

Annual Rule of Law
Report - Council of
Europe input

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

2021

Directorate General Human Rights and Rule of Law (DG I)

Croatia

I Justice System

A. Independence

CEPEJ

CEPEJ – Country profile Croatia - Scoreboard (2019 data) (*content of the link will be available after acceptance of the CEPEJ Study for the Scoreboard by DG-Just*)

[CEPEJ Country Profiles Croatia Scoreboard](#)

CEPEJ European Judicial Systems Evaluation Report – Evaluation cycle 2018-2020 (2018 data) – Part 2 Country profile Croatia

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CEPEJ website – General Country profile Croatia (including answers to the Evaluation Scheme)

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European Judicial Systems CEPEJ Evaluation Report – Evaluation cycle 2018-2020 (2018 data) – Part 1 Tables, graphs and analysis

[CEPEJ Evaluation Report 2020 Part 1](#)

CEPEJ Dynamic database of European judicial systems

[CEPEJ-STAT](#)

1. Appointment and selection of judges and prosecutors

GRECO

<https://rm.coe.int/fifth-round-evaluation-report-on-croatia-preventing-corruption-and-pro/16809cff22>

5th round: evaluation report corruption prevention and promoting integrity in central governments (top executive functions) and law enforcement agencies

<https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/1680a010c3>

4th round: addendum to the second compliance report corruption in respect of MPs, judges and prosecutors

GRECO

<https://www.coe.int/en/web/greco/evaluations/croatia>

5th round: corruption prevention in respect of central government, including the top executive functions, and law enforcement

4th round: corruption prevention in respect of MPs, judges and prosecutors

3rd round: incrimination and transparency of Party Funding

2. Irremovability of judges, including transfers of judges and dismissal

GRECO

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3. Promotion of judges and prosecutors

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4. Allocation of cases in courts

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

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6. Accountability of judges and prosecutors, including disciplinary regime and ethical rules.

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7. Remuneration/bonuses for judges and prosecutors

8. Independence/autonomy of the prosecution service

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9. Independence of the Bar (chamber/association of lawyers)

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

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11. Other - please specify

PACE

Democracies facing the Covid-19 pandemic

Rapporteur : Mr Ian LIDDELL-GRAINGER, United Kingdom, EC/DA

Doc. 15157

Consultative Council of European Judges (CCJE)

Statement by the President of the CCJE on the role of judges during and in the aftermath of the COVID-19 pandemic: lessons and challenges (24 June 2020)

<https://rm.coe.int/ccje-2020-2-statement-of-the-ccje-president-3-lessons-and-challenges-c/16809ed060>

Opinion No. 23 (2020) of the CCJE on the role of associations of judges in supporting judicial independence (6 November 2020)

<https://rm.coe.int/opinion-23-en-ccje-2020/1680a03d4b>

Consultative Council of European Prosecutors (CCPE)

Opinion No. 15 (2020) of the CCPE on the role of prosecutors in emergency situations, in particular when facing a pandemic (19 November 2020)

<https://rm.coe.int/opinion-no-15-ccpe-en/1680a05a1b>

GRECO

9 December 2020 – International Anti-Corruption Day - Newsroom (coe.int)

GRECO President: “No quarter to corruption in healthcare, governments must lead by example”

CPT

Report on the CPT’s 2017 periodic visit; [CPT \(2018\) 44](#), paras. 12, 17 and 18)

EU Directive 2013/48 was integrated into the national legislation in 2017 through amendments to the CCP which stipulate the right of access to a lawyer as from the outset of deprivation of liberty of arrested, criminal suspects and summoned citizens (during the 2016 visit the CPT did not record problems of access to a private lawyer). The 2019 amendments to the CCP have also reformed the system of the appointment of ex officio lawyers previously criticised by the CPT (in its report on the 2016 periodic visit). According to the new legislation, it is the duty judge of preliminary proceedings who should appoint an ex officio counsel (previously such a decision was taken by the President of the County Court and was subject to consistent delays). It still remains to be seen whether the new procedure has improved the situation in terms of speediness.

Number of allegations of physical ill-treatment during police questioning.

B. Quality of justice

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12. Accessibility of courts (e.g. court fees, legal aid)
13. Resources of the judiciary (human/financial)
14. Use of assessment tools and standards (e.g. ICT systems for case management, court statistics, monitoring, evaluation, surveys among court users or legal professionals)
15. Other - please specify

European Commission for the Efficiency of Justice (CEPEJ)

<https://www.coe.int/en/web/cepej/country-profiles/croatia>

C. Efficiency of the justice system

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16. Length of proceedings

Department for the Execution of Judgments of the European Court of Human Rights

[Kirinčić and others v. Croatia](#) (31386/17), new case: excessively lengthy civil proceedings and lack of an effective remedy.

Presentation on Hudoc.exec : [Kirinčić](#)

17. Enforcement of judgements

18. Other - please specify

European Court of Human Rights - country profile

https://echr.coe.int/Documents/CP_Croatia_ENG.pdf

Execution of Judgments of the European Court of Human Rights - country factsheets

<https://rm.coe.int/1680709742>

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 that have occurred since these documents were published.

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

GRECO

Guidelines addressed to GRECO 50 Member States

[Corruption Risks and Useful Legal References in the context of COVID-19](#)

[Published 21/04/2020](#)

GRECO

<https://rm.coe.int/fifth-round-evaluation-report-on-croatia-preventing-corruption-and-pro/16809cff22>

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Office of the Commissioner for Human Rights

Corruption undermines human rights and the rule of law [Corruption undermines human rights and the rule of law - Human Rights Comments - Commissioner for Human Rights \(coe.int\)](#) – published on 19 January 2021

GRECO

<https://www.coe.int/en/web/greco/evaluations/croatia>

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19. List of relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption. Where possible, please indicate the resources allocated to these (the human, financial, legal, and practical resources as relevant).

B. Prevention

GRECO

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Published 21/04/2020

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20. Integrity framework: asset disclosure rules, lobbying, revolving doors and general transparency of public decision-making (including public access to information)

The European Commission for Democracy through Law – Venice Commission

CDL-AD(2006)031 English 23/10/2006 - Public

[Comments on the Draft Law on the Financing of Political Parties of Croatia adopted by the Venice Commission at its 68th Plenary Session \(Venice, 13-14 October 2006\)](#)

21. Rules on preventing conflict of interests in the public sector

22. Measures in place to ensure Whistle-blower protection and encourage reporting of corruption

23. List the sectors with high risks of corruption in your Member State and list the relevant measures taken/envisaged for preventing corruption in these sectors. (e.g. public procurement, healthcare, other).

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

C. Repressive measures

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25. Criminalisation of corruption and related offences,

26. Overview of application of sanctions (criminal and non-criminal) for corruption offences (including for legal persons)

27. Potential obstacles to investigation and prosecution of high-level and complex corruption cases(e.g. political immunity regulation)

III Media pluralism

A. Media regulatory authorities and bodies

28. Independence, enforcement powers and adequacy of resources of media authorities and bodies

Relevant recommendation of the Committee of Ministers of the Council of Europe to member states:

[Recommendation Rec \(2000\) 23 of the Committee of Ministers to member states on the independence and functions of regulatory authorities for the broadcasting sector](#)

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

B. Transparency of media ownership and government interference

30. The transparent allocation of state advertising (including any rules regulating the matter)

31. Public information campaigns on rule of law issues (e.g. on judges and prosecutors, journalists, civil society)

Office of the Commissioner for Human Rights

[Time to take action against SLAPPs - Human Rights Comments - Commissioner for Human Rights \(coe.int\)](#) – published on 27 October 2020

32. Rules governing transparency of media ownership

Relevant recommendation of the Committee of Ministers of the Council of Europe to member states:

[Recommendation CM/Rec\(2018\)1 of the Committee of Ministers to member States on media pluralism and transparency of media ownership](#)

PACE

The impact of the Covid-19 pandemic on human rights and the rule of law

(Rapporteur : Mr Vladimir VARDANYAN, Armenia, EPP/CD)

[Doc. 15139](#) / See also the [Opinion](#) by the Committee on Culture, Science, Education and Media on the aforementioned report.

C. Framework for journalists' protection

33. Rules and practices guaranteeing journalist's independence and safety and protecting journalistic and other media activity from interference by state authorities

34. Law enforcement capacity to ensure journalists' safety and to investigate attacks on journalists

Relevant recommendation of the Committee of Ministers of the Council of Europe to member states:

[Recommendation CM/Rec\(2016\)4 of the Committee of Ministers to member States on the protection of journalism and safety of journalists and other media actors](#)

35. Access to information and public documents

Office of the Commissioner for Human Rights

[Access to official documents is crucial – let's make it a reality - Human Rights Comments - Commissioner for Human Rights \(coe.int\)](#) – published on 1 December 2020

36. Other - please specify

Office of the Commissioner for Human Rights

Tapping the full potential of Equality Bodies for a fairer Europe [Tapping the full potential of Equality Bodies for a fairer Europe - Human Rights Comments - Commissioner for Human Rights \(coe.int\)](#) – published on 26 June 2020

Platform to promote the protection of journalism and safety of journalists
<https://www.coe.int/en/web/media-freedom/croatia>

Freedom of expression chapters of the annual reports of the Secretary General of the Council of Europe featuring indicators on media pluralism and transparency of ownership, media independence and safety of journalists as well as country-specific assessments:

2018
<https://rm.coe.int/state-of-democracy-human-rights-and-the-rule-of-law-role-of-institutio/168086c0c5>

2017
<https://edoc.coe.int/en/an-overview/7345-pdf-state-of-democracy-human-rights-and-the-rule-of-law.html>

2016
https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680646af8

2015
https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=090000168058e01e

IV Other institutional issues related to checks and balances

A. The process for preparing and enacting laws

37. Stakeholders'/public consultations (particularly consultation of judiciary on judicial reforms), transparency of the legislative process, 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).

38. Regime for constitutional review of laws

The European Commission for Democracy through Law – Venice Commission

CDL-AD(2007)030 English 16/07/2007 - Public

[Joint Opinion on the Draft Law on Voters Lists of Croatia by the Venice Commission and the OSCE Office for Democratic Institutions and Human Rights \(OSCE/ODIHR\) adopted by the Venice Commission at its 71st Plenary Session \(Venice, 1-2 June 2007\)](#)

CDL-AD(2006)039 English 20/12/2006 - Public

[Comments on the Final Proposal of the Draft Law on Direct Election of the County Heads, the Mayor of the City of Zagreb, Mayors and the Municipality Heads of the Republic of Croatia endorsed by the Venice Commission At its 69th Plenary Session \(Venice, 15-16 December 2006\) \(O. MASTERS\)](#)

CDL-AD(2006)012 English 23/03/2006 - Public

[Joint Opinion on the Draft Law on the State Election Commission of the Republic of Croatia by the Venice Commission and OSCE/ODIHR Adopted by the Venice Commission at its 66th Plenary Session \(Venice, 17-18 March 2006\)](#)

CDL-AD(2003)009 English 25/03/2003 - Public

[Opinion on the Constitutional Law on the Rights of National Minorities in Croatia adopted by the Venice Commission at its 54th Plenary Session \(Venice 14-15 March 2003\)](#)

B. Independent authorities

39. independence, capacity and powers of national human rights institutions, ombudsman institutions and equality bodies

C. Accessibility and judicial review of administrative decisions

40. modalities of publication of administrative decisions and scope of judicial review

41. implementation by the public administration and State institutions of final court decisions

D. The enabling framework for civil society

42. Measures regarding the framework for civil society organisations

43. Other - please specify

Expert Council on NGO Law report on criminalisation of NGO activity in relation to migration and a compendium of developments 2017-2019 in NGO law, freedom of association

<https://rm.coe.int/expert-council-conf-exp-2020-1-ngos-developments-in-standards-mechanis/16809ccd3a>

<https://rm.coe.int/expert-council-conf-exp-2019-1-criminal-law-ngo-restrictions-migration/1680996969>

Private Office procedure on human rights defenders interacting with the Council of Europe

https://www.coe.int/en/web/secretary-general/news-2019-thorbjorn-jagland/-/asset_publisher/9j1gCsAwfdMt/content/revised-private-office-procedure-on-human-rights-defenders-interacting-with-the-council-of-europe

CPT

Combating impunity (pillar 4 (Other checks and balances/accountability))

Report on the CPT's 2017 periodic visit; [CPT \(2018\) 44](#), paragraphs 13 and 14