

2024 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 Annual Rule of Law Cycle, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, four editions of the Rule of Law Report have been published in 2020, 2021, 2022 and 2023.

The Commission would like to invite stakeholders to provide contributions to the 2024 Rule of Law Report. This survey provides information on the type of information and topics that will be covered in the 2024 Rule of Law Report, in order to allow stakeholders to provide input. More targeted input may be requested at a later stage of preparation of the 2024 Rule of Law Report, including in the context of country visits, or bilateral contacts.

The 2024 Rule of Law Report will continue to deepen the assessment under the existing four pillars, and will also follow-up on the implementation of the recommendations to Member States, that were issued as part of the 2023 Rule of Law Report. The contribution to be provided should include **(1) information on measures taken to implement the recommendations addressed to the Member State in the 2023 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 2023^[1] falling under the ‘type of information’ outlined in section II.**

The input should consist of a short summary, if possible in English, covering the areas referred to below. Legislation or other documents may be referenced with a link. Contributions should focus on significant developments since the last Rule of Law Report both as regards the legal framework and its implementation in practice.

[1] Unless the information was already submitted in the input 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:

A) Legislative developments

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

B) 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

C) 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[2])

D) 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.

Please also indicate whether the developments reported are linked to the implementation of reforms and investments under the RRP, where applicable.

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.

[2] 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

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)

* 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 2024 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 2024 RoL Report.pdf](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

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 State in the 2023 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2023 Rule of Law Report and (2) any other significant developments since January 2023[3]. Please always include a link to and reference relevant legislation/documents (in the national language and/or where available, in English). 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.

[3] 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 2023 Report regarding the justice system (if applicable)

5000 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)

5000 character(s) maximum

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)

5000 character(s) maximum

Promotion of judges and prosecutors (incl. judicial review)

5000 character(s) maximum

Allocation of cases in courts

5000 character(s) maximum

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)

5000 character(s) maximum

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)

5000 character(s) maximum

In April, Vanja Marušić, Head of the Office for the Suppression of Corruption and Organised Crime (USKOK) suddenly resigned from office, citing personal reasons. However, the media reported that the reason for her resignation was a traffic accident caused by her driver with an USKOK vehicle, which he used for private purposes. The State Attorney's Office (DORH) later confirmed that the accident happened at the end of March 2022 in the morning hours. The Judiciary Committee of the Croatian Parliament conducted Vanja Marušić's hearing on her resignation together with Head of DORH Zlata Hrvoj Šipek.

In September, the call for the new Head of USKOK was closed without a single application, due to high pressure, low compensation and controversies following the work of USKOK and DORH. By the time this report was submitted, the new Head of USKOK was still not appointed, with acting Head being Željka Mostečak, deputy Head of USKOK.

<https://gong.hr/2023/05/02/zlata-i-vanja-u-raljama-odbora-za-pravosude/>

<https://www.jutarnji.hr/vijesti/hrvatska/ovo-se-dogodilo-prvi-put-u-povijesti-na-natjecaj-za-ravnatelja-uskok-a-nije-se-javio-nitko-15376442>

In December, candidates for the new head of DORH emerged, and the favourite is High Criminal Court judge Ivan Turudić, who openly expressed his sympathies towards the ruling Croatian Democratic Union (HDZ). The Head of DORH is appointed by the Croatian Parliament, following the proposal of the Government, and should be independent and not affiliated with any political party, which is why this is highly criticised among the opposition parties of the Croatian Parliament.

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

5000 character(s) maximum

Independence/autonomy of the prosecution service

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

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)

5000 character(s) maximum

Resources of the judiciary (human/financial/material)

(Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.)

5000 character(s) maximum

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

5000 character(s) maximum

Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, procedural rules, access to judgments online)

5000 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)

5000 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

5000 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

5000 character(s) maximum

Other - please specify

5000 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 2023 Report regarding the anti-corruption framework (if applicable)

5000 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 and with foreign authorities. Indicate any relevant measure taken to effectively and timely cooperate with OLAF and EPPO (where applicable)

5000 character(s) maximum

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

5000 character(s) maximum

Gong warned GRECO on the continued deterioration of the work of the Commission for the Resolution of Conflict of Interest, which is becoming incapable even in performing their administrative duties, which is the result of the amendments of the Law on Conflict of Interest in 2021. This came into focus after Index.hr journalists discovered in September this year that Minister of Foreign and European Affairs Gordan Grlić Radman failed to report profits in the amount of 2.11 million euros from his stake in the company Agroproteinka, owned by his family that did business with the Republic of Croatia. Minister Grlić Radman transferred the management rights to a law firm as soon as he was appointed minister in July 2019, but never included dividends in his asset declaration. The Commission, however, until recently was not aware of that omission. In an interview with Jutarnji list journalist Slavica Lukić, the Commission admitted that they had never run the regular verification of the Minister's asset declaration, as established in the Article 27 of the Prevention of Conflict of Interest Act, due to lack of human resources. The regular verification consists of collecting and sharing data and comparing data from the submitted declarations with that acquired from the tax administration and other bodies. <https://gong.hr/en/2023/09/26/gong-warned-greco-the-grlic-radman-case-is-the-final-proof-of-the-euthanasation-of-the-commission-for-the-prevention-of-conflict-of-interests/>

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

5000 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)

5000 character(s) maximum

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)

5000 character(s) maximum

Rules and measures to prevent and address conflicts of interest in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks and corrective measures depending on the category of officials concerned)

5000 character(s) maximum

In July, more than a year after the adoption of the Code of Conduct of State Officials in Executive Power Bodies, the Government of the Republic of Croatia finally presented the body established to monitor its own behaviour - The Council for the Implementation of the Code. Citizens cannot report officials for ethical violations, but only the officials themselves, their superior or the Office of the Prime Minister. The code prescribes the principles of protecting the public interest and preserving the trust of citizens, the rules of exemplary behaviour and responsibility for results, as well as the rational use of public resources. The implementation of the Code, however, is supervised by a council consisting of two state officials of the executive branch, one member is from the ranks of senior civil servants whose service depends on the decision of the ruling majority, and only two independent experts, which Gong immediately criticised upon adoption of the Code. The members of the Council were elected in January, but the Council itself became operative in April. Gong submitted FOI request asking if there were any reports to the Council regarding the case of Minister of Foreign and European Affairs Gordan Grlić Radman, who failed to report dividends in his asset declaration, and the Government's Spokesman Marko Milić, who assisted in the employment of his friend in Croatian Forests, a government company, but by the time of this report, there were none.

<https://gong.hr/2023/08/24/povjerenstvo-po-mjeri-hdz-a-sukob-interesa-marka-milica-i-dalje-u-fazi-istrage/>
<https://gong.hr/2023/07/05/vlada-predstavila-tijelo-kojim-je-prije-14-mjeseci-trebalo-poceti-nagledati-rad-vlade/>

The Croatian Parliament adopted the Code of Ethical Conduct of Members of the Parliament, which is merely an etiquette rather than an anti-corruption tool. There is no mechanism nor body responsible for tracking breaches of the Code, which does not comply with recommendations by GRECO for establishing a strong anti-corruption measure. <https://gong.hr/2023/02/20/bonton-za-sabor-ne-zaustavlja-niti-sovinizam-kamoli-korupciju/>
<https://gong.hr/2023/12/11/gongove-preporuke-za-transparentnost-sabora-parlament-ne-smije-bit-tek-sporiservis-vlade/>

If available to you, for the three preceding questions, you are also invited to provide figures on their application, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.).

Measures in place to ensure whistleblower protection and encourage reporting of corruption, including the number of reports received and the follow-up given

5000 character(s) maximum

Sectors with high-risks of corruption in your Member State:

- Measures taken/envisaged for monitoring and preventing corruption and conflict of interest in public procurement
- List other sectors with high risks of corruption and the relevant measures taken/envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. healthcare, citizen /residence investor schemes, urban planning, 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)

5000 character(s) maximum

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

5000 character(s) maximum

C. Repressive measures

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

5000 character(s) maximum

Data on the number of investigations, prosecutions, final judgments and application of sanctions for corruption offences (differentiated by corruption offence if possible) including for legal persons and high level and complex corruption cases) and their transparency, including as regards to the implementation of EU funds

5000 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)

5000 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

5000 character(s) maximum

No proceedings have yet been initiated that would lead to Marko Milić, the spokesperson of the Government of the Republic of Croatia, being held accountable for influencing the employment of his friend Niko Dujmović in Croatian Forests. After the negative response of the Council for the Implementation of the Conduct of State Officials in Executive Power Bodies, the Commission for the Resolution of Conflict of Interest has not yet opened the case against the Spokesman. Although the Milić case is most definitely a matter of procrastination, after a look at some other cases of conflict of interest that the Commission investigated, it is evident that proceedings against other persons sometimes last for two years due to the long collection of evidence on the basis of which it is decided whether initiate a procedure at all. During that time, the reported officials often continue with their controversial practices, leaving the public's focus, but also their own responsibility.

In December, following the sanction of 5300 euros imposed against Minister of Foreign and European Affairs Gordan Grlić Radman and after another confession, this time that coming directly from the Head of the Commission for the Prevention of Conflict of Interest Aleksandra Jozić Ileković, that there they lack in capacity for performing even their regular asset declaration checks, Gong sent a letter to the Commission asking them to focus their work on the high ranking state officials.

<https://gong.hr/2023/12/22/gong-povjerenstvu-prvo-provjeravajte-najvise-duznosnike/>

Other - please specify

5000 character(s) maximum

III. Media pluralism and media freedom

Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding media pluralism and media freedom (if applicable)

5000 character(s) maximum

A. Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

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

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 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)

5000 character(s) maximum

In February, the Information Commissioner ordered the Croatian Bank for Reconstruction and Development (HBOR) to provide Gong with the contracts concluded with the media regarding advertising. HBOR initially explained that the requested documentation contained personal information and therefore no other information except for the names of the media outlets and their identification numbers could be provided. The Information Commissioner, however, said that the public had the right to know how public money is spent and that there is no personal data in the media price lists and the names of their respective accountable persons. <https://gong.hr/2023/02/24/javni-novac-i-oglasi-povjerenik-odlucio-hbor-mora-dati-gongu-ugovore-s-medijima/>

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

5000 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

5000 character(s) maximum

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

Rules and practices guaranteeing journalists' independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists

5000 character(s) maximum

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

5000 character(s) maximum

Access to information and public documents by public at large and journalists (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)

5000 character(s) maximum

The Minister of Economy and Sustainable Development Davor Filipović and his special advisor Jurica Lovrinčević were removed from office not only because of sharing money from state advertisements between a local television and Lovrinčević himself, but primarily because the Minister gave out information regarding the energy sector to the opposition. The journalist involved in the affair claims that other ministers as well use state advertisements to silence the media and to distribute money to obscure media outlets, and directly mentioned the Deputy Prime Minister and Minister of Defence Tomo Medved. <https://www.jutarnji.hr/vijesti/hrvatska/novinar-koji-je-razotkrio-aferu-mreza-tesko-optuzio-jos-jednog-ministra-trebale-bi-se-i-ozbiljnije-stvari-dogoditi-15404594>

Gong has been warning for years that government ads are corrupting and censoring the media, which is presented in our research. <https://gong.hr/wp-content/uploads/2022/10/Drzavno-financiranje-bez-jasnih-kriterija-Alat-za-cenzuriranje-medija.pdf>

In December, at the initiative of the opposition MPs, a session of the Committee on Information, Computerisation and the Media was held to discuss the affair. Gong, as well as other civil society representatives from the media, who were invited by the opposition MPs, were at first not allowed to attend the session, even though cooperation with experts, the media and civil society organisations is within the scope of the Committee's work. This was made possible only after public pressure. The Committee members of the ruling party refused to uphold the proposal of the opposition that all givings for advertising were published.

<https://gong.hr/2023/12/20/odbor-za-medije-o-aferi-mreza-hdz-ipak-pozvao-predstavnice-efj-a-hnd-a-i-gonga-pa-im-htio-zabraniti-govor/>

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

5000 character(s) maximum

According to data from the Croatian Journalists' Association published in May 2023, there are approximately 940 active lawsuits against media outlets and journalists in Croatia, making it one of the worst countries in Europe in terms of such lawsuits. Gong warned about this, as well as about the Croatian phenomenon of judges SLAPPING journalists, in February in the European Parliament. Furthermore, Gong held two workshops on SLAPPs for lawyers due to the fact that there is little knowledge and practice in this field in order to train legal practitioners how to recognise such lawsuits and how to tackle them.

<https://gong.hr/2023/02/28/gong-u-europskom-parlamentu-u-hrvatskoj-serijski-tuzitelji-novinarki-su-suci/>

<https://gong.hr/en/2023/01/12/the-boundaries-of-permissible-criticism-are-much-wider-when-it-comes-to-politicians-and-public-figures-gong-held-its-first-workshop-on-slapps/>

<https://gong.hr/en/2023/05/19/where-are-the-limits-to-freedom-of-expression-second-workshop-on-slapps-held-for-lawyers-and-activists/>

Other - please specify

5000 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 2023 Report regarding the system of checks and balances (if applicable)

5000 character(s) maximum

In November, Gong called on the Constitutional Court to react to the unregulated issue of dismissing a Member of the Government when the member does not voluntarily resign. This problem has once again come into focus after Prime Minister Andrej Plenković dismissed Defense Minister Mario Banožić just hours after a traffic accident in which one person died and the Minister himself was seriously injured. In practice, this legal gap is being solved by a unilateral act of the prime minister that is not in line with the Constitution of the Republic of Croatia.

Legal experts raised this issue back in 2017 when Prime Minister Plenković dismissed the ministers from the Most party, citing only Article 110, paragraph 1 of the Constitution, which says that the members of the government are proposed by the person to whom the President of the Republic has entrusted the mandate to form the government. There was no consensus on whether the procedure was correct, and the dismissals remained in effect. The question of the absence of a procedure for the dismissal of a government member who has not voluntarily resigned has remained without a proper solution. Article 116 of the Constitution regulates the procedure for voting no-confidence in a member of the government in the Parliament, but even that article does not give the prime minister the authority to unilaterally dismiss a minister who has not submitted a resignation.

<https://gong.hr/2023/11/16/gong-ustavnom-sudu-reagirajte-na-neustavna-razrjesenja-ministara/>

A. The process for preparing and enacting laws

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

[1] This includes also the consultation of social partners

5000 character(s) maximum

The new Law on Constituencies was drafted in a non-transparent and exclusive manner, without any consultation with the professional public. Furthermore, the constituencies model is based on an unreliable voter register. Even though the Constitutional Court abolished the previous Law on Constituencies in February, the Government presented the proposal of the new law in May, with no information on who actually drafted it. After e-consultations with the public, only one comment was accepted - that indicating a spelling error. The new constituencies follow the borders of counties less than before, and connect regions of the country that have little or anything in common, thus violating the recommendations of the Venice Commission and the Constitutional Court. Gong filed a FOI request to the Ministry of of Judiciary and Public administration in order to determine who the authors of the new model were, and after four months and the order of the Information Commission, three names were given - those of persons that are heads of their respective departments within the Ministry. After Gong filed an appeal to the Information Commissioner, the Ministry sent another response - that being that the three Heads of their departments are, in the end, the sole authors of the new model, in order to avoid the fine that the Information Commissioner warned with for avoiding the provision of the requested information. <https://gong.hr/en/2023/06/06/gong-warned-the-venice-commission-about-the-non-transparent-and-unprofessional-new-constituencies-act/>

The new Law first entered into force on October 1, which was the date of the validity of the previous Law as declared by the Constitutional Court, before the President of the Republic Zoran Milanović signed the new Law. This error was made on purpose by the Government in order to comply with the Constitutional Court's decision, but after its discovery, the Law had to be adopted again, and entered into force on November 3. <https://www.nacional.hr/kaos-u-saboru-izmjene-zakona-o-izbornim-jedinicama-posvadale-oporbu-i-vladajuce-padale-teske-rijeci-zokini-malisani/>

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)

5000 character(s) maximum

Gong warned that the current Government is inclined to pass laws in the emergency procedure, being that in this session of the Parliament even a quarter of the laws were passed in an emergency procedure. In the 10th session of the Croatian Parliament, a total of 645 laws were submitted in the regular procedure, and 199 in the emergency procedure.

Furthermore, as many as 90% of more than a thousand consultations were carried out in a shorter period of time than what is stipulated by law, i.e. within 30 days. Also, it is not rare that e-Consultations were opened during periods of holidays, such as the beginning of August, when a large number of citizens are on vacation, with the aim that as few people as possible read the proposed laws and comment on them. A number of state bodies justified this by the need for urgent adoption of acts and solving problems.

Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight

5000 character(s) maximum

Regime for constitutional review of laws

5000 character(s) maximum

In December, the opposition members of the Croatian parliament filed a request for a constitutional review of the new Law on Constituencies only days after the law was enacted.
<https://www.vecernji.hr/vijesti/sudac-jelusic-ocjenjuje-nove-izborne-jedinice-1719026>

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#>)

5000 character(s) maximum

The election of Anita Markić as the new Croatian Information Commissioner in December extremely problematic since she provided an excuse for the Minister of Justice Ivan Malenica to hide the actual authors of one of the most important laws enacted during the mandate of prime minister Andrej Plenković - the Law on Constituencies. Following the Commission for the Prevention of Conflict of Interest, the Information Commissioner has now become another independent institution that has been captured by the ruling party. With a secret vote in the Parliament, while the majority of the opposition was absent, Markić "overpowered" her opponent Dubravka Bevanđić, the former deputy of the former Information Commissioner Zoran Pičuljan, who has been dealing with the right to access to information for more than a decade, unlike Markić, who has been working in public administration throughout her career, and is currently the head of the Directorate for Political System and General Administration in the Ministry of Justice. <https://gong.hr/en/2023/12/01/the-new-information-commissioner-helped-minister-malenica-hide-the-real-authors-of-the-new-model-of-constituencies>

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

5000 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)

5000 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)

5000 character(s) maximum

Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)

5000 character(s) maximum

In March, Gong and 24 civil society organisations appealed to the Government of the Republic of Croatia, Prime Minister Andrej Plenković and Minister of the Interior Davor Božinović, to open St. Mark's Square, where the main democratic institutions - the Parliament, Government and the Constitutional Court of the Republic of Croatia are located, to its citizens.

Since October 12, 2020 and the attack with automatic weapons on government security forces, the executive branch has been protecting itself from new attacks with metal fences that do not allow anyone to cross the square anymore. The majority of St Mark's Square has been closed following the amendment of the Government's Regulation on the determination of protected persons, facilities and spaces and the implementation of their protection and insurance, which makes it the first time in history that a public square has been closed indefinitely. The Prime Minister keeps pointing out that there has been a terrorist attack and that the perpetrator was part of a radical cell, even though the County Prosecutor's Office declared it was the act of an individual, which conclusion was criticised by the Prime Minister himself.

In July 2023, Gong submitted a proposal for a constitutional review of the Regulation to the Constitutional Court, which on January 2, 2024 rejected the proposal with the explanation that the Court was not competent to decide in the procedure. The decision was followed by three dissenting opinions of five Constitutional Court judges and was highly criticised within the expert and broader public in Croatia. The judges warned in their dissenting opinions that constitutional rights to freedom of assembly and freedom of movement were breached by a government regulation, and that rights and freedoms could be restricted only by laws, which is under the jurisdiction of the Croatian Parliament, and not the Government, as prescribed in Article 16 of the Constitution of the Republic of Croatia. Therefore, with the amendment of the Regulation, by indefinitely closing a public square which is not government property but belongs to all citizens of the Republic of Croatia, the Government overtook the jurisdiction of the Croatian Parliament, which never reacted to this breach of the Constitution. <https://gong.hr/2024/01/03/ako-ustavni-sud-nije-nadlezan-nitko-ne-stoji-na-putu-vladi-koja-krsi-prava-gradana/>

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

5000 character(s) maximum

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)

5000 character(s) maximum

Following up on the 2023 Rule of Law Report, the new National Plan for Creating an Enabling Environment for Civil Society Development is yet to be adopted. For seven years now Croatia does not have a functional strategic policy framework for supporting the development of civil society. Even more troublesome is the fact that the Office for Cooperation with NGOs disclosed no official information on the progress in drafting the Plan, either via Council for Civil Society Development; or as a follow-up to an official query submitted by a coalition of advocacy NGOs in November 2023.

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

5000 character(s) maximum

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)

5000 character(s) maximum

After ESF granting schemes from the 2014 - 2020 financial perspective have been finally disbursed (themselves highly problematic) any type of funding targeting specifically NGOs has become extremely scarce. It has been reduced to regular funding programmes of the National Foundation for Civil Society Development and financially highly limited granting schemes of central states entities (line ministries, government offices, etc.). Apart from that, we noted several CERV-funded cascading schemes targeting Croatia which represent a welcome development, despite their limited scope. However, we feel that more effort is needed to improve their visibility among grassroots organisations.

With the aim of improving the financial support framework of civic advocacy watchdogs, Gong developed its own set of recommendations, available here: <https://gong.hr/wp-content/uploads/2023/12/Gongs-recommendations-advocacy-organisations.pdf>

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.)

5000 character(s) maximum

Although the Office for Cooperation with NGOs published election results for the following term of the Civil Society Development in July 2023, this key deliberative forum has yet to hold its opening session. This is because it took until late December for the Government to appoint its own representatives. The last session of the Council was held in March, a clear illustration of its political relevance and impact (or rather, lack of it). Considering all these developments, it is hardly surprising that one of the leading European think-tanks in respective field, Institute for European Politics from Berlin in its latest research on rule of law ranked Croatia at the very bottom of the list in the civic resilience dimension (entailing civic space and trust in the institutions), together with Bulgaria.

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, education initiatives etc.)

5000 character(s) maximum

Other - please specify

5000 character(s) maximum

Contact

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