



2026 Rule of Law Report - targeted stakeholder consultation

Centre for Democracy and Law Miko Tripalo

On 2025 Recommendation to Croatia

The recommendation to “Take measures to further improve the efficiency of justice, particularly as regards the length of proceedings in litigious commercial and civil cases” was made without analysing the causes of highly inefficient court system. The official statistics on the length of cases are flawed and can easily be tweaked. The recommendation in its current form does nothing to address the causes of inefficiencies in the system, the implementation cannot be reasonably monitored and is too general to be useful.

The independence of judges

Croatian judges are highly protected from any political pressures affecting their work. This however does not prevent a substantial number of them, both at the local and higher levels, to be closely connected with the political elites to the extent that this affects their rulings and is also linked to their corruptive behaviours. While this is a minority of judges, their number is sufficiently high and their entanglements sufficiently public to erode the overall public confidence in the judiciary, as it was demonstrated in the results of the public opinion poll that Centre Miko Tripalo reported about in the previous submission¹.

The focus of the Rule of Law Report for Croatia exclusively on the independence and the disregard for the accountability of judges results in an unbalanced picture of the Croatian judiciary and is unproductive in terms of offering recommendations. Statements in the Rule of Law Report for Croatia refer to the government's efforts to strengthen the accountability of judges however there is no evidence that these efforts have indeed been undertaken.

As an illustration of the seriousness of the problem of the ineffective accountability mechanisms, in 2025 at least 11 judges were under suspension of being under criminal

¹ Public opinion poll conducted by IPSOS on behalf of Centre Miko Tripalo in 2024. More at <https://tripalo.hr/wp-content/uploads/2024/09/Istrazivanje-2024.pdf>

investigation for corruption. This number comes from the decisions of the State Judiciary Council on suspensions. Some judges however retire or resign once a criminal investigation against them is opened, to avoid possible detention during the investigative phase. The criminal prosecution cannot however be regarded as a proof that the accountability system works. In many of these cases, the public was aware of unacceptable behaviour of these judges much before they came under investigation.

In 2025 the association of judges organized an illegal strike to put pressure on the government to increase their salaries, a strike in which a substantial number of judges participated and which has adversely affected the reputation and the efficiency of the judiciary. While the increase in the salaries of state officials some time before the strike was suggesting that an increase in those of judges would also be appropriate, which the government at that time already announced, there were no indications that the level of remuneration before the strike was insufficient to the extent that judges would be leaving their positions. The turnover of judges, once the mandatory retirement is excluded, was and remains low, and there is always a high number of candidates for all judicial positions, with exception of the smallest of villages. There was therefore no justification for such an illegal strike.

The public perception of the independence of the judiciary

Public perception of judicial independence is just one aspect of the profound absence of public confidence in the judiciary. Centre Miko Tripalo reported in the submission for 2025 on the highly negative results coming from the public opinion poll that had been conducted via IPSOS with one thousand respondents.²

In all important aspects the public opinion about the judiciary is highly negative. Only 23% of respondents believe that judges are ruling in an unbiased and fair way. More than 2/3 of the population believes that judges are very much connected to local and national political and economic elites. More than 70% of population believes that politicians influence judicial rulings. Only 17% of population considers that judges are firmly adhering to ethical and moral norms and that they conscientiously perform their duties. More than 70% of the population believes that judges are inclined to corruptive practices behaviour. Only 12% of the population thinks that disciplinary proceedings against judges are efficient; those who had direct experience with courts and legal proceedings had on average a more critical opinion on the state of the courts, and less trust in the ability of judges to deal with their cases.³

² Ibid

³ Raw data available in the table <https://tripalo.hr/skup-stanje-u-hrvatskom-pravosu-du-izvjestaj-o-vladavini-prava-kako-dalje/> (first document available for download)

Allocation of cases to judges

Centre Miko Tripalo commented on this extensively in the past. The by-laws on this issue suffer from large inconsistencies which opens widely the possibilities for abuse.⁴

Publication of court rulings

Generally, now the publication system works. However, there are still unresolved issues. The publication came online on 1 January 2025 however the question of the case law accumulated earlier remains. Over a million decisions contained in the internal case management system was accessible to courts, but not to lawyers or the general public – and they still are not. Procedural decisions on the admissibility of evidence and on the conflict of interest of judges remain unpublished.

By the latest count, 854910 decisions are published (for all years) but this does not correspond to the figures (and it is very difficult to assess, as there are no aggregate statistics by type of cases). The appearance of the decision on ANON is lagging for several months – last decisions of the Supreme Court on ANON are from mid-October 2025. Last decisions of appellate courts are also delayed for over two months (County Court Zagreb, latest decision is from October 2025 as well). No standards, no rules, no possibility to check (as compared with CJEU or ECtHR).

The full anonymization of published rulings disregards the public interest. Anonymization is done automatically (allegedly through the use of AI) but the protection of privacy is not balanced with the interest of the public, especially in the cases of public interest. It is unfortunate that EU funding incentives are used to foster more obscurity, instead of transparency in the justice system.

Efficiency and length of proceedings

In Croatia, legal rules that enable audio recordings of hearings exist in civil cases since 2011 but have never come into effect, usually with the excuse that the technical means do not exist. Since 2016 more than 4 million EUR was allocated towards procuring recording technology but the system never became operational. In 2022, new rules on audio-recording of hearings were enacted, but again the rules have not come into effect. In 2024, new public procurement for the equipment was announced, this time at the cost of 17,4 million EUR. The conclusion is that the intention to introduce recording as a means of concentrating proceedings and having more effective trials is not serious. No discussion was ever made of the consequences of such a move (the largest group of employees in the judiciary are typists who produce dictated written protocols – and their role would dramatically change or disappear). More political will is needed and a serious engagement in training and preparation for such a change.

⁴ More information about the research and the conference on this topic at <https://tripalo.hr/okrugli-stol-kako-se-u-sudstvu-u-republici-hrvatskoj-dodjeljuju-predmeti-u-rad/> (the third document available for download contains the research results)

In 2024, the average length of proceedings in the first instance courts remained among the longest in the EU with 1 147 days in litigious commercial cases (1 334 days in 2023) and 797 days in litigious civil cases (764 in 2023). Recent research on the situation in Western Balkans shows an even more concerning picture. Average length of litigious judicial proceedings in Croatia is almost double than in those Western Balkan countries that are EU candidates (B&H, North Macedonia, Montenegro, Serbia and Albania – exc. Kosovo*). Average duration in the representative sample of first instance litigious proceedings was in other WB countries from 340 to 489 days – 1.016 in Croatia (with 95% resolved in up to 2.500 days).

There is no or very weak statistical correlation of length and backlogs and the strongest correlation is established with poor case management: number of hearings, use of experts, participation of lawyers, waiting time until the first hearing.

Additional points

Political connections of judges at the local level, not all of them but again substantial numbers, appear visible to the public in extremely lenient rulings against violent offenders, particularly against women, and against repeated serious traffic offenders, with penalties often significantly below the statutory minimum. Late President of the Supreme Court Dobronić found it necessary to send a letter to judges on this issue, but it does not seem that it had substantial effect. Moreover, even police officials have recently repeatedly protested the lenient sentences against such offenders, particularly in one region.

Several scandalous rulings were eventually scraped by the Constitutional Court and the European Court of Human Rights, which Centre Miko Tripalo pointed to in previous submissions.

On two occasions the late President of the Supreme Court attempted to curtail out-of-court income-earning activities of judges and was defeated by politically influential judges, as were his initiatives to address the issue of nepotism in the judiciary and the practice of judges suing media and journalists for libel (SLAPP). These efforts were not reflected in the past Rule of Law Reports.

The current procedure for electing the President of the Supreme Court has also not improved the public perception of judiciary. The candidate of the President of the Republic for this position was widely reported to have leaked to her former husband that he was under police surveillance. Her defence during the hearing in the parliamentary committee was that she had been neither prosecuted nor designated as a suspect in this case. The Public Prosecutor General sent information on the case to the parliamentary committee but classified it as confidential, even though the whole case was about a relatively small-scope corruption. The public was thus denied truthful and complete information. Nevertheless, the majority of the Supreme Court voted to support her candidacy.

The candidacy is currently stuck in the parliamentary committee as the Prime Minister publicly announced that the procedure would be suspended until the opposition agrees that two, out of three new Constitutional Court judges, should come from the governing coalition (the election requires a two-third majority). This unconstitutional attempt to bind the

Constitutional Court appointments to a political trade between the ruling party and the opposition amounts to backsliding of the rule of law in Croatia.

In terms of the Hann Invest decision implementation, it is questionable whether the amendments passed correspond to the conclusions of the CJEU. After amendments to CCP in December 2025, the institutional structure of registration offices and registration judges largely remained intact. Such judges or offices continue to exist at all courts, formally tasked with providing “support to judges and panels in legal research and the tracking of case law.” Drafts of judicial decisions at the appellate level must still be communicated to the registrations judges or registration offices. Although the amended legislation no longer expressly provides that such notification entails an interruption or suspension of proceedings, this consequence appears difficult to avoid in practice.

Article 41(6) of the Law on Judicial Bodies says that (6) If the draft judicial decision departs from established case law, or if the case law of that court on the legal issue to be decided is not uniform, the registrations judge or office shall inform in writing the panel to which the case has been assigned. It is not clear what this means, whether there will be again a sort of stay with the dispatch of the judgment, and what kinds of informal institutional pressures will remain under the surface. It is probable that this solution will further complicate and prolong the proceedings.