully as the one given to other clients. Loyalty to the client is a lawyer's major duty and is more important than pursuing the lawyer's own interests or any loyal considerations with respect to colleagues. In practicing law, a lawyer shall always protect the authority of the courts before which legal assistance is rendered, and shall at all times show his due respect, but a lawyer shall oppose such a behaviour if judges relate to him, to their trainee or to their client as if they were inferior persons, he has to convince them with his own attitude and conduct, that judges and lawyers are associates in the process of accomplishing a substantially equal task and therefore have the same position..

In the course of representation and in connection with the dispute, a lawyer shall not come into contact with the adverse party, either in the absence of the client or without the client's approval. While representing a client, a lawyer shall not accept the invitation of the adverse party to represent him or her, not even in another case.

158) If yes, who is responsible for formulating these quality standards:

- the bar association?
 the Parliament?
 other?

If "other", please specify:

159) Is it possible to file a complaint about :

- the performance of lawyers?
 the amount of fees?

Please specify:

A complaint to lawyer's work can always be filed and it is free of charge. If a client is not satisfied with the work of a lawyer, he can file a complaint to the Croatian Bar Association in a written form. Disciplinary Prosecutor of Croatian Bar Association decides on the justifiability of a complaint, and if a complaint is justifiable, Disciplinary Prosecutor shall initiate disciplinary proceedings because of a major breach of the duty and reputation of the legal profession.

Disciplinary Tribunal of the Croatian Bar Association decides on the justifiability of the indictment. A plea against the decision of the Disciplinary Tribunal is allowed and can be lodged to the Higher Disciplinary Court of the Croatian Bar Association. If final judgement forbids the work of a lawyer for a certain time or permanently, he may file an appeal to the Supreme Court of the Republic of Croatia.

160) Which authority is responsible for disciplinary procedures?

- the judge
 the Ministry of justice
 a professional authority
 other

If other, please specify:

Disciplinary bodies of Croatian Bar Association are in charge of disciplinary procedures CBA - Disciplinary Prosecutor, Disciplinary Tribunal and Higher Disciplinary Tribunal. Disciplinary Prosecutor and deputies, as well as judges at Disciplinary Court and Higher Disciplinary Court are appointed from the line of lawyers at the Assembly of the Croatian Bar Association. When the Supreme Court decides on an appeal, the Panel of five members consists of three Supreme Court judges and two lawyers appointed by the Assembly of the Croatian Bar Association

161) Disciplinary proceedings initiated against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Number
Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	88
1. Breach of professional ethics	86
2. Professional inadequacy	0
3. Criminal offence	2
4. Other	0

Comment :

162) Sanctions pronounced against lawyers.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Number
Total number of sanctions (1 + 2 + 3 + 4 + 5)	34
1. Reprimand	18
2. Suspension	2
3. Removal	0
4. Fine	14
5. Other (e.g. disbarment)	0

Comment :

F3 You can indicate below any useful comments for interpreting the data mentioned in this chapter:

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

7. 1. 1. Mediation and other forms of ADR

163) Does the judicial system provide for judicial mediation procedures? If no skip to question 168

Judicial mediation: in this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor can propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement).

- Yes
 No

163.1) In some fields, does the judicial system provide for mandatory mediation procedures?

If there are mandatory mediation procedures, please specify which fields are concerned in the "comment" box below.

- Before going to court
 Ordered by a judge in the course of a judicial proceeding

If there are mandatory mediation procedures, please specify which fields are concerned:

According to Croatian law, mediation is mandatory in three cases. Mandatory mediation must be carried out when a natural or legal person wishes to file a lawsuit against the Republic of Croatia. It has to refer to the competent State Attorney's Office with the request for peaceful settlement of a dispute. Another case of mandatory mediation can be found in labour legislation. Labour Act governs the possibility of a voluntary and mandatory mediation on collective labour agreements. Mediation is mandatory in case of a dispute related to concluding, amending or renewing a collective agreement or other similar dispute which could result in a strike or other form of industrial action, and non-payment of salary or salary compensation, if the parties do not agree on other way of dispute settlement. The third case is stipulated in the Family Act, which lays down mandatory mediation in case when a divorce procedure is initiated either by a lawsuit or consensual application, and spouses have their own minor or adopted children or children in parental care which extends after they have reached majority.

164) Please specify, by type of cases, the organisation of judicial mediation:

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	Yes	Yes	No	Yes	No
Family law cases (ex. divorce)	Yes	No	Yes	No	No
Administrative cases	No	No	No	Yes	No
Employment dismissals	Yes	Yes	Yes	Yes	Yes
Criminal cases	Yes	No	No	No	Yes

165) Is there a possibility to receive legal aid for judicial mediation procedures?

- Yes
 No

If yes, please specify:

The possibility to receive legal aid according to the provisions of Free Legal Aid Act shall be allowed for procedures at courts and at public authorities when these procedures deal with the rights of beneficiaries for which, in line with the provisions of the aforementioned Act, legal aid can be granted. Secondary legal aid includes giving of legal advice, drafting of applications in court procedures, representation in court procedures and legal aid provided in peaceful settlement of disputes. Secondary legal aid may be approved in relation to real rights, except for land registry procedures; labour relations; family relations; enforcement procedures and security procedures when it relates to involuntary collection or security of a claim arising from the procedure for which legal aid may be approved, according to the provisions of Free Legal Aid Act; in procedures of peaceful settlement of disputes, and exceptionally, in all other administrative procedures when this need arises from specific life circumstances of the applicant and members of his/her household, in accordance with the basic objective and purpose of Free Legal Aid Act.

166) Number of accredited or registered mediators who practice judicial mediation:

406

167) Number of judicial mediation procedures.

Please indicate the source in the "comment" box below:

Total number of cases (total 1+2+3+4+5)		NA
1. civil cases	<input checked="" type="checkbox"/> Yes	564
2. family cases		NA
3. administrative cases		NA
4. employment dismissals cases		NA
5. criminal cases		NA

Comment :

168) Does the legal system provide for the following ADR :

If "other", please specify it in the "comment" box below:

Mediation other than judicial mediation?	Yes
Arbitration?	Yes
Conciliation?	Yes
Other alternative dispute resolution?	No

Comment :

mail CN 5/2/14: There is a possibility of extrajudicial settlement certified by a notary public. A notary public participates only formally, by verification of the existing settlement between parties. Therefore, we believe that this verification should not be considered as „other alternative dispute resolution“.

G.1 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years

mail CN 5/2/14: Q 164: In civil and commercial cases, a private mediators, meaning lawyers who are accredited mediators, can be appointed as mediators, therefore the answer is YES.

Where a person intends to sue the Republic of Croatia, he/she shall first, before lodging a complaint, address the state attorney's office, with a request to settle the dispute amicably. If the request is not accepted, or no decision is made on it within three months of its filing, the applicant may file a complaint with the competent court. This is a mandatory provision.

These provisions apply mutatis mutandis in cases where the Republic of Croatia intends to sue a person with legal residence or habitual residence in the Republic of Croatia.

Since this is an exemption from the rule, the answer is NO.

In family law cases a judge can be appointed as an arbitrator. Therefore, the answer is NO, since this is not a mediation, but „ other form of alternative disputes resolution“.

In the administrative cases, during the court procedure, the parties may reach a settlement on the case matter. The court shall warn the parties of the possibility of reaching a settlement and help them negotiate. Therefore, according to Croatian law, a judge can participate in a court settlement (This is not a typical mediation meaning that a judge refers parties to a mediator, but a case of a court settlement where a judge facilitates, advises on, decides on or/and approves the procedure). Therefore, if this is to be considered as a „judicial mediation“, then the answer is YES.

Regarding the possibility of the court annexed mediation, or Public authority mediation, the answer is NO.

In cases of employment dismissals court annexed mediation can be held, private mediator and public authority can be appointed as mediators, as well as public prosecutor Therefore, the answer is YES.

Please indicate the source for answering question 166:

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

169) Do you have enforcement agents in your judicial system?

- Yes
 No

170) Number of enforcement agents

106

171) Are enforcement agents (multiple options are possible):

- judges?
 bailiffs practising as private professionals under the authority (control) of public authorities?
 bailiff working in a public institution?
 other enforcement agents?

Please specify their status and powers:

Execution administrator is an employee of the court who, at the order of the court, directly undertakes certain actions in the execution procedure or in the security procedure.

Execution administrator is obliged to, during the search of the debtor's apartment or clothing that he is wearing and during other enforcement actions, proceed with due respect to the debtor and members of his household.

On the premises of a legal person, execution is carried out in such a way that the court bailiff, before proceeding with an enforcement action, asks the representative of the legal person to be present during the enforcement of execution or to appoint some other person to be present

If an enforcement action has to be carried out in a room which is locked, and the debtor or his representative is not present, or will not open the premises, the execution administrator shall open the premises in the presence of the police, two adult witnesses or a notary public.

The execution administrator shall draw special minutes concerning the performance of enforcement actions which shall be signed by the invited witnesses, the notary public and other persons who took part in performance of such actions. He is also authorised to remove any person obstructing the enforcement of execution, and he can seek help of the police who are obliged to behave in line with the order of the execution administrator. He may order the use of force against the person who obstructing the execution.

The attachment of monetary claims based on securities transferable by endorsement or for the realisation of which the security itself is necessary, shall be carried out by the execution administrator taking the securities from the execution debtor and surrendering them to the court or notary public. The attachment shall be carried out by seizing the securities from the execution debtor.

172) Is there a specific initial training or examination to become an enforcement agent?

- Yes
 No

173) Is the profession of enforcement agents organised by?

- a national body?
 a regional body?
 a local body?
 NAP (the profession is not organised)

174) Are enforcement fees easily established and transparent for the court users?

Yes No**175) Are enforcement fees freely negotiated?** Yes No**176) Do laws provide any rules on enforcement fees (including those freely negotiated)?** Yes No**Please indicate the source for answering question 170:**

Ministry of Justice

mail CN 5/2/14: Q 170: The number of enforcement agents increased in order to reduce the number of unresolved enforcement cases.

8. 1. 2. Efficiency of enforcement services

177) Is there a body entrusted with supervising and monitoring the enforcement agents' activity? Yes No**178) Which authority is responsible for supervising and monitoring enforcement agents?** a professional body the judge the Ministry of justice the public prosecutor other

If other, please specify:

mail CN 5/2/14: The Ministry of Justice is not responsible for supervising and monitoring enforcement agents directly. It is responsible for supervising and monitoring of the court administration, e.g. the proper operation of courts, the regular and timely operation of courts, dealing with submissions and complaints of parties regarding the operation of courts, work related to the rights and duties of judicial officials and employees, etc. Since there is no direct supervision and monitor of the enforcement agents, the answer is NO.

In December 2010, an Act on the public bailiffs, entered into force. According to its provisions, a professional body supervises and monitors their work (Croatia bailiffs Chamber).

Since mentioned Act has been put out of force in December 2012, there is no longer a provision on the professional body responsible for supervising and monitoring of the enforcement agents. Therefore, the answer is NO.

179) Have quality standards been determined for enforcement agents? Yes No

If yes, what are the quality criteria used?

Enforcement agents are obliged to take the State exam which is designed specifically for the practice area of enforcement agents. Their work is being regularly assessed since they fall under the scope of the civil servants legislative framework.

180) If yes, who is responsible for establishing these quality standards?

- a professional body
- the judge
- the Ministry of Justice
- other

If "other", please specify:

Other - Ministry of administration

181) Is there a specific mechanism for executing court decisions rendered against public authorities, including for supervising such execution?

- Yes
- No

if yes, please specify

In order to execute cash assets of the national budget of the Republic of Croatia and budgets of local and regional self-government units, provisions of the Law on Execution of Cash Assets apply accordingly, as well as specific rules governing government budget and budgets of local and regional self-government units.

The order to execute cash assets of the budget of the Republic of Croatia is submitted by the Financial Agency to the Croatian National Bank, and the order to execute cash assets of the budgets of local and regional self-government units is delivered by the Financial Agency to the bank.

Other issues concerning execution when the debtor is the Republic of Croatia or some other legal person with public authority operating on the entire national territory are governed by the Execution Act.

182) Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?

- Yes
- No

If yes, please specify

Heads of the departments and all judges provide for regular and timely performance of tasks in departments, councils and divisions.

President of the court supervises proper and timely performance of all tasks at court and permanent services.

The supervision is carried out by inspection of court council's work, individual judges, investigation judges and other employees of the court, by inspection of files, decisions, as well as the decisions of higher courts pertaining to appeals, review of the docket, auxiliary books and lists and by supervision of data system eSpis ("eFile") at courts using that system and by other appropriate manners.

183) What are the main complaints made by users concerning the enforcement procedure? Please indicate a maximum of 3.

- no execution at all
- non execution of court decisions against public authorities
- lack of information
- excessive length
- unlawful practices
- insufficient supervision
- excessive cost
- other

If "other", please specify:

184) Has your country prepared or established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?

Yes No

If yes, please specify:

Our execution procedure system has been revised several times for the purposes of improving the situation with executing court decisions. First of all, financial agency (FINA) is now competent for execution of monetary claims which led to improvement of collection of monetary claims. At the same time, for the reason of better specialization of courts, enforcement of execution was transferred from commercial courts to municipal courts (i.e. jurisdiction of courts has been changed in execution procedures).

Furthermore, amendments to the Execution Act are being made, aimed at enhancing efficiency of the execution system and in particular real estate execution. Electronic auctions are being introduced (agency), new second instance councils at first instance courts are being introduced which will decide on pronounced remedies in execution procedures-less complexity-procedural questions.

There are other measures introduced by the Execution Act, but also by other acts which may indirectly influence "the change of situation" related to execution (for example, increasing the power of counsellors; reorganisation of responsibility due to omissions in court procedure etc.)

At the same time, by means of ICMS, phases of procedure are intensively followed and influences of new legislative frames on case adjudication are monitored on a monthly basis....)

185) Is there a system measuring the length of enforcement procedures: for civil cases? for administrative cases?**186) As regards a decision on debts collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits:** between 1 and 5 days between 6 and 10 days between 11 and 30 days more

If more, please specify

187) Number of disciplinary proceedings initiated against enforcement agents.**If other, please specify it in the "comment" box below.****[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]**

Total number of initiated disciplinary proceedings (1+2+3+4)	NA
1. for breach of professional ethics	NA
2. for professional inadequacy	NA
3. for criminal offence	NA
4. Other	NA

Comment :

188) Number of sanctions pronounced against enforcement agents.**If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings initiated and the number of sanctions exists, please indicate the reasons in the "comment" box below.**

Total number of sanctions (1+2+3+4+5)	NA
1. Reprimand	NA
2. Suspension	NA
3. Dismissal	NA

- | | |
|----------|----|
| 4. Fine | NA |
| 5. Other | NA |

Comment :

H.1 You can indicate below:

any useful comments for interpreting the data mentioned in this chapter the characteristics of your enforcement system of decisions in civil matters and the main reforms that have been implemented over the last two years

Please indicate the sources for answering questions 186, 187 and 188:

Ministry of Justice

8. 2. Execution of decisions in criminal matters

8. 2. 1. Functioning

189) Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)

- Judge
- Public prosecutor
- Prison and Probation Services
- Other authority

Please specify his/her functions and duties (initiative or monitoring functions). If "other authority", please specify:

In accordance with Article 6 of the Execution of Prison Sentence Act (Official Gazette no. 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11 – situation on 31 December 2012, hereinafter referred to as EPSA), the tasks of the execution of prison sentence shall be within jurisdiction and competence of the Prison System Directorate and the executing judge.

Prison sentence shall be executed in prisons and jails which are organizational units of the Prison System Directorate. Prison System Directorate is an administrative organisation in the Ministry of Justice. (Article 19 paragraph 1 of EPSA)

Article 42 of EPSA lays down real competence of executing judge who must protect the rights of prisoners, supervise legality of procedure of the execution of prison sentence and must ensure equal rights and equality of inmates before law.

The executing judge shall undertake actions and decide on: 1) sending to the serving of prison sentence, 2) judicial protection of rights by deciding on an appeal against the decision of the warden in cases provided by EPSA, 3) granting or withdrawing interruption of serving of prison sentence, 4) granting or withdrawing parole, 5) computation of sentence, where appropriate decision was not made by a court having jurisdiction in the matter, 6) statute of limitation for the execution of a prison sentence, or termination of the execution due to prisoner's death, where appropriate decision was not made by the court having jurisdiction in the matter, 7) post-release assistance measures, 8) other cases regulated by EPSA.

The court at which criminal proceedings were held is competent for execution of judgements in criminal matters in which monetary fine was pronounced against a defendant and judgement delivered. Namely, Criminal Code from 1997 lays down that the court decides on terms of monetary fine payment together with calculating the number of daily incomes. When monetary fine pronounced for the criminal offence for which such a fine is laid down has not been entirely or partially paid within time frame stipulated in the judgement, it is collected by forced collection based on court decision (via Ministry of Finance, Tax Administration). If monetary fine cannot be collected by force, the court shall replace it by community service. When the fine pronounced for criminal offence for which such a punishment is laid down is not paid in full or in part within the period determined in the judgment, the court shall, without delay, bring a decision to substitute the fine by imprisonment.

190) Are the effective recovery rates of fines decided by a criminal court evaluated by studies?

Yes

No

191) If yes, what is the recovery rate?

80-100%

50-79%

less than 50%

cannot be estimated

Please indicate the source for answering this question:

H.2 You can indicate below:

**any useful comments for interpreting the data mentioned in this chapter
the characteristics of your enforcement system of decisions in criminal matters and the main reforms
that have been implemented over the last two years**

9. Notaries

9. 1. Statute

9. 1. 1. Functioning

192) Do you have notaries in your country? If no please skip to question 197.

- Yes
 No

193) Are notaries:

If other, please specify it in the "comment" box below.

- | | | |
|--|--|-----|
| private professionals (without control from public authorities)? | <input type="checkbox"/> number | |
| private professionals under the authority (control) of public authorities? | <input checked="" type="checkbox"/> number | 322 |
| public agents? | <input type="checkbox"/> number | |
| other? | <input type="checkbox"/> number | |

Comment :

194) Do notaries have duties (multiple options possible):

- within the framework of civil procedure?
 in the field of legal advice?
 to certify the authenticity of legal deeds and certificates?
 other?

If "other", please specify:

9. 1. 2. Supervision

195) Is there an authority entrusted with supervising and monitoring the notaries' activity?

- Yes
 No

196) Which authority is responsible for supervising and monitoring notaries:

- a professional body?
 the judge?
 the Ministry of justice?
 the public prosecutor?
 other?

If other, please specify:

Croatian Chamber of Notaries

I.1 You can indicate below:

**any useful comments for interpreting the data mentioned in this chapter
the characteristics of your system of notaries and the main reforms that have been implemented over
the last two years**

Please indicate the sources for answering question 193:

The Law on Public Notaries (Official Gazette No 78/93, 29/94, 162/98, 16/07, 75/09) and Croatian Chamber of Notaries

10. Court interpreters

10. 1. Court interpreters

10. 1. 1. Functionning

197) Is the title of court interpreters protected?

Yes

No

198) Is the function of court interpreters regulated by legal norms?

Yes

No

199) Number of accredited or registered court interpreters:

3062

200) Are there binding provisions regarding the quality of court interpretation within judicial proceedings?

Yes

No

If yes, please specify (e.g. having passed a specific exam):

Ordinance on Permanent Court Interpreters:

88/2008 (amendments from 119/08 do not apply to these 2 articles)

II. ESTABLISHING OCCUPATIONAL REQUIREMENTS OF A PERMANENT COURT INTERPRETER

1. Conditions

Article 2.

Requirements for becoming a permanent court interpreter are fulfilled by a person who, in addition to the general conditions prescribed for admission to civil service, also fulfils the following special conditions:

- 1) In addition to the knowledge of Croatian language, he/she is fully competent in another foreign language, and in the court area where the official language besides Croatian is the language of an ethnic or national community or minority, they are fully competent in this language as well,
- 2) Knows the structure of judicial authority, state administration and legal terminology,
- 3) Finished a university graduate program.

Appointment as a permanent court interpreter is forbidden for persons subject to obstructions for admission to civil service in accordance with Article 49, paragraph 1a) of the Civil Servants Act, persons sentenced by a legally binding decision for a crime making them ineligible for performing the activities of permanent court interpreter, for the duration of legal consequences of such decision, or persons who were prohibited from performing an occupation at the time when they seek appointment as a permanent court interpreter.

Appointment as a permanent court interpreter can be granted to a national of an EU member state or foreign national if they fulfil conditions from paragraph 1, points 2 and 3 of this Ordinance, and if in addition to the knowledge of their home country they are fully competent in Croatian language or the language of an ethnic or national community or minority.

Legal persons can perform the activities of a permanent court interpreter if their registered business includes translation activities business and if they have at least one permanently employed court interpreter for corresponding languages registered in the business.

Legal persons have to inform the president of the competent county and commercial courts of the beginning of their work and deliver a list of permanent court interpreters employed by the legal person.

2. Verification

Article 5.

Knowledge verification from Article 3(4) of this Ordinance shall be performed in front of a Commission for Knowledge Verification (hereinafter referred to as: the Commission), according to a program prescribed by the Minister of Justice.

The Commission shall be established at a county or commercial court.

The Commission shall have a president and two members.

The president and members of the Commission shall be appointed by the president of the county or commercial court by the judges of that court for the period of two years.

The president and members of the Commission are entitled to a reward for their work in the Commission. The amount of the reward per candidate shall be determined by the Minister of Justice.

Expenses for the Commission's work shall be paid by the candidate for a permanent court interpreter.

201) Are the courts responsible for selecting court interpreters?

If no, please indicate in the "comment" box below which authority selects court interpreters.

Yes for recruitment and/or appointment for a specific term of office

Yes for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

No .

Comment :

J.1 You can indicate below any useful comments for interpreting the data mentioned in this chapter:

Q 199: Mail CN 7/4 et 8/4 : sur la différence avec l'exercice précédent : in 2010 the courts did not regularly enter all

appointed court interpreters in electronic data base. In 2012 the courts had updated the list of appointed court interpreters in electronic database and the number seems higher, although in reality there is no difference.

Please indicate the sources for answering question 199:

Croatian Judicial Network

11. Judicial experts

11. 1. Judicial experts

11. 1. 1. Judicial experts

202) In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):

- "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation,
 "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal,
 "law experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).

203) Is the title of judicial experts protected?

- Yes
 No

204) Is the function of judicial experts regulated by legal norms?

- Yes
 No

205) Number of accredited or registered judicial experts (technical experts)

4635+1191 Legal persons registered for court interpretation and registered judicial expertises.

206) Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?

- Yes
 No

If yes, please specify, in particular the given time to provide a technical report to the judge:

The court shall order a judicial expertise in cases where determining or evaluating an important fact should require a finding and opinion of a person with the required expert knowledge. The court shall summon the expert witness to a scheduled hearing, where he/she shall orally present his/her finding and opinion. However, the court may allow the expert witness to subsequently submit his/her written finding and opinion, whereby the deadline for submittal of written finding and opinion shall be determined by the court. Should the expert witness fail to meet the deadline mentioned herein, the court shall impose a fine. Provisions pertaining to judicial expertise are contained in procedural acts of the Republic of Croatia.

According to the Civil procedure Act, the judge will determine the time to provide a technical report by the judicial expert, which cannot exceed 60 days.

207) Are the courts responsible for selecting judicial experts?

If no, please specify in the "comments" box below which authority selects judicial experts?

- Yes for recruitment and/or appointment for a specific term of office
 Yes for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
 No .

Comment :

You can indicate below any useful comments for interpreting the data mentioned in this chapter:

Q 205: Mail CN 7/4 et 8/4 : sur la différence avec l'exercice précédent : in 2010 the courts did not regularly enter all appointed judicial experts (technical experts) in electronic data base. In 2012 the courts had updated the list of appointed judicial experts (technical experts) in electronic database and the number seems higher, although in reality

there is no difference.

Please indicate the sources for answering question 205:

Ministry of Justice

12. Foreseen reforms

12. 1. Foreseen reforms

12. 1. 1. Foreseen reforms

208) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged at this stage. If possible, please observe the following categories:

1. (Comprehensive) reform plans

2. Budget

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)

3.1 Access to justice and legal aid

4. High Judicial Council

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education, etc.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities

6.1 Personal status

7. Enforcement of court decisions

8. Mediation and other ADR

9. Fight against crim

(Comprehensive) reform plans

Croatian Parliament adopted on 14 December 2012 the Strategy of development of judiciary for the period 2013 – 2018. Strategy of development of judiciary is based on five elementary areas which serve as a starting point for future strategic plans:

1. Independence, impartiality and professionalism of the judiciary,
2. Efficiency,
3. Croatian judiciary as part of the European judiciary,
4. Human resources management,
5. Usage of modern technology potential.

The Ministry of Justice of the Republic of Croatia plans future reforms in the justice area as follows:

Consumer Bankruptcy Act- as an answer to insolvency of citizens, who because of the economic crises and growing indebtedness do not have the possibility to fulfill their obligations, Ministry of Justice is drafting legislative solution. The Act will be released in public debate in the first quarter of 2014.

The register of imposed but not charged misdemeanour penalties will be established in 2014 so issuing of certain documents could be deprived from the offenders who do not pay their fines.

Full implementation of the ICMS - in 2014 the judiciary will be given a contemporary IT tools for the case management. Public and free of charge service of the ICMS by which citizens can have the insight into the basic information regarding their court case, will be available in all the courts.

Reform of the civil procedure is in plan for 2014, after the analysis of the impact of Amendments of Civil Procedure Act has been carried out in February 2013. Also, there is a plan to introduce the so-called „sample-dispute“ which would be a standard for solving the cases (eg in the field of labor law).

Rationalization of the judicial bodies' network- after the final rationalization, the need for the further rationalization has been considered. The starting criteria were set, by which all municipal and misdemeanor courts as well as all Municipal State Attorney's Offices will be established exclusively in the seats of County Courts. In order to fully implementat this reorganization, adequate acts will be adopted in 2014.

Assignment of the cases in ICMS is arranged as random, and will be fully implemented after the court's rationalization and after defining of the assignment model.