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CCPE(2011)7

CONSULTATIVE COUNCIL OF EUROPEAN PROSECUTORS (CCPE)

Questionnaire with a view of the preparation of Opinion No. 7 on the management of the means of the prosecution services

Replies from Croatia

SECTION I: Status of the prosecution services in the state administration

1. Please specify the status of the prosecutor and the prosecution service in your state. Is it an autonomous institution? If yes, how is this autonomy guaranteed?

- Yes. Pursuant to the Constitution of the Republic of Croatia¹ the prosecution service is an autonomous institution.

2. Does the ministry of justice or another authority govern the activity of the prosecution service? If so, how?

- No.

3. Which authority is responsible for the creation of prosecutor positions?

- Public Prosecutor's Office of the Republic of Croatia.

4. Please indicate if there is any connection between the prosecution service and the Ministry of Justice or another public authority in terms of financial and human resources, IT facilities etc. If so, please describe how this connection works.

- Public Prosecutor's Office is financed from the state budget which is allocated to the Ministry of Justice of the Republic of Croatia. Public prosecutor's Office proposes the amount to the Ministry of Justice, but the Ministry is not bound by the proposition. Once the financial resources are approved, the Public Prosecutor's Office uses it according to its needs. Ministry of Justices contracts and procures equipment, including IT equipment for the Public Prosecutor's Office.

5. Is the prosecution service independent from other institutions when implementing and managing its own budget?

¹ The Constitution of the Republic of Croatia

5. THE OFFICE OF THE PUBLIC PROSECUTIONS Article 124

The Office of the Public Prosecutions is an autonomous and independent judicial body empowered and due to proceed against those who commit criminal and other punishable offences, to undertake legal measures for protection of the property of the Republic of Croatia and to provide legal remedies for protection of the Constitution and law.

The Chief Public Prosecutor of the Republic of Croatia shall be appointed by the Croatian Parliament at the proposal of the Government of the Republic of Croatia and with a prior opinion of the authorized committee of the Croatian Parliament for a four-year term.

At assuming their duty for the first time, Deputy Public Prosecutors shall be appointed for a five-year term. After the renewal of the appointment they shall assume their duty as permanent.

Deputy Public Prosecutors shall, in conformity with the Constitution and law, be appointed, relieved and decided upon their disciplinary responsibility by the National Council of Public Prosecutions. The National Council of Public Prosecutions shall be elected by the Croatian Parliament in the way and procedure determined by law. The majority of members of the National Council of Public Prosecutions shall be from ranks of Deputy Public Prosecutors.

Head officials of the public prosecutions' offices may not be elected as members of the National Council of Public Prosecutions.

Jurisdiction, organization and the mode of operation of the National Council of the Public Prosecutions shall be regulated by law.

The establishment, organization, jurisdiction and competence of the Office of Public Prosecutions shall be regulated by law.

- **Public Prosecutor's Office of the Republic of Croatia allocates resources according to its needs. It is independent from other institutions.**

SECTION II: Financial rules and regulations of the prosecution service

6. Does the law governing the prosecution service include provisions on financial management and on the executive's obligation to provide it with the necessary infrastructure?

- **It includes general provisions, but the resources are provided in the budget upon the proposal of the Ministry and executive decides on the spending the resources which refer to material expenses.**

7. Please describe how and when the budget of the prosecution service is managed (preparation, distribution of funds between the budget lines).

- **resources are in advance distributed for:**
 - salaries
 - material expenses
 - functional expenses (on-call duty, etc.)

8. Is there a specific department within the prosecution service responsible for the management of resources?

- **No, there is accounting service which monitors the spending in terms of salaries and functional expenses; prosecutor decides on spending the material resources based on needs.**

9. Is there a national and/or centralised IT system for managing, monitoring and evaluating the budget of the prosecution services? *Does this system include a mechanism for increasing the efficiency of the resource management?*

- **No.**

SECTION III: Resources of the prosecution service

10. Please specify the amount of budget of the prosecution service for 2008, 2009, 2010 and 2011 (€ equivalent), indicating the distribution between staff expenditure and other types of expenditure.

	2008	2009	2010	2011
budget	3,282,143	5,509.574	2,983.790	2,858.695
Expenses - employees	2,173.909	2,136.000	2,099.643	2,088,563
Other expenses	1,108.234	3,373.574	884.147	770.132

11. *In your jurisdiction, what resources would you improve access to, and how would you do that (e.g. through partnership agreements, joint investigations, redistribution of resources etc.)?*

- **We believe Prosecutor's Office should independently submit proposal for resources and manage one's budget without the Ministry.**

12. Are the current or future budgets of the prosecution service affected by the 2009-2011 economic crisis?

- **Yes.**

13. *What instruments are used to allocate resources needed for the good functioning of the prosecution service?*

- **Q is not clear, what is meant by “to allocate resources”**

14. Is there any connection between the budgets allocated to the prosecution service and to the judiciary or to law enforcement bodies?

- **No.**

15. Do human resources of the prosecution service depend on other institutions of the judiciary (e.g. Judicial Council, National Schools of Clerks)?

- **Q is not entirely clear: regarding the total number of deputy prosecutors, decision is made by the Public Prosecutor’s Office of the Republic of Croatia. Appointment of deputies (and prosecutors) is performed by the Prosecutor’s Council.**

16. In your jurisdiction, is there any mechanism of rapid reaction which could allow a quick redistribution of means (financial or human resources, logistics) between prosecution services, according to the needs of the system?

- **There is a possibility of a swift transfer of deputies pursuant to the Act on the Public Prosecutor’s Office and in line with the needs.**

17. Does the General Prosecutor (or equivalent institution) have a specific budget for taking interim/temporary measures in situations when, within a certain prosecution service, human resources are insufficient?

- **No.**

SECTION IV: Budget for investigations

18. What steps are required in order to obtain direct access to the resources needed for investigations? Please assess the period of time that elapses between submitting a request for resources and the moment when they are actually obtained.

- **There is no “special budget for investigations”. Budget is unique and money is allocated in line with needs.**

19. Have you ever faced the risk that special investigative techniques (e.g. communication interceptions, legal-genetic expertise, computer search) could not be applied in due time because of insufficient resources? Have insufficient resources in general affected the performance of criminal investigation in normal cases?

- **Sometimes it affects the length of proceedings.**

20. Is the resource management performed by the prosecution services during their investigations controlled? Please specify.

21. What is the resource management procedure when various agencies are involved in the investigation procedure (e.g. the police)?

- **Police has its own budget that is outside the competence of the Public Prosecutor's Office. Situation is the same with some other agencies (Tax Administration, Customs Administration...)**

22. Is it possible for prosecutors to specialise in certain type of crimes? If so, what kind of effect it has had on the results of the prosecution service?

- **There are certain specialized departments: for the fight against corruption and organised crime or for war crimes.**
- **Excellent results achieved justify the existence of such specialized departments.**

23. Are there areas of investigation that have priority access to financial or material resources? If so, how and by whom is this priority established?

- **There is no formal priority, although cases involving persons deprived of freedom, minors, war crimes, corruption and organised crime are a priority.**

SECTION V: Description of the system of management by results

24. Do you have a system of management by results? (Please specify.) If yes, is there any problem with this system ?

- **Yes, there is a system based on the monitoring of monthly work results. Based on that monitoring work is directed, cases assigned and deputies from other prosecutor's offices referred, if assistance is needed.**

25. What kind of objectives are set for the prosecution service, if such a system of objectives exists? Does your system use benchmarks of achieved results?

- **Yes, there are measurable criteria regarding promptness in work and successfulness in proceedings. Public Prosecutor's Office is prompt if number of unsolved cases is under the quarterly inflow of cases. Successfulness is considered to be good if number of negative decisions in regard to indictments is less than 15%.**

26. Which authority/authorities is/are competent to set these objectives?

- **Public Prosecutor's Office of the Republic of Croatia.**

27. What role does the prosecution service play in setting these objectives?

- **See 26. Public Prosecutor's Office sets the objectives.**

28. Are the objectives coordinated between all authorities of the criminal procedure? If such coordination exists, how does it influence the activities of the prosecution service?

- **No.**

29. Are there regulations in your system as regards the optimal workload within prosecution offices? if yes, is the allocation of resources correlated with the workload? Please provide examples.

- **There are no such precise regulations. There are only framework measures on average workload used for the calculation of the necessary number of public prosecutors and deputies.**

30. Is the setting of objectives based on a negotiation system?

- **No.**

31. Who are parties of the negotiations?

SECTION VI: Follow-up of results and reporting

32. Please indicate if there are any national strategies implemented in your state regarding the resources allocated to the judicial system, including the prosecution service. If so, in what areas were these strategies developed? Please comment on the results of these strategies.

- **There is a national strategy on the development of judiciary which refers to the rationalization of network of courts and public prosecutor's offices, expedience of solving cases...**

33. Is the attainment of objectives followed up yearly? How?

- **It is not followed precisely; Ministry revises the strategy every two years.**

34. Have any reforms been implemented during the last 5 years aimed at increasing the budget of justice?

- **No.**

35. Is the prosecution service included in the government strategies for enhancing the efficiency of public institutions (e.g. e-governance, external financial audit)?

- **Essentially, no.**

36. How would you assess internal audit recommendations within the prosecution service?

- **Good, although we do not have sufficient resources for implementation.**

37. Is the social impact of the prosecutors' activities evaluated? If yes, by whom?

- **Once a year, report is submitted to the Croatian Parliament regarding the state of affairs and occurrence of crime, and work. Parliament discusses and assesses the significance of our activities.**