

2023 Rule of Law Report - targeted stakeholder consultation

Fields marked with * are mandatory.

Introduction

The annual Rule of Law Report lies at the centre of the European rule of law mechanism, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, three editions of the Rule of Law Report have been published in 2020, 2021 and 2022.

In the preparation of the first three editions of the Rule of Law Report, the Commission has relied on a diversity of relevant sources, including from Member States, country visits, and stakeholders' contributions collected through the targeted stakeholder consultation [1]. The information provided has informed the Commission's country-specific assessments in preparing the Report. Building on the positive experience from the first three editions of the Rule of Law Report, the Commission is now inviting stakeholders to provide written contributions for the preparation of the 2023 Rule of Law Report through this targeted consultation.

The contribution to be provided should include (1) information on measures taken to implement the recommendations addressed to the Member State in the 2022 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and (2) any other significant developments since January 2022 [2] falling under the 'type of information' outlined in the next section.

The input should be short and concise and summarise information related to one or more of the areas referred to in the template. You are invited to focus on the areas that relate to the scope of work and expertise of your organisation. Existing reports, statements, legislation or other documents may be referenced with a link (no need to provide the full text). Stakeholders are encouraged to make references to any contributions already provided in a different context or to Reports and documents already published. Contributions should focus on significant developments both as regards the legal framework and its implementation in practice.

If you wish to submit information concerning several Member States, you will have to fill-in the questionnaire separately for each Member States (due to the size of the questionnaire). There is no limit to the number of contributions submitted by a single participant. In such cases, you are not required to repeat the information in the section "about you" that is non-mandatory nor the information on horizontal developments.

Please provide your contribution by **20 January 2023**. Should you have any requests for clarifications or encounter difficulties in filling in the questionnaire, you can contact the Commission at the following email

address: rule-of-law-network@ec.europa.eu.

[1] For the consultation for the 2022 Report, see https://ec.europa.eu/info/publications/2022-rule-law-report-targeted-stakeholder-consultation_en

[2] Unless the information was already submitted in the consultation for the previous Rule of Law Reports.

Type of information

The topics are structured according to four pillars: I. Justice system; II. Anti-corruption framework; III. Media pluralism; and IV. Other institutional issues related to checks and balances. The replies could include aspects set out below under each pillar. This can include challenges, current work streams, positive developments and best practices:

Legislative developments

- Newly adopted legislation
- Legislative drafts currently discussed in Parliament
- Legislative plans envisaged by the Government

Policy developments

- Implementation of legislation
- Evaluations, impact assessment, surveys
- White papers/strategies/actions plans/consultation processes
- Follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- Important administrative measures
- Generalised practices

Developments related to the judiciary / independent authorities

- Important case law by national courts
- Important decision/opinions from independent bodies/authorities
- State of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, heads of independent authorities included in the scope of the questionnaire[1])

Any other relevant developments

- Respondents are free to add any further information, which they deem relevant; however, this should be short and to the point.

If there are no changes, it is sufficient to indicate this and the information covered in the contributions for the previous Rule of Law Reports should not be repeated.

[1] Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions, supreme audit institutions and, where they exist, transparency authorities.

About you

* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☒ Civil society organisation/NGO
- ☐ International organisation
- ☐ Judicial association or network
- ☐ Media organisation or association
- ☐ Public authority or network of public authorities
- ☐ Other

* Organisation name

250 character(s) maximum

Gong

Main Areas of Work

- ☒ Justice System
- ☒ Anti-corruption
- ☒ Media Pluralism
- ☐ Other

Please insert an URL towards your organisation's main online presence or describe your organisation briefly:

500 character(s) maximum

www.gong.hr

Gong is a civil society organization focused on enhancing democratic processes and institutions as well as developing democratic political culture and encouraging active and responsible participation of citizens in political processes, particularly in decision-making processes related to good governance of public and collective property, protection and promotion of the rule of law, human rights and solidarity.

Transparency register number

Check if your organisation is in the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making

180972127836-49

* Country of origin

Please add the country of origin of your organisation

- ☐ Afghanistan

- ☐ Albania
- ☐ Algeria
- ☐ Andorra
- ☐ Angola
- ☐ Antigua and Barbuda
- ☐ Argentina
- ☐ Armenia
- ☐ Australia
- ☐ Austria
- ☐ Azerbaijan
- ☐ Bahamas
- ☐ Bahrain
- ☐ Bangladesh
- ☐ Barbados
- ☐ Belarus
- ☐ Belgium
- ☐ Belize
- ☐ Benin
- ☐ Bhutan
- ☐ Bolivia
- ☐ Bosnia and Herzegovina
- ☐ Botswana
- ☐ Brazil
- ☐ Brunei Darussalam
- ☐ Bulgaria
- ☐ Burkina Faso
- ☐ Burundi
- ☐ Cabo Verde
- ☐ Cambodia
- ☐ Cameroon
- ☐ Canada
- ☐ Central African Republic
- ☐ Chad
- ☐ Chile
- ☐ China
- ☐ Colombia
- ☐ Comoros
- ☐ Congo
- ☐ Costa Rica
- ☐ Côte D'Ivoire
- ☒ Croatia
- ☐ Cuba
- ☐ Cyprus
- ☐ Czechia
- ☐ Democratic Republic of the Congo
- ☐ Denmark
- ☐ Djibouti

- ☐ Dominica
- ☐ Dominican Republic
- ☐ Ecuador
- ☐ Egypt
- ☐ El Salvador
- ☐ Equatorial Guinea
- ☐ Eritrea
- ☐ Estonia
- ☐ Eswatini
- ☐ Ethiopia
- ☐ Fiji
- ☐ Finland
- ☐ France
- ☐ Gabon
- ☐ Gambia
- ☐ Georgia
- ☐ Germany
- ☐ Ghana
- ☐ Greece
- ☐ Grenada
- ☐ Guatemala
- ☐ Guinea
- ☐ Guinea Bissau
- ☐ Guyana
- ☐ Haiti
- ☐ Honduras
- ☐ Hungary
- ☐ Iceland
- ☐ India
- ☐ Indonesia
- ☐ Iran
- ☐ Iraq
- ☐ Ireland
- ☐ Israel
- ☐ Italy
- ☐ Jamaica
- ☐ Japan
- ☐ Jordan
- ☐ Kazakhstan
- ☐ Kenya
- ☐ Kiribati
- ☐ Kuwait
- ☐ Kyrgyzstan
- ☐ Laos
- ☐ Latvia
- ☐ Lebanon
- ☐ Lesotho

- ☐ Liberia
- ☐ Libya
- ☐ Liechtenstein
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Madagascar
- ☐ Malawi
- ☐ Malaysia
- ☐ Maldives
- ☐ Mali
- ☐ Malta
- ☐ Marshall Islands
- ☐ Mauritania
- ☐ Mauritius
- ☐ Mexico
- ☐ Micronesia
- ☐ Monaco
- ☐ Mongolia
- ☐ Montenegro
- ☐ Morocco
- ☐ Mozambique
- ☐ Myanmar
- ☐ Namibia
- ☐ Nauru
- ☐ Nepal
- ☐ Netherlands
- ☐ New Zealand
- ☐ Nicaragua
- ☐ Niger
- ☐ Nigeria
- ☐ North Korea
- ☐ North Macedonia
- ☐ Norway
- ☐ Oman
- ☐ Pakistan
- ☐ Palau
- ☐ Panama
- ☐ Papua New Guinea
- ☐ Paraguay
- ☐ Peru
- ☐ Philippines
- ☐ Poland
- ☐ Portugal
- ☐ Qatar
- ☐ Republic of Moldova
- ☐ Romania
- ☐ Russian Federation

- ☐ Rwanda
- ☐ Saint Kitts and Nevis
- ☐ Saint Lucia
- ☐ Saint Vincent and the Grenadines
- ☐ Samoa
- ☐ San Marino
- ☐ Sao Tome and Principe
- ☐ Saudi Arabia
- ☐ Senegal
- ☐ Serbia
- ☐ Seychelles
- ☐ Sierra Leone
- ☐ Singapore
- ☐ Slovakia
- ☐ Slovenia
- ☐ Solomon Islands
- ☐ Somalia
- ☐ South Africa
- ☐ South Korea
- ☐ South Sudan
- ☐ Spain
- ☐ Sri Lanka
- ☐ Sudan
- ☐ Suriname
- ☐ Sweden
- ☐ Switzerland
- ☐ Syrian Arab Republic
- ☐ Tajikistan
- ☐ Tanzania
- ☐ Thailand
- ☐ Timor-Leste
- ☐ Togo
- ☐ Tonga
- ☐ Trinidad and Tobago
- ☐ Tunisia
- ☐ Turkey
- ☐ Turkmenistan
- ☐ Tuvalu
- ☐ Uganda
- ☐ Ukraine
- ☐ United Arab Emirates
- ☐ United Kingdom
- ☐ United States of America
- ☐ Uruguay
- ☐ Uzbekistan
- ☐ Vanuatu
- ☐ Venezuela

- ☐ Viet Nam
- ☐ Yemen
- ☐ Zambia
- ☐ Zimbabwe

First name

Oriana

Surname

Ivkovic Novokmet

Email Address of the organisation (this information will not be published)

[REDACTED]

* Publication of your contribution and privacy settings

You can choose whether you wish for your contribution to be published and whether you wish your details to be made public or to remain anonymous.

- ☐ Anonymous - Only your type of respondent, country of origin and contribution will be published. Organisation name, URL, transparency register number, first name and surname given above will not be published. **To maintain anonymity, please refrain from mentioning the name of your organisation and any details from which your organisation can be identified in the rest of your contribution.**
- ☒ Public - Your personal details (name, organisation name, transparency register number, country of origin will be published with your contribution).
- ☐ No publication - Your contribution will not be published. Elements of your contribution may be referred to anonymously in documents produced by the Commission based on this consultation.

☒ I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2023 rule of law report.pdf](#)

Questions on horizontal developments

In this section, you are invited to provide information on general horizontal developments or trends, both positive and negative, covering all or several Member States. In particular, you could mention issues that are common to several Member States, as well as best practices identified in one Member State that could be replicated. Moreover, you could refer to your activities in the area of the four pillars and sub-topics (an overview of all sub-topics can be found below), and, if you represent a Network of national organisations, to the support you might have provided to one of your national members.

Overview topics for contribution

[list of topics 2023 Report.pdf](#)

Please provide any relevant information on horizontal developments here

Questions for contribution

The following four pillars (I.-IV.) are sub-divided into topics (A., B., etc.) and sub-topics (1., 2., 3., etc.). For each of the topics and sub-topics, you are invited to provide (1) information on measures taken to implement the recommendations addressed to the Member States in the 2022 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2022 Rule of Law Report and (2) any other significant developments since January 2022^[1]. Please include a link to and reference relevant legislation/documents (in the national language and/or where available, in English) if relevant. Significant developments can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

If there are developments you consider relevant under each of the four pillars that are not mentioned in the sub-topics, please add them under the section "other - please specify". Only significant developments should be covered.

Information provided in reply to the first question under each pillar, related to the follow-up to the recommendations, does not need to be repeated in subsequent parts of the questionnaire, but can be cross-referenced in the subsequent questions, where relevant. All other questions are not limited to the recommendations, but as in previous years, cover the entire scope of the Report.

[1] Unless already covered in the input for the previous Rule of Law Reports.

Member State covered in contribution [only one choice possible]

If you wish to submit information concerning several Member States, please fill in the questionnaire separately for each Member State. There is no limit to the number of contributions submitted by a single participant.

- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☒ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia

- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Netherlands
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Slovak Republic
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the justice system (if applicable)

3000 character(s) maximum

A. Independence

Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

(The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts)

3000 character(s) maximum

Along with judicial independence, Gong calls for the responsibility of the judiciary, which cannot not exist without transparency. That is why we produced a set of recommendations for more transparency in judiciary, especially when appointing judges, making all court decisions available to the public and stronger ethical rules.

<https://gong.hr/wp-content/uploads/2022/12/PREPORUKE-ZA-OTVORENOST-PRAVOSUDA-1.pdf>

When electing judges, the State Judicial Council ranks candidates according to points assigned: one part comes from the evaluation of the performance of the judges' duties, and the second part is assigned based on a structured interview where the candidate's sense of justice, ability to be appropriate and responsible, as well as motivation to perform duties, is considered and evaluated. According to the Law on State Judicial Council, the decision on the appointment of judges must be explained, and the Council is obliged to explain the number of points assigned to each candidate's interview. In the event that several candidates have achieved the same number of points and if the Council has selected the candidate who did not achieve the highest number of points, the Council must give a thorough explanation why it decided to choose that candidate over candidates with the same or a higher number of points. Journalists can attend the interviews with the candidates, but the video recordings of the interviews are not publicly available, and the method of evaluating the candidate's motivation for work is questionable, which due to its non-transparency leaves room for dubious evaluations, leaving the candidates to turn to the Constitutional Court, which rendered a decision on such issue in February 2022, and that is not the first of its kind - <https://sljeme.usud.hr/Usud/Praksaw.nsf/C12570D30061CE54C12587EB003F5BCD/%24FILE/U-III-1467-2021.pdf>

Irremovability of judges, including transfers, (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

3000 character(s) maximum

Promotion of judges and prosecutors (incl. judicial review)

3000 character(s) maximum

Allocation of cases in courts

3000 character(s) maximum

According to the Law on Courts, cases are assigned to judges automatically by random assignment, by applying the appropriate algorithm, while taking into account the equal division of cases regarding the type and complexity of cases. Not only that this kind of allocation of cases pushes judges to fulfil their norm which can result in lack of quality of court decisions (the judge's work on each case, such as scheduling hearings and going through files was not taken into account during the assignment), the question of the transparency of assignment of cases has not been fully resolved.

By using an electronic system, a higher degree of randomness can be achieved through a suitable algorithm rather than with the manual alphabetical assignment of cases practised earlier. In matters where important key principles and/or practical matters are decided (fundamental human rights, political, social and economic well-being of society and such), it is important that the integrity of the procedure of the case assignment system is transparently guaranteed, which is currently not the case.

Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

3000 character(s) maximum

At Gong's roundtable on transparency in the judiciary, a member of the State Judicial Council, MP Arsen Bauk, said that he never had any insight into judges' asset declarations, de facto confessing that the SJC has no control over them.

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

3000 character(s) maximum

The State Judicial Council is responsible for conducting disciplinary proceedings and deciding on the disciplinary responsibility of judges. However, the SJC Rules of Procedure exclude the public from that procedure. Also, in disciplinary proceedings against judges, the procedural rules of the criminal procedure are applied in principle, but at the same time the Rules of Procedure decided that SJC sessions where disciplinary procedures are discussed are closed for the public, except in the case when the judge against whom the proceedings are conducted requests opening the session to the public. SJC publishes information on disciplinary proceedings with very little detail, and no systematic data on initiated procedures, the grounds for their initiation and the duration of these procedures and the outcome are not public available. A more detailed insight into the procedure is currently possible only if the case reaches the Constitutional Court.

Gong considers that extrajudicial activities should be more transparent and further regulated in terms of compensation and maximum hours, also that appointment of judges, which is under the competence of the State Judicial Council (SJC), should be more open to the public, especially the interviews with the candidates that are commonly used for manipulations within the grading system. Considering numerous cases of nepotism, we propose that judges should also declare whether members of their family are employed within the judicial system.

It is important to achieve the balance of judicial independence and responsibility in order to avoid corporatism. In Croatia, this is considered a taboo and an insult, even though this was also pointed out by GRECO and the Venice Commission, as former candidate for the presidency of the Supreme Court pointed out. What causes corporatism is that two-thirds of the SJC are judges, as well as external criteria of excellence being removed in the election of judges, such as university grades, leading to other institutions having no influence in evaluating the candidates. In conclusion, the SJC is an exclusive professional group with high privileges and no external control.

We evaluate the first steps of the President of the Supreme Court as positive, since Dobronic insists on more transparency and the suppression of clientelism, which has been met with certain resistance. The judges of the Supreme Court confronted him after he sent them a questionnaire regarding extrajudicial activities, leading to controversial findings such as that court presidents have no idea where their judges are when they are not on court.

To avoid cases of nepotism which are not rare within the Croatian judicial system, it is extremely important that candidates for judges clearly state if their family members are employed within the judicial system, either as judges or lawyers.

Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information

3000 character(s) maximum

In November, judges of all courts in Croatia received a letter from the Minister of Justice and Administration, Ivan Malenica, in which they were informed on the increase of their monthly net salaries after the amendments to the Law on Salaries of Judges and Other Judicial Officials. The net monthly salaries of judges would increase in the range of HRK 699 to HRK 1,652 (cca EUR 93 to EUR 220) depending on their position in the judicial pyramid. But the Minister's letter, sent in order to calm down judges dissatisfied with the transition to a new remuneration calculation system, only further revolted them. The Minister reminded the judges that in the National Recovery and Resilience Plan for the period from 2021 to 2026, Croatia had committed to reform the salary system in state and public services by the end of June 2023 so that everyone who received a salary from the budget had the same base for salary calculation in the amount of HRK 6286.29 (cca EUR 849).

Currently, there are four bases for calculating salaries in the civil service, which makes the system non-transparent and salaries incomparable.

Judges' salaries, according to the current Law on Salaries of Judges and Other Judicial Officials, are calculated by multiplying the coefficient and the base, which in their case amounts to HRK 4,710 (cca EUR 627). Due to the transition to a single base of HRK 6,286.29, their current coefficients will decrease.

In his letter to the judges, the Minister stated that the coefficients proposed by the new law did not mean a reduction in judges' salaries, but only a recalculation of the coefficients based on the basis applied for civil servants. However, he did not state what the new coefficients would be, but assured them that the net salaries of all categories of judges will increase. The net monthly salaries of judges of municipal courts and first-instance commercial and administrative courts would increase from HRK 699 to HRK 953 (cca EUR 93 to EUR 126), the Minister stated.

Municipal court judges and first-instance judges of the commercial and administrative courts, who have the lowest salaries in the judicial system, expressed the greatest dissatisfaction with the Minister's letter, and they form the majority of judges.

<https://www.jutarnji.hr/vijesti/hrvatska/malenica-dize-sucima-place-no-pobuna-ne-jenjava-iznos-koji-nam-nudi-je-sramotno-mali-15278394>

Independence/autonomy of the prosecution service

3000 character(s) maximum

The opposition criticised Zlata Hrvoj Šipek, who, according to her own admission, had an interview with the Minister of Justice before responding to the invitation to become a state attorney. They believe that the public invitation was rigged.

<https://www.jutarnji.hr/vijesti/hrvatska/u-saboru-kritike-na-rad-zlate-hrvoj-sipek-zasto-nitko-nije-smijenjen-zbog-zataskavanja-u-slucaju-zalac-15153209>

Additionally, the Chief State Attorney is burdened with a major affair of attempts to conceal the facts in the Žalac case. This is a case that the DORH refused to be opened by the EPPO.

The ruling party supported Hrvoj Šipek, although she did not open the Žalac case herself, nor did she forward it to the EPPO after the office was opened in Croatia.

Independence of the Bar (chamber/association of lawyers) and of lawyers

3000 character(s) maximum

The head of the Croatian Bar Association, Josip Surjak was arrested in a corruption scandal related to INA, and the Chamber itself did not publicly announce about it. The new president of the chamber, Robert Travas is considered close to the ruling party because he worked as an adviser to President Tuđman in the nineties.
<https://www.telegram.hr/politika-kriminal/robert-travas-novi-je-sef-hrvatske-odvjetnicke-komore-bivsi-dao-ostavku-jer-je-bio-uhicen-u-aferi-ina/>

Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

3000 character(s) maximum

Gong is concerned about the possible political influence on the judiciary due to the decisions of the High Administrative Court, after which the Commission for the Prevention of Conflict of Interest has been significantly weakened. After the Commission, one of the most important anti corruption bodies, started questioning two cases involving the current prime minister Plenkovic, the Court started rejecting their decisions that they have previously been confirming for years. The Court used the same arguments against the Commission as did the prime minister earlier in the press conference when he publicly attacked the Commission and former article 5 of the Conflict of Interest Prevention Act.

<https://www.telegram.hr/politika-kriminal/spas-za-karamarka-plenkovica-i-ostale-povjerenstvo-za-sukob-interesa-vise-ne-smije-odlucivati-o-najspornijim-predmetima/>

<https://www.jutarnji.hr/vijesti/hrvatska/kad-je-rijec-o-ispunjavanju-antikorupcijskih-kriterija-za-ulazak-u-oecd-hrvatska-bi-mogla-imati-ozbiljnih-problema-15274525>

<https://gong.hr/2021/10/11/novim-zakonom-povjerenstvo-ce-postati-beznacajno/>

B. Quality of justice

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section

2)

Accessibility of courts (e.g. court/legal fees, legal aid, language)

3000 character(s) maximum

Resources of the judiciary (human/financial/material)

(Material resources refer e.g. to court buildings and other facilities)

3000 character(s) maximum

Training of justice professionals (including judges, prosecutors, lawyers, court staff)

3000 character(s) maximum

Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, including resilience of justice systems in COVID-19 pandemic)

3000 character(s) maximum

Use of assessment tools and standards (e.g. ICT systems for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

3000 character(s) maximum

Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialization, in particular specific courts or chambers within courts to deal with fraud and corruption cases

3000 character(s) maximum

C. Efficiency of the justice system

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section 2)

Length of proceedings

3000 character(s) maximum

Other - please specify

3000 character(s) maximum

II. Anti-Corruption Framework

Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission’s attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the anti-corruption framework (if applicable)

3000 character(s) maximum

A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)

List any changes as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic authorities. Indicate any relevant measure taken to effectively and timely cooperate with OLAF and EPPO (where applicable)

3000 character(s) maximum

Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption

3000 character(s) maximum

The Commission for the Prevention of Conflicts of Interest is now weakened - after they started questioning two cases involving the current prime minister, the court started rejecting their decisions that they had confirmed for years. Instead of the new law eliminating weaknesses and prescribing penalties, this was not done, so the Commission can no longer make decisions regarding violations of ethical principles. Not a single such case has been opened under the new law.

According to the new Act, the Commission is overwhelmed with checking asset declarations. In addition to 2.400 old declarations, 1.500 new officials are obliged to submit asset declarations, among which are members of the management boards of companies owned by local units.

And according to President Novakovic, with the new Act, the Commission lost part of its authority and did not strengthen.

<https://n1info.hr/vijesti/novakovic-novim-zakonom-povjerenstvo-izgubilo-dio-ovlasti-i-nije-ojacalo/>

Although she has been leading the Commission since 2018, the parliamentary debate on the work of the Commission for 2018 was only held in October 2022, and this topic came up for discussion at the initiative of the opposition parties, which repeatedly apostrophized it, calling out the ruling HDZ.

Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators

3000 character(s) maximum

B. Prevention

Measures to enhance integrity in the public sector and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training). Please provide figures on their application

3000 character(s) maximum

The minister burdened by corruption scandals, Tomislav Čorić, was appointed as the vice-governor of the central bank.

<https://www.telegram.hr/politika-kriminal/i-evo-ga-coric-imenovan-za-viceguvernera-hnb-a/>

It is a continuation of Plenković's practice of rewarding loyal associates who have problems with being called out for corruption, with lucrative jobs in the public or private sector. We remember that the PM awarded Martina Dalić, who had to resign due to the Borg/Agrokor affair, a director position in the company Podravka, in which the state has a significant share.

General transparency of public decision-making, including rules on lobbying and their enforcement, asset disclosure rules and enforcement, gifts policy, transparency of political party financing

3000 character(s) maximum

Due to a gift worth half a million kuna (110.527 euro), Gong reported the governor of the Croatian national bank to the Commission for the Prevention of Conflict of Interest. The application was rejected because the law does not regulate international prizes. Governor received a gift from Hungary national bank.

Rules and measures to prevent conflict of interests in the public sector. Please specify the scope of their application (e.g. categories of officials concerned)

3000 character(s) maximum

In May 2022, the parliament adopted the Code of Conduct for State Officials in Executive Power Bodies. The implementation of the Code, however, is being supervised by a council consisting of two government officials of the executive power, one member is from the ranks of civil servants whose service depends on the decision of the ruling majority, and there are only two independent experts in the composition of this preventive and advisory body.

<https://gong.hr/2022/05/10/evo-kako-se-vlada-bori-protiv-korupcije-donijeli-su-eticki-kodeks-kojim-nadziru-sami-sebe/>

A similar issue of the ruling party attempting to supervise itself arose with the adoption of the Code of Ethics for Civil Servants in December 2022. Instead of assigning supervisory authority to the Conflict of Interest Prevention Commission, as an independent body, the Code shifts that responsibility towards the Committee on the Constitution, Standing Orders and Political System, which consists mainly of members from the ruling coalition and which has already contributed to the weakening of anti-corruption mechanisms by dismissing the role of the Croatian National Council for Monitoring Anti-Corruption Strategy Implementation.

<https://gong.hr/2022/11/25/samo-navika-stara-navika-i-eticki-kodeks-sabora-nadzirat-ce-vladajuci/>

Measures in place to ensure whistleblower protection and encourage reporting of corruption.

3000 character(s) maximum

In April 2022, the parliament adopted the new Law on the Protection of Reporters of Irregularities, which expands the range of potential reporters who fall under its protection. However, the new law offers only partial access to free legal and psychosocial support, which means that whistleblowers must continue to bear the discouraging financial burden of legal actions.

<https://www.index.hr/vijesti/clanak/sabor-donio-novi-zakon-o-zvzdacima/2354501.aspx>

List the sectors with high-risks of corruption in your Member State and list the relevant measures taken /envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. public

procurement, healthcare, citizen investor schemes, risk or cases of corruption linked to the disbursement of EU funds, other), and, where applicable, list measures to prevent and address corruption committed by organised crime groups (e.g. to infiltrate the public sector)

3000 character(s) maximum

Any other relevant measures to prevent corruption in public and private sector

3000 character(s) maximum

In an effort to investigate indications of corruption in the energy sector, primarily the business management of INA oil company, the Croatian National Council for Monitoring Anti-Corruption Strategy Implementation has been conducting public hearings with former company managers and government officials. This council is the only parliamentary body in which the opposition constitutes the majority, but its already limited authority is continuously undermined by the ruling party. Prime minister Andrej Plenković stated that the hearings were an excuse for setting the preconditions to overthrow the government, suggesting that they were orchestrated by foreign actors. <https://gong.hr/2022/10/14/premijerovo-negiranje-parlamentarne-demokracije-umjesto-odgovora-strasi-javnost-stranim-utjecajima/>

Pursuing a more thorough examination, the opposition requested the formation of an investigative committee. As opposed to the Council, an investigative committee would be able to financially penalize individuals who fail to attend a hearing when summoned, however, the motion was overruled by the parliamentary majority.

<https://parlamentar.hr/zakonodavstvo/3344>

Despite falling behind other OECD member states in its capacity to control corruption, according to World Bank indicators, Croatia has failed catastrophically in the use of financial support offered by the European Social Fund (ESF) for fighting against corruption. An external evaluation of the 2014.-2020. financial period shows that ESF was not used for the implementation of measures against corruption within public administration – in fact, not a single project contributed to this result – and that limited achievements in this area pertain primarily to the creation of a more favourable environment for its prevention and suppression. <https://gong.hr/2022/12/01/najgore-od-najgorega-kako-je-hrvatska-koristila-europski-novac-za-borbu-protiv-korupcije/>

C. Repressive measures

Criminalisation, including the level of sanctions available by law, of corruption and related offences, including foreign bribery

3000 character(s) maximum

Data on investigation and application of sanctions for corruption offences, including for legal persons and high level and complex corruption cases and their transparency, including as regards to the implementation of EU funds

(Please include, if available the number of (data since 2019): indictments; first instance convictions; first instance acquittals; final convictions; final acquittals; other outcomes (final) (i.e. excluding convictions and acquittals); cases adjudicated (final); imprisonment / custodial sentences through final convictions; suspended custodial sentences through final convictions; pending cases at the end of the reference year)

3000 character(s) maximum

Potential obstacles to investigation and prosecution as well as to the effectiveness of criminal sanctions of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

3000 character(s) maximum

Information on effectiveness of non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders

3000 character(s) maximum

Other - please specify

3000 character(s) maximum

During 2022, Croatia became a unique case when it comes to the number of ministers involved in corruption. As many as four ministers (one of them was vice president of Government) are covered by one affair and one indictment. The largest part of the accusations relates to the setting up of subsidies for areas inhabited by national minorities.

<https://www.jutarnji.hr/vijesti/crna-kronika/podignuta-optuznica-protiv-horvata-tolusica-milosevica-i-aladrovica-uskok-objavio-detanje-15267039>

III. Media Freedom and Pluralism

Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding media freedom and pluralism (if applicable)

3000 character(s) maximum

As many as 62% of journalists claim that the ideological orientation of the newspaper they work for is opposite to theirs or that it simply does not exist, as shown in the study "Do Croatian journalists fit into the editorial policy of the newspapers they work in?". The survey, conducted by the Croatian Journalists' Copyright Protection Association on a sample of 21 journalists, reveals that 33% of them find this to be an obstacle in their work. A bias towards politicians and other actors in editorial politics is recognized by 86% of interviewed journalists, while 76% of them are bothered by it. Journalists seek responsibility towards their audience, states the author of the analysis Tomislav Klauški, which is why over half of them defy the editorial policy of their newspaper.

<https://dznep.hr/za-trecinu-novinara-u-hrvatskoj-ideoloska-orijentacija-njihovih-novina-i-odnos-prema-politickim-akterima-prepreke-su-u-radu>

<https://zagrebi.hr/cak-86-posto-hrvatskih-novinara-uocava-pristranost-svojih-novina-prema-politicarima-i-mocnicima/>

A. Media authorities and bodies

Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

3000 character(s) maximum

Contrary to Gong's recommendations, the new Law on Electronic Media defines that the simple majority in the Parliament appoints the members of the Council. Gong argued that candidates should present themselves publicly at a session of the parent Parliamentary working body, as is the case, for example, with the duties of Commissioner, Ombudsman or President of the Supreme Court. In this way, it would contribute to a higher level of their responsibility towards the public whose interests they should protect.

Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

3000 character(s) maximum

Existence and functions of media councils or other self-regulatory bodies

3000 character(s) maximum

B. Safeguards against government or political interference and transparency and concentration of media ownership

Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)

3000 character(s) maximum

Millions of kuna from the budget and state-owned companies are poured into selected media for which there are no criteria or transparency, according to Gong's research, in which HEP is cited as the champion in non-transparent spending of state money for advertising. The analysis of texts about HEP in Jutarnji and Vecernji list shows that after a series of state advertisements there is no questioning of their work.

<https://gong.hr/wp-content/uploads/2022/10/Drzavno-financiranje-bez-jasnih-kriterija-Alat-za-cenzuriranje-medija.pdf>

In the last two years, commercial media and agencies have received at least HRK 150 million from public authorities and state-owned companies for promotion services, according to research by HND and Gong.

<https://www.portalnovosti.com/sredstva-jadnog-oglasavanja>

Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)

- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions
- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance

3000 character(s) maximum

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners, as well as any rules regulating the matter

C. Framework for journalists' protection, transparency and access to documents

Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications

3000 character(s) maximum

Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

3000 character(s) maximum

Access to information and public documents (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

3000 character(s) maximum

The FOI act has been changed and made it more difficult to access information about public spending. Previously, such information was all available without conducting a proportionality and public interest test, and now they have limited the scope of what is available without the test (3 columns: amount, name, purpose).

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

3000 character(s) maximum

Croatia does not rank well in the ranking of European countries where SLAPP lawsuits are frequent. When the number of inhabitants is taken into account, we are in fourth place. It is also characteristic of Croatia that,

unlike most other European countries, cases usually end in favour of the prosecutor.
<https://faktograf.hr/2022/10/25/strateske-slapp-tuzbe-protiv-novinara-postale-su-svakodnevn-rutina-u-europskim-zemljama/>

Croatian judges tend to launch SLAPP suits that want to silence and financially exhaust journalists, such as when former Supreme Court judge Senka Klaric Baranovic sued a journalist that had to pay 40.000 kunas for an article "that violated her honor". Gong points out that, for the suppression of SLAPPs, all courts must publish all court rulings against publishers and journalists.

Other - please specify

3000 character(s) maximum

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the system of checks and balances (if applicable)

3000 character(s) maximum

A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'[1] /public consultations (particularly consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process

[1] *This includes also the consultation of social partners*

3000 character(s) maximum

It's not just the Parliament which is housing tokens - during Andrej Plenković's term, tokens were also inserted into working groups, in order to imitate the existence of a critical civil society. Instead of consulting civil society organizations that act as a corrective element for the government, through the promotion of public interest, the government can count on such token organizations to not address anything politically problematic. Especially if it concerns working groups that are preparing anti-corruption laws.
<https://gong.hr/en/2022/09/09/token-civil-society-is-shaping-the-laws-against-corruption/>

The Commission for the Prevention of Conflict of Interest rejected Gong's application and will not initiate proceedings against the Minister of Justice Ivan Malenica for the appointment of communication expert Aunedi Medek to the lobbying law working group, whose agency Media Val works for the same Ministry.
<https://gong.hr/2022/12/16/ministrov-pr-strucnjak-u-radnoj-skupini-povjerenstvo-nece-otvarati-postupak-protiv-malenice/>

Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)

3000 character(s) maximum

Regime for constitutional review of laws

3000 character(s) maximum

COVID-19: provide update on significant developments with regard to emergency regimes/measures in the context of the COVID-19 pandemic

- judicial review (including constitutional review) of emergency regimes and measures in the context of COVID-19 pandemic
- oversight (incl. ex-post reporting/investigation) by Parliament of emergency regimes and measures in the context of COVID-19 pandemic
- processes related to lessons learned/crisis preparedness in terms of the functioning of checks and balances

3000 character(s) maximum

The Government of the Republic of Croatia has barricaded key democratic institutions under the excuse of concern for security since October 2020. Access to the Government, the Croatian Parliament and the Constitutional Court is only possible after registering at the police checkpoints where they record every movement in the protected area of St. Mark square. However, the Ministry of the Interior admitted in July that they did not keep records on who was passing the checkpoints. Although it is possible to register a protest, the fact is that the area bounded by fences on both sides of St. Mark's Square discourages the organization of protests.

In October, a new security assessment was to be carried out in order to determine whether there is still a danger of a new attack due to which the square should remain closed. The public, however, has no information about the outcome of the assessment, and the barricades are still standing.

Although the Prime Minister, Andrej Plenković, said that the attack on the Government building was a terrorist act, the public still has no confirmation that this was really the case. The fact that there are no special security measures around the building of the National University Library, where Government sessions have been held since the Zagreb earthquake in 2020, speaks in support of the lack of justification of the closure of Mark's Square.

The epidemic has seriously threatened democratic standards in the work of the Croatian parliament. Since March 2020 and the declaration of the pandemic, the Croatian Parliament has denied the public key information about the work of MPs, hiding behind epidemiological measures and the shortcomings of the electronic voting system intended only for the Parliament. The Croatian Parliament is the only parliament in the European Union which, under the pretext of the coronavirus, did not announce the votes of which member of parliament for two years, until April 2022.

B. Independent authorities

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

(Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>)

3000 character(s) maximum

Although the ombudswoman Tena Šimonović Einwalter submitted a report to the parliament on Ombudsperson office's work for 2021 in April 2022, the parliament still did not discuss the report.

For years, the parliamentary majority ignored the ombudswoman Lora Vidović, dissatisfied with her criticism, so her last three reports were discussed only after her term expired.

As for the Constitutional Court of the Republic of Croatia, which is considered a Although public participation in the work of the Court is guaranteed by the Constitutional Law on the Constitutional Court, this is not implemented in practice. Public hearings where arguments are presented are regularly absent. The court primarily reacts ad hoc to criticisms of individual decisions, which is not the result of a specially elaborated strategy of the Constitutional Court's relations with the media and the public. To this day, the court does not have its own spokesperson. Gong produced five recommendations to improve transparency of the Constitutional Court's hearings. <https://gong.hr/wp-content/uploads/2022/07/OTVORITE-USTAVNI-SUD-JAVNOSTI.pdf>

Statistics/reports concerning the follow-up of recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years

3000 character(s) maximum

C. Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

3000 character(s) maximum

Judicial review of administrative decisions:

- short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review)

3000 character(s) maximum

Follow-up by the public administration and State institutions to final (national/supranational) court decisions, as well as available remedies in case of non-implementation

D. The enabling framework for civil society

Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration and dissolution rules)

3000 character(s) maximum

This now marks the 7th year without a valid policy framework for support of civil society in Croatia. Key channel for inter-sectoral cooperation between public and civic sector: Council for Civil Society Development; no longer represents forum for relevant discussion as its work is being rigged by discontinuity and newly established discipline among public administration representatives who through their majority shut down any type of dissenting conclusion.

Token civil society or pro-government NGOs are shaping the laws against corruption. Instead of consulting CSO's through working groups, the government appoints token organizations to be sure that they do not address anything politically problematic.

<https://gong.hr/en/2022/09/09/token-civil-society-is-shaping-the-laws-against-corruption/>

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures for protection from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services.

3000 character(s) maximum

In December 2022 something that is difficult to describe other than “illegal police raid” took place in facilities of Zelena akcija/Friends of the Earth Croatia, with police officers (absent warrant and probable cause) entering and searching for “migrants and people of poor financial status”. Gong was among CSOs who took part in the follow-up press conference, requesting full investigation into the matter.

<https://gong.hr/en/2022/12/21/schengen-ends-on-ilica-street-the-police-has-illegally-barged-in-zelena-akcija/>

After presenting a study on Covid 19 conspiracy theories and the behavior of citizens who believe in them, Gong received threats by email and references to violence in a small media outlet, which was reported to the police.

Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

3000 character(s) maximum

Most of Gong's position on the current state of financing can be discerned from 2 recent publications:
<https://gong.hr/wp-content/uploads/2022/12/Najgore-od-najgorega-Kako-je-Hrvatska-koristila-Europski-socijalni-fond-za-borbu-protiv-korupcije.pdf> <https://gong.hr/wp-content/uploads/2022/07/Propustene-prilike-i-neispunjena-obecanja-%E2%80%9EHrvatski-model-podrske-civilnom-drustvu-kroz-Europski-socijalni-fond>

pdf.

Summarily, we assess that since the national financing for CSOs is dominated by European Social Fund, public granting system is characterized by high volatility and unpredictability (in terms of deviations between projected and actual dates of call releases), all but extreme administrative burden (alleviated only marginally by some meaningful innovations, such as simplified cost options) and near absence of financing for critically, advocacy oriented CSOs. It should be stated that the backbone of the financial support system of the Croatian civil sector still stands - i.e. institutional granting by the National Foundation for Civil Society Development. However, we are seeing stabilization of this funding at the 2017 level (with period incremental decreases) which is well below what we had prior to 2016. While the total axing of this funding planned by the 2016 government did not materialize at the end, current state of affairs hardly allows for bolstering civic space, particularly as institutional funding is also being awarded to substantial number of clerical organizations close to the political right which in effect work against pluralism and human rights (for instance: U ime obitelji/In name of the Family, which was the key instigator of the 2013 referendum which saw introduction of heteronormative marriage definition in the Croatian constitution). Funding from national sources other than ESF (lottery funding and budget) is highly limited and restricted in scope. The same, and more, applies to funding sources at the local and regional level.

Access to funding from EU programmes - administered either centrally (for instance CERV) or devolved nationally (primarily Erasmus +) represents a critical lifeline for advocacy-oriented organizations, but these remain highly competitive and in practice available only to highly functional organizations. Other important sources of funding - such as EEA and Swiss grants are also an avenue watchdog and other critically oriented CSOs may take, particularly as they cover thematically relevant areas such as transparency, democratic participation, environmental protection etc. However, their funding is highly sporadic-for instance, Active Citizens Fund administering EEA Grants awarded a total of 7 organizational supports each amounting to EUR 60.000 in 2022; but it is highly uncertain if this call will be repeated in 2023.

Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)

3000 character(s) maximum

E. Initiatives to foster a rule of law culture

Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society etc.)

3000 character(s) maximum

Other - please specify

3000 character(s) maximum

Contact

rule-of-law-network@ec.europa.eu