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Date: 25/09/2026

DH-DD(2026)1197

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Meeting: 1577th meeting (December 2026) (DH)

Item reference: Action Report (23/09/2026)

Communication from Croatia concerning the case of Novosel and Others v. Croatia (Application No. 25182/22)

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Réunion : 1577^e réunion (décembre 2026) (DH)

Référence du point : Bilan d'action (23/09/2026)

Communication de la Croatie concernant l'affaire Novosel et autres c. Croatie (Requête n° 25182/22)
[anglais uniquement]



GOVERNMENT OF THE REPUBLIC OF CROATIA
OFFICE OF THE REPRESENTATIVE OF THE REPUBLIC OF CROATIA
BEFORE THE EUROPEAN COURT OF HUMAN RIGHTS

Class: 004-02/26-01/2
Reg. No.: 50447-03/04-26-18
Zagreb, 22 September 2026

DGI
23 SEP. 2026
SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

ACTION REPORT

Novosel and Others v. Croatia

(app. no. 25182/22), judgment of 26 March 2026, final on 26 March 2026

I. CASE DESCRIPTION

1. This case concerns the authorities' failure to provide a timely response to the civil claim in relation to the applicants' family member's drowning in a swimming pool in 1996, owing to excessive delays in the proceedings, which lasted 24 years until the final decision in 2021 (procedural violation of Article 2).
2. In June 1997, the applicants and the deceased's close relatives brought a civil action for damages against a public utility company and the municipality, claiming compensation for the death of their family member, who had drowned in the swimming pool in Jastrebarsko. They argued that he had drowned because there had been no rescue and medical assistance in place at the swimming pool. The first-instance court delivered judgments in September 2006 and April 2010, both of which were subsequently quashed by the appellate court, in March 2007 and December 2010 respectively, and the case was remitted for fresh examination. The first-instance court ultimately dismissed the applicants' claim in November 2017, and that judgment was upheld on appeal in February 2018. The Supreme Court dismissed the applicants' appeal on points of law in October 2020, while the Constitutional Court dismissed their constitutional complaint in October 2021. The proceedings lasted from 1997 until 2021, involving four levels of jurisdiction, and thus lasted for a total of 24 years.
3. The Court held that the domestic courts failed to provide a timely response to the civil claim in relation to the applicants' family member's drowning in a manner consistent with the State's procedural obligation under Article 2 of the Convention (§ 22).

II. INDIVIDUAL MEASURES

4. The Government notes that the impugned proceedings, which lasted for 24 years and involved four levels of jurisdiction, have been brought to an end before the Court rendered its judgment. Notably, the first instance judgment was upheld in the appeal proceedings in 2018, and the subsequent proceedings before the Supreme Court and the Constitutional Court were brought to an end in 2020 and 2021, respectively (§§ 14-15).
5. Moreover, the Court awarded the applicant just satisfaction in respect of non-pecuniary damage sustained, which was paid in due time (see below).
6. In view of the above, the Government considers that the violation found by the Court ceased and that the applicant was redressed for the violation sustained. The Government deems that no other individual measures are possible or necessary given that the lengthy proceedings have been brought to an end.

III. GENERAL MEASURES

7. It is recalled that the Court found that the domestic courts failed to provide a timely response to the civil claim in a manner consistent with the State's procedural obligation under Article 2 of the Convention (§ 22). Hence, the cause of the violation found by the Court derives from the excessive length of proceedings and, thus, their ineffectiveness.
8. At the outset, the Government notes that the general measures aimed at increasing the efficiency of civil proceedings, ensuring an effective remedy against their excessive length, and providing appropriate compensation in this respect were presented in the [Action Plan](#) of 25 July 2022 in the *Kirinčić and Others* group of cases (leading, appl. no. 31386/17). The latter group concerns excessively lengthy civil proceedings from 2000 onwards and the lack of an effective remedy in this regard. In response, a set of measures were introduced, including the legislative amendments to the Civil Procedure Act in 2019, with a view to expediting civil proceedings, notably by digitalising certain parts of proceedings and introducing electronic exchange of submissions between the courts and the parties to the proceedings.

A. Legislative measures

1. Civil Procedure Act

9. The Government notes that the legislative framework has continued to develop with a view to improving the efficiency of the judicial system and facilitating the timely conclusion of judicial proceedings. In particular, in July 2022 the amendments to the Civil Procedure Act were adopted and entered into force, introducing specific time-limits for the completion of civil proceedings. Notably, first-instance civil proceedings must be concluded within a reasonable time and, in any event, in less than three years from the date the proceedings were instituted. Furthermore, as a general rule, the second-instance courts are required to decide on appeals within a reasonable time and, in any event, in less than one year from the receipt of the appeal.
10. A particularly expedited regime applies to small claims proceedings, which generally concern claims not exceeding EUR 1,320. Such proceedings must be concluded before the first-instance court within a reasonable time and, in any event, in less than one year from the date on which the proceedings were instituted. At second instance, appeals in small claims proceedings must be decided within a reasonable time and, in any event, in less than six months from their receipt by the second-instance court.
11. Specific time-limits also apply to proceedings before the Supreme Court. The Supreme Court is required to decide on requests for leave to appeal on points of law within a reasonable time and, in any event, in less than six months from their receipt, and to decide on appeals on points of law against second-instance decisions within a reasonable time and, in any event, in less than two years from their receipt.
12. Finally, with a view to reducing the backlog of long-standing civil cases and accelerating their resolution, a specific transitional measure was introduced in respect of the oldest pending proceedings. In all civil proceedings instituted before 1 April 2013 in which, at the time of the entry into force of the above 2022 amendments, no first-instance decision had been rendered and the preliminary proceedings had not yet been concluded, the courts were required, within six months, to hold a preparatory hearing, conclude the preliminary proceedings and proceed with the main hearing at the same hearing.
13. The above 2022 amendments also strengthened judicial case management by introducing specific procedural time-limits and a case-management plan. In particular, the preparatory hearing should be held within three months from the receipt of the statement of defence or the expiry of the time-limit for its submission, while the main hearing should be held no later than six months after the conclusion of the preliminary proceedings. If the competent court concludes that, due to objective circumstances, it is unable to bring the preliminary proceedings to an end and hold the main hearing at the same hearing, it will adopt a case-management plan. The case-management plan sets out, *inter alia*, the evidence to be taken, time-limits for obtaining evidence and submitting written observations, and the date and time of the main hearing. Where more than one hearing is required, the court schedules all subsequent hearings in advance, taking into account the need to ensure the reasonable duration of the proceedings. These measures facilitate the structured and timely conduct of the proceedings and reduce unnecessary delays.

14. The above legislative framework was further supplemented in 2023 by measures enhancing the use of mediation in civil proceedings. In particular, courts may refer parties to an information meeting on mediation or invite them to initiate mediation, with a view to facilitating an earlier and more efficient resolution of disputes. By encouraging disputes to be resolved through mediation without the need for their continued determination by the courts, these measures also contribute to reducing the courts' caseload and, consequently, to improving the overall efficiency of the judicial system.

2. Courts Act

15. Over the past years the Courts Act went through several changes aimed of improving the organisation and functioning of the court system, enhancing the overall efficiency of the judiciary. In particular, the amendments to the Courts Act were adopted in March 2024 and October 2025, and entered into force in 2024 and 2026, respectively. They introduced further measures concerning case management, judicial specialisation and evaluation. These measures form part of the broader efforts to improve the efficiency of judicial proceedings and reduce delays in their conduct.
16. At the same time, the above amendments to the Courts Act significantly enhanced the effectiveness of the domestic system for the protection of the right to a trial within a reasonable time by introducing a combined compensatory and acceleratory remedy. Thus, unlike under the previous system, where the primary remedy was purely acceleratory and a combined compensatory and acceleratory remedy was available only in limited circumstances as a subsidiary measure, the current framework provides for both acceleration of pending proceedings and compensation for the violation of the right to a trial within a reasonable time.
17. Under the current framework, a party may file a request for the protection of the right to a trial within a reasonable time with the president of the court before which the proceedings are pending, while requests concerning cases dealt by the president of the court are examined by the vice-president of that court. The president of the court must, within 15 days, obtain a report from the judge or the president of the judicial panel dealing with the impugned case on the reasons for the delay and the expected time needed for the conclusion of the case. The report must be submitted within the next 15 days. The party's request must be decided within 60 days, taking into account, *inter alia*, the nature and complexity of the case, the conduct of the parties and the conduct of the court. Parties retain the right to appeal to the Supreme Court against decisions on such requests or where no decision has been adopted within the 60-day period.
18. If the request is found to be well-founded, the president of the court must set a time-limit, generally not exceeding six months, within which the proceedings must be concluded, unless the circumstances of the case justify a longer period. At the same time, the party concerned is entitled to appropriate monetary compensation for the violation of the right to a hearing within a reasonable time, up to EUR 4,650.
19. The reformed framework also provides for judicial accountability in cases where the time-limit set for concluding the proceedings is not complied with. In such circumstances, the competent judge or judicial panel must, within 15 days, report to the president of the court and the president of the immediately higher court on the reasons for the delay. The Ministry of Justice, Public Administration and Digital Transformation is duly informed thereof.
20. Finally, upon a request for information of the Representative of Croatia before the Court concerning a pending application before the Court regarding excessive length of domestic proceedings, the court before which the impugned proceedings are pending shall inform the president of the immediately higher court, the President of the Supreme Court, and the Ministry of Justice, Public Administration and Digital Transformation of the reasons for the delays.
21. The Government considers that the above legislative measures have contributed to enhancing the efficiency of civil proceedings and ensuring their timely completion. The impact of these measures is reflected in the statistical performance of the civil courts, as presented further below.

B. Convention-compliant case-law

1. The Constitutional Court's case-law

22. The Government notes that the Constitutional Court has aligned its case-law with the Convention and rendered a number of decisions implementing the relevant Convention standards in cases concerning the excessive length of civil proceedings. In examining such complaints, if it finds a violation, the Constitutional Court takes into account the overall duration and complexity of the proceedings, the conduct of the applicants and of the competent courts, and the importance of the proceedings for the applicants. Where it finds a violation, it awards compensation for the non-pecuniary damage sustained and, if the proceedings are still pending, it orders the competent courts to conclude them within a specified time-limit.
23. In particular, in decisions nos. [U-III-A-975/2022](#) and [U-III-A-4718/2021](#) of 18 May 2022 and [U-III-A-2037/2022](#) of 26 May 2022, the Constitutional Court, having regard to the overall length of the civil proceedings, which ranged from approximately eight to twenty years, found violations of the applicants' right to a hearing within a reasonable time. It ordered the competent courts to decide the cases within six months and awarded the applicants compensation for non-pecuniary damage.
24. The Constitutional Court has continued to apply the same principles in its recent case-law. In decisions nos. [U-III-A-5110/2025](#) of 5 March 2026, [U-III-1604/2024](#) of 1 April 2026, [U-III-A-4061/2025](#) of 3 June 2026, and [U-III-A-369/2025](#) of 11 June 2026, concerning the excessive length of civil proceedings, it assessed the reasonableness of the duration of the proceedings in the light of the circumstances of each case, taking into account their overall length and complexity, the conduct of the applicants and the competent courts, and the importance of the proceedings for the applicants. It found violations of the right to a hearing within a reasonable time and awarded monetary compensation. In three of two cases, where further acceleration of the pending proceedings was required, the Constitutional Court also ordered the competent courts to decide the cases within six months.

2. The regular courts' case-law

25. Under the new legislative framework (see above), the competent judicial authorities carry out an individual and substantive assessment of the reasonableness of the length of proceedings, taking into account their overall duration, the nature and complexity of the case, the conduct of the parties and the conduct of the courts. This assessment includes consideration of the duration of the proceedings before the individual levels of jurisdiction, the periods during which relevant delays occurred and whether those delays may be attributed to the conduct of the courts or justified by the circumstances of the case.
26. The practical application of the reformed remedy is demonstrated by recent decisions adopted on requests for the protection of the right to a trial within a reasonable time. In particular, the president of the Municipal Court in Rijeka, in decision no. [Su-Pzp-1/2026](#) of 23 June 2026, and the vice-president of the Municipal Court in Zadar, in decision no. [Su-Pzp I-4/2026](#) of 26 June 2026, examined the duration of the proceedings, found violations of the right to a trial within a reasonable time and awarded monetary compensation. As the underlying proceedings had already been concluded, no acceleratory measure was required and redress was provided through monetary compensation.
27. The same approach is reflected in the recent first-instance decisions of the president of the Supreme Court adopted on requests for the protection of the right to a trial within a reasonable time. For example, in decision no. Su-Gzp-14/2026 of 5 March 2026, the president of the Supreme Court (acting through a judge authorised to perform the duties of judicial administration) found the request to be well-founded, set a binding time-limit for the conclusion of the proceedings and awarded monetary compensation. In decision no. Su-Gzp-23/2026 of 1 July 2026, where the proceedings had already been concluded, the president of the Supreme Court found a violation of the right to a trial within a reasonable time and awarded monetary compensation.
28. These decisions show that the reformed remedy provides both acceleration of pending proceedings and compensation for excessive length, depending on the circumstances of the case.
29. In its capacity as the appeal court against the decisions of the presidents of the first instance courts, the Supreme Court rendered the decisions nos. Gžzp-255/2026 and Gžzp-258/2026 of 20 May 2026. In decision no. Gžzp-255/2026, the Supreme Court reversed the first-instance decision

dismissing the request, found a violation of the right to a trial within a reasonable time, set a six-month time-limit for the conclusion of the proceedings and awarded monetary compensation. In decision no. GŽzp-258/2026, it increased the amount of compensation awarded at first instance. These decisions demonstrate that the Supreme Court exercises substantive appellate scrutiny of both the effectiveness and the adequacy of the redress afforded.

30. The Government deems that, taken together, the above Constitutional Court's case-law and subsequent legislative measures have embedded the relevant Convention standards in the domestic judicial system. The recent practice of the Supreme Court and other ordinary courts confirms that the reformed remedy is applied in a Convention-compliant manner and is capable of providing both acceleration of pending proceedings and monetary compensation for violations already sustained.

C. Impact of the measures taken and ongoing efforts

31. The impact of the measures taken is reflected in the statistical performance of the civil courts, in particular at first instance. According to the data provided by the Ministry of Justice, Public Administration and Digital Transformation, the efficiency of first-instance civil courts has improved significantly in recent years. While the clearance rate stood at 80% in 2021, it increased to 143% in 2022 and remained above 100% in each subsequent year, demonstrating that the courts have consistently resolved more cases than they received (see Table 1 below)
32. The improvement in efficiency is also reflected in the substantial reduction in the number of pending first-instance civil cases and in the time required for their resolution. The number of pending cases decreased from 200,356 in 2021 to 140,714 in 2026, representing a reduction of almost 30%, and the disposition time decreased from 561 days to 407 days (see Table 1 below). These indicators demonstrate a sustained improvement in the capacity of first-instance civil courts to process incoming cases and reduce the existing backlog, thereby contributing to the more timely resolution of civil disputes.

Table 1 - First-instance civil cases

Year	Incoming cases	Resolved cases	Number of pending cases at the end of the year	CR	DT
2021	162.358	130.462	200.356	80%	561
2022	97.317	139.092	158.445	143%	416
2023	105.748	107.256	158.945	101%	541
2024	102.675	114.410	147.161	111%	469
2025	106.210	109.442	143.916	103%	480
1 Jan – 30 Jun 2026	59.830	63.025	140.714	105%	407

33. The efficiency of second-instance civil proceedings has remained at a generally high level. The clearance rate stood at 102% in 2021 and remained at or above 100% in the subsequent years, reaching 101% in 2025. In the first half of 2026, second-instance civil courts resolved 23,228 cases compared to 23,179 incoming cases, corresponding to a clearance rate of 100%. At the same time, the number of pending second-instance civil cases remained broadly stable, amounting to 27,434 cases on 30 June 2026, compared to 25,381 at the end of 2021.

Table 2 - Second-instance civil cases

Year	Incoming cases	Resolved cases	Number of pending cases at the end of the year	CR	DT
2021	56.815	58.105	25.381	102%	159
2022	50.870	49.704	26.549	98%	195
2023	42.292	43.264	25.573	102%	216
2024	46.800	44.225	28.144	94%	232
2025	45.222	45.885	27.483	101%	219
1 Jan – 30 Jun 2026	23.179	23.228	27.434	100%	216

34. The Government notes that, while the disposition time at second instance courts increased from 159 days in 2021 to 216 days in the first half of 2026, the sustained clearance rates and the broadly stable number of pending cases demonstrate the continued capacity of second-instance civil courts to process a high volume of cases. Taken together, the above indicators, and in particular the substantial reduction in the first-instance backlog and disposition time, demonstrate a positive overall trend in the efficiency of civil proceedings.

C. Digitalisation of judicial proceedings and ongoing efforts

35. At the outset, the Government notes that Croatia has made significant and sustained efforts to advance the digitalisation of its judicial system, with a view to increasing its efficiency and expediting the conduct of judicial proceedings. In that regard, the Government notes that according to the [CEPEJ Evaluation Report Part 2](#) (2022 data), Croatia has an Information and Communication Technologies Deployment index of 6,6, which is well above the CoE median (page 42).
36. The Government notes that the above 2019 amendments to the Civil Procedure Act introduced electronic communication between courts and parties to civil proceedings. Electronic submission of documents became mandatory for a wide range of participants, including State authorities, the State Attorney's Office, expert witnesses, court interpreters, notaries public and legal entities, thereby enabling a substantial part of court communication to be conducted electronically.
37. The digitalisation of civil proceedings was further advanced by the above 2022 amendments to the Civil Procedure Act. In particular, it extended electronic communication to a broader range of participants in civil proceedings, thus further increasing the number of participants using electronic communication with the courts. The amendments extended electronic service of documents, enabled parties to access case files remotely and introduced the possibility of holding hearings and taking evidence remotely through audiovisual equipment and technological platforms for remote communication.
38. The digitalisation of the judicial proceedings was further supported by the above-mentioned 2024 amendments to the Courts Act, which introduced the publication of anonymised judicial decisions on a dedicated website, thereby ensuring continuous public access to judicial decisions and enhancing the transparency of the courts. The amendments also provided for the automatic allocation of cases to judges through an appropriate algorithm.
39. These measures form part of the broader and continuing digital transformation of the Croatian judiciary. The authorities continue to develop fully digital judicial proceedings with a view to further reducing procedural delays, improving access to justice and enhancing the efficiency of judicial services. In particular, the digital transformation will continue through the further modernisation of the Integrated Court Case Management System ("eSpis"), including the introduction of artificial intelligence functionalities aimed at supporting judges in the analysis of case-law, the preparation of draft decisions and the summarisation of case files.
40. By facilitating these tasks and reducing the time required for preparatory work, these developments are expected to contribute to the more efficient conduct and timely completion of judicial proceedings. The further development of "eSpis" is also expected to benefit court users by providing

citizens with improved information on the expected duration and costs of proceedings, as well as on possibilities for alternative dispute resolution.

41. Furthermore, the authorities are continuing the development of the “ANON” system for the anonymisation and publication of judicial decisions, with a view to further enhancing the transparency and accessibility of judicial case-law while ensuring the protection of personal data.
42. The authorities are also preparing guidelines on the responsible use of generative artificial intelligence by judges, in line with European standards. Artificial intelligence will serve exclusively as a tool supporting judges in the exercise of their judicial functions and is intended to contribute to faster, more efficient and higher-quality judicial proceedings.

D. Awareness-raising measures

43. The Judicial Academy regularly includes workshops regarding Article 6 of the Convention in its training programme for judges and judicial advisers, with a view to ensuring their continued awareness of the Convention standards and relevant developments in the Court’s case-law.
44. In particular, between 2023 and 2025, the Judicial Academy organised a series of training activities concerning the Court’s case-law and its application in civil proceedings. In 2023, a workshop on “Current Case-Law of the CJEU and the ECtHR – Civil-Law Aspects” was organised for civil judges and advisers, as well as for deputy State Attorneys and State Attorney advisers at municipal and county level, with 15 participants. In 2024, four further workshops on the same topic were held for the same target groups, attended by 87 participants, followed by six workshops in 2025, attended by 62 participants.
45. Furthermore, in 2023, the Judicial Academy organised a workshop on “Procedural obligations under Articles 2 and 3 of the ECHR and the rights of victims” for judges and judicial advisers, as well as deputy State Attorneys and State Attorney advisers at municipal and county level, attended by 16 participants.
46. In addition, the Judicial Academy continued to provide training on matters relevant to the effective conduct of civil proceedings. In 2024 and 2025, twelve workshops concerning service of documents, limitation periods and costs in civil proceedings were organised for judges, judicial advisers, deputy State Attorneys and State Attorney advisers, with a total of 250 participants.

E. Publication and dissemination

47. The Office of the Representative has ensured a translation of the present Court’s judgment into Croatian and its publication on its [webpage](#). The translation of the judgment has also been published on the Constitutional Court’s [webpage](#). The judgment has thus been made available to the general public.
48. The Office of the Representative has prepared a short overview of the Court’s main findings in the present judgment and has circulated it, along with the translation of the judgment, to all members of the Council of Experts for the Execution of Judgments and Decisions of the European Court of Human Rights. The relevant national authorities, including the competent domestic courts have therefore been informed of the judgment. In addition, the Office of the Representative has prepared a [legal analysis](#) of the present judgment and published it on its website, making it available to legal professionals and the general public.
49. The judges and legal advisors of the Civil-Law Division of the Supreme Court, as well as judges of lower-instance courts responsible for monitoring case-law, were all notified of the judgment.

IV. JUST SATISFACTION

50. The Government notes that on 12 June 2026 just satisfaction awarded by the Court was disbursed to the applicant and was thus paid within the deadline imparted by the Court.

V. CONCLUSION

51. As regards the individual measures, the Government deems that the violation has been brought to an end and that the applicant has been redressed for the violation sustained.
52. As regards the general measures, the Government deems that the general measures taken will be capable of preventing similar violations.
53. In view of the above, the Government deems that all measures required under Article 46 of the Convention have been taken and thus proposes to the Committee to close its supervision in the present case.

Štefica Stažnik
Representative

