

## **JUDICIAL REFORM STRATEGY**

---

♦ In December 2010, the Croatian Parliament adopted the Judicial Reform Strategy for the period 2011-2015 (OG 145/10). The Strategy provides clear guidance on the direction of Judicial Reform and puts in place a long-term, sustainable strategic planning and management process and structure.

♦ A major step toward establishing a legislative scrutiny mechanism was made on 9 February 2011 when the Minister of Justice adopted the Decision on the establishment of the mechanism for regulatory impact assessment - the objective is creating a systematic scrutiny of the law and acts relevant to the implementation of judicial reform.

## **INDEPENDENCE, IMPARTIALITY AND PROFESSIONALISM OF THE JUDICIARY**

---

The Republic of Croatia has strengthened the independence, impartiality, and professionalism of the judiciary.

### **Independence**

#### **Appointment and promotion of judges and state attorneys**

♦ With the amendments of 16 June 2010 to the Constitution of the Republic of Croatia (OG 76/10), the provisions of the Constitution stipulating that judges and state attorneys in their first term in office, yet prior to their permanent appointment are appointed for a period of five years, were abolished as a threat to their independence.

♦ Beginning 1 January 2013, judges being appointed for the first time at municipal, misdemeanor, commercial, and administrative courts, as well as new deputy state attorneys in municipal state attorneys' offices, will be appointed strictly from the ranks of candidates who have completed the State School for Judicial Officials.

♦ Amendments to the State Judiciary Council Act (OG 57/11) aim to further strengthen objective and transparent criteria for the appointment of judges by introducing the obligation to conduct interviews also for candidates who apply for promotion within judicial profession.

♦ Regarding the appointment of state attorneys and their deputies, the Act on Amendments to the State Attorney Offices Act, which was adopted on 1 October 2010 (OG 116/10), introduces changes aimed at further strengthening of objective and transparent criteria for their appointment.

### **Impartiality**

♦ For the purpose of the further development and consolidation of court practice, the process of introducing the "Supra Nova" IT system continues. The said application will completely replace the current "Court Practice" of the Supreme Court of the Republic of Croatia, which is used by judges and court advisers in their work for searching through court decisions. In the first phase of realisation, the application will be used in approximately 50 courts of the Republic of Croatia, and after that in all other courts.

♦ As part of the project "Supra Nova", the Court Practice Centre (CPC) will be set up. It will engage in actions connected with the management of the jurisprudence of the European Union and of Croatian jurisprudence (active documents and archives).

## Professionalism and competence

♦ The continued development of the Judicial Academy has been supported by the adoption of several strategic documents:

- Strategy of the Activities and Development of the Judicial Academy as a Public Institution in 2011 and
- Development Strategy of the Judicial Academy 2011-2015.
- the Judicial Academy adopted the Curriculum on Permanent Professional Development of Trainees, Advisers and Judicial Officials for 2011, putting particular emphasis on training on matters related to the European Union and its *acquis communautaire*.

## EFFICIENCY OF THE JUDICIARY

---

The Republic of Croatia has improved the efficiency of the judiciary, as illustrated by a significant reduction in the backlog of cases, the introduction of appropriate information technology (IT) systems.

### Backlog

♦ As a result of a comprehensive set of measures to resolve the problem of overburdened courts and unresolved cases introduced over the past six years, the number of unresolved cases in the Croatian court system declined more than 50 percent (from 1,640,182 cases in 2004 to 781,323 at the end of the first quarter of 2011).

UNRESOLVED CASES							
2004	2005	2006	2007	2008	2009	2010	Q1 2011
1,640,182	1,501,251	1,032,305	969,100	886,872	795,722	785,561	781,323

♦ It is important to note as a result of the economic crisis, there has been a considerable increase in the number of cases in the courts.

♦ In the first quarter of 2011, the total number of civil litigious cases received on municipal was 47,004 or 49.5 percent more than was received the same period a year earlier.

♦ At the same time, the number of unresolved cases at municipal courts dropped by 4.6 percent in the first quarter of 2011 compared with the same period a year earlier.

♦ At commercial courts, the inflow of commercial litigious cases rose by 43 percent and stands at 8,101 cases. The inflow of bankruptcies and liquidation proceedings rose by 147 percent.

♦ cases more than three years old have been given priority to in efforts to reduce the number of unresolved cases. By analyzing the problem, it was shown that only some of the courts had a significant challenge in resolving these older cases

♦ The most burdened courts were identified, and in May 2010 the Government adopted an Action Plan that focused on resolving old cases in the Municipal Civil Court in Zagreb, the Municipal Court in Split, and commercial courts. Among the measures defined in the Plan, special emphasis was put on strengthening human resources within the targeted courts. As a result, at the beginning of 2011 a sufficient number of judges and administrative staff have been engaged.

♦ Regarding the resolution of the oldest civil cases it is the Republic of Croatia's aim to resolve all cases older than 10 years by the end of 2012, where procedural possibilities allow. By the end of 2013, it is the Republic of Croatia's aim to resolve all cases older than five years, where procedural possibilities allow.

## **Enforcement**

♦ To improve the enforcement system, a new legislative framework has been put in place. The new framework was created by several pieces of legislation:

- The Act on Conducting Enforcement on Financial Assets (entered into full force 1 January 2011)
- new Enforcement Act, adopted in November 2010 (OG 139/10), with some provisions coming into force 1 January 2011 and the remaining entering into force 1 January 2012
- the Public Bailiffs Act, adopted in November 2010 (OG 139/10) and to enter fully into force 1 January 2012, when the necessary operational preconditions are complete.

♦ The new Enforcement Act and Public Bailiffs' Act establish a completely revised system of conducting enforcement procedures, transferring competence from the courts to public bailiffs.

## **Alternative dispute resolution**

♦ In January 2011, a new Mediation Act (OG 18/11) was adopted to enhance further and promote mediation as an alternative dispute resolution. It also aligns the framework with Directive 2008/52/EC of the European Parliament and the Council from 21 May 2008 on Certain Aspects of Mediation in Civil and Commercial Matters.

♦ new amendments to the Court Fees Act, which were adopted by the Government on 14 April 2011 and sent to the Parliament, work to stimulate participation in mediation by abandoning court fees for court settlements.

## **Improvements in the judiciary's information technology (IT) systems**

♦ In a further effort to increase the efficiency of the judiciary and modernise court administration, the Republic of Croatia has initiated improvements in the judiciary's information technology (IT) systems. The Integrated Case Management System as an electronic court register (ICMS), is being introduced in all County Courts, all commercial courts and another 33 municipal courts (no additional need to run registers manually)

♦ In line with the Court Rules of Procedure (OG 158/09), all courts connected to the ICMS system have an automatic case allocation process.

♦ data generated from the system may be tracked according to different predefined parameters: received, solved, unsolved cases, by type of a dispute, by judge, by efficiency of each judge, by ratio of solved cases in relation to received cases, by unsolved cases per year, by unsolved cases per year when they were initiated, by approximate proceeding's duration, by number and duration of hearings per judge and court advisor.

♦ the new tool COGNOS allows for Statistical reports (on daily basis) to be created (even for the municipal courts where ICMS is not yet introduced)

♦ The Case Tracking System (CTS) with similar functions as ICMS is being introduced in to state attorney's offices.

## **Rationalisation and infrastructure**

♦ The rationalisation of the court and state attorneys' network is another priority initiative for improving the efficiency of the judiciary. Under a legislative framework that has been adopted, the functional rationalisation of the court network in the Republic of Croatia has reduced the overall network by about 40 percent by the end of 2010.

♦ The state attorneys' network was functionally reduced by 24 percent. By now 5 former municipal state attorney's offices were physically merged to five state attorneys' offices.

### **Amendments to Laws aiming at accelerating the proceedings**

♦ Civil procedure Act amendments, adopted by the Government on 14 April 2011, introduced:

- the option of audio recordings of trials, rather than word-by-word written transcripts;
- amendments of provisions on revision with a view to accelerate proceedings before the Supreme Court;
- improving the system of serving documents, as well as
- harmonization of provisions on the costs of proceedings and attorney fees with the Free Legal Aid Act.

♦ Further, amendments to the Court's Fees Act, adopted by the Government on 14 April 2011, are designed to improve payment and calculation of costs procedures, further unburdening judges and court advisors; to align this legislation with other acts, especially the CPA, the Free Legal Aid Act, and the Public Bailiffs Act; and to restructure tariffs of the courts fees in an effort to discourage unnecessary litigation

### **PROTECTION OF HUMAN RIGHTS**

---

♦ Croatia is a party to all key international instruments in the field of human rights, such as, inter alia, the Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe, and its Protocols 1, 4, 6, 7, 11, 12, 13 and 14. Croatia fully accepts all the values and principles set out in the Charter of Fundamental Rights of the European Union.

♦ All state bodies take part in the protection and promotion of human rights as part of their powers. In Croatia, court protection of human rights and fundamental freedoms before regular courts and the Constitutional Court is ensured.

### **Administrative Justice**

♦ The Republic of Croatia has undertaken necessary steps to enable that by the accession to the EU, the administrative courts can become courts of full jurisdiction in the meaning of Article 6 ECHR and Article 47 of the Charter of Fundamental Rights.

♦ Following the adoption of the Administrative Disputes Act (OG 20/10), entering into force on 1 January 2012, the new administrative justice system will be in place, in accordance with which a two-tier system is to be set up, as part of which administrative disputes will be resolved by four administrative courts for the area of one or several counties

♦ The Judicial Academy has developed modules aimed at the administrative justice system, and all newly-appointed judges will undergo the said professional training.

### **Free Legal Aid**

♦ The Ministry of Justice has created the IT system specifically for this purpose to provide systemic monitoring of the functioning of a free legal aid system in real time.

♦ the tariff for legal aid providers was increased which triggered a more active inclusion of providers in the system and consequently influenced the quality of the services that were provided.

♦ Further, the approval form for legal aid has been simplified

♦ The expert working group took the task of finalization of the Act on Free Legal Aid. The aim of the aforementioned amendments is to promote the legislative frame of free legal aid system, based on the experience acquired during two years of Act implementation. The amendments of the Act will be implemented by July 15 2011.