



# **Mission of the Republic of Croatia to the European Communities**

**BRUSSELS – 16/1/2006~~5~~**

## **Strategy of the Reform of Croatian Justice System**

**adopted by the Croatian Government on September 22, 2005**

### **Information - Short version**

**The judicial systems in general are facing increased social and political pressure to reduce the number of unresolved cases and need to:**

- speed up proceedings
- strengthen the legal security of citizens
- improve the functional organization of the judicial system
- increase responsibility of management for allocated funds
- increase public trust in judiciary

**Importance of the Strategy of the Reform of the Judicial System in Croatia is twofold:**

**1. National level:**

- Strengthen the rule of law and the independence of the justice system
- Ensure legal protection by independent judges and public prosecutors
- Build a just and safe society
- Build an efficient system in serving the public
- At the moment in Parliamentary procedure on discussion
- This is a road map for the reform of the Croatian Judiciary

**2. International level:**

- Implementation of the Strategy together with the Action plan is of the outmost importance as a short-term priority listed in Accession Partnership for accession to the EU
- Within the political criteria for Croatia's accession to the EU the Strategy of the Reform of Justice System is one of the most important measures
- Strategy of the Reform of the Croatian Justice System adopted by the Croatian Government on 22 September 2005

### **The main goals are:**

- Strengthening, autonomy, impartiality, the protection of the status of judicial officials
- Strengthening of the rule of law and independence of the justice system through:
  1. creating an efficient justice system
  2. education and professional development
  3. case law and adjustment to EU legal standards
  4. suppression of crime (corruption, terrorism, organised crime)
  5. regional international cooperation
  6. IT introduction into the justice system
  7. the rationalization of the court network

### **How to achieve the goals foreseen in the Strategy?**

On the basis of:

- short-term
- medium-term and
- long term measures which are foreseen as:
  1. Legislative
  2. Administrative and institutional capacity building

### **Legislative changes**

- Croatian Parliament approved the Courts Act on 9 December 2005 as well as the
- Amendments to the Judicial Council Act
- New Free Legal Act completed
- New Act on Mutual legal Assistance in Civil and Commercial Matters almost completed
- Phase II of changes to the Criminal Code in Parliament procedure
- Execution Act adopted (Action plan for decreasing the number of unresolved cases)
- Amendments to the Bankruptcy Act

### **Within the short-term measures the main emphasis will be on:**

- Reducing the number of pending cases and the backlog
- Shortening the length of proceedings to ensure the full implementation of Article 6 of the European Convention on Human Rights and the Constitution of the Republic of Croatia

### **Land registry reform**

- The competences of the land registry officers broadened by the amendments to the Land Registry Act of July 2004
- Since September 1, 2004 a set of measures for better organization to improve the efficiency of the work and start solving backlog

- There has been a 32,68% decrease in the number of land registry backlog in 2005; (104.122 backlog cases have been solved in 2005 – 214.528 backlog cases remain unsolved on December 31, 2005)
- In 2005 the number of land registry cases received (457.057) was less than the number resolved (571.040)
- 55,06% land registry files have been transcribed into digital form (2.337.449), of which 9,42% (400.050) have been verified
- 100% (150.875) land registry files at Zagreb Municipal Court have been transcribed into digital form and 58,03% of them have been verified.

## **Enforcement**

- On 8 July 2005, the Croatian Parliament adopted the amendments to the Enforcement Act thus creating the legal preconditions for achieving greater efficiency of enforcement proceedings
- The Ministry of Justice prepared the Action plan for reducing the number of unresolved enforcement cases
- Measures contained in the Action Plan should speed up the proceedings, increase legal discipline and reduce the number of unresolved enforcement cases which represents 32 percent of all unresolved cases

## **Proposed measures to decrease the number of unresolved enforcement cases**

1. Implementation of the Enforcement Act in collaboration with the Croatian Chamber of Economy and Croatian Public Notary Association specially referring to:
  - opening specialized commission shops where the seized movables would be sold
  - establishing registries of immovable and movable property ( of value more than 50.000 HRK) sold in enforcement proceedings, Register was established in CCE during November 2005 and data are accessible by Internet
  - efficient implementation of the amendment which prescribes requisition of the movable at the moment of seizure.
  - public notaries' authority resolve enforcement cases based on a credible document
2. Efficient organization and administrative control over enforcement proceedings conducted by enforcement divisions of the Municipal Courts, and enforcement officials.

## **Court administration serving the reform of the justice system**

- Change of approach to court management (court presidents as managers)
- Selection and training of court management
- Improvement of court statistics and the development of objective criteria and indicators for monitoring the functioning of courts and results of work of judges and judicial administration
- Development and introduction of the Integrated Case Management System (ICMS)

## **Education and professional development of the justice system**

- The Judicial Academy was established in 2004 as an institute within the Ministry

- The main aim is to implement systematic educational and professional training programmes for judicial officials and employees
- Implementation of the programme through various training models (workshops, seminars, round tables, etc)

### **The role of the case law**

- Informatized case law ("the Judge's web") accessible to all structures of the justice system and all interested persons
- Free access to information
- The Supreme Court of the Republic of Croatia as the judicial body competent for creating case law through authentic interpretation of national legislation in proceedings before lower instance courts modeled on the interpretation of the European Community legislation by the European Court of Justice
- Publication all final judgments of Croatian courts adopted on the basis of the application of the Stabilization and Association Agreement
- Preparation of selected key court decisions adopted in disputes before the European Court of Justice concerning the protection of the four freedoms

### **Alternative dispute resolution**

- In order to disburden courts Ministry of Justice will encourage Alternative Dispute Resolution
- A Commission for Alternative Dispute Resolution will be set up at the Ministry of Justice
- A register of mediators will be established/kept in the Ministry of Justice
- Educational programmes will be run at the Justice Academy
- IT support will be provided for the management of mediation proceedings
- Organize information and media activities aimed at informing citizens about mediation proceedings

### **Free legal aid**

- By the adoption of the Act on Free Legal Aid the Republic of Croatia will approach the standards of the protection of the rights of citizens and of access to the justice system at the level of other European countries
- The adoption of this Act it will also, by better quality preparation of proceedings and professional representation of parties, make possible the efficient work of the courts and other bodies in deciding on the rights and obligations of citizens

### **The Rationalization of Court's network**

The Ministry of Justice has initiated the process of rationalization of court organization and structure:

- Aiming to reduce the number of municipal courts, commercial and County courts, as well as merge municipal and misdemeanor courts – Working group established
- In achieving this goal the MoJ will make analyses of merging and several pilot projects of mergers of courts have been envisaged - first phase until end of June 2006 ( 14 courts will be merged)

- Along with the rationalization of the court network, an analysis will be conducted of court jurisdiction
- Cost benefit analysis
- Analysis of the issue of the full jurisdiction of the Administrative Court pursuant to Article 6 of the European Convention on Human Rights

### **Relations with the media and the public**

- Training and education of court leadership in public relations skills
- Introduction of professional spokespersons aimed at improving communication with the public
- Elaborate ways in which the courts can inform the public on the basic functioning of the judiciary (simple printed materials, Internet or the like)
- Publishing yearly reports on court performance (local level) and the judiciary itself (national level)

### **IT Strategy**

- Integral part of the Overall Strategy
- Establishment of a body within the Ministry of Justice in charge of the management and coordination of all IT projects, regardless of the source of finance
- Establishment of rules, procedures and methodology of work
- Equipping all justice system bodies with IT and communications infrastructure (computer and communications equipment, LAN and Internet access)
- Establishment of a single place for access to information and software (Intranet portal)
- Detailed definition of business requirements of the entire justice system overall (current and future)
- Permanent development and improvement of judicial applications, systematic control, maintenance and improvement of the system
- Comprehensive IT training of employees in the justice system

### **Regional co-operation**

- Co-operation in fighting corruption, organized crime and terrorism
- SEEPAG – South Eastern European Prosecutors Advisory Group (exchange of information on organized crime, Croatia member since December 15, 2004)
- SPAI – Stability Pact Anticorruption Initiative (exchange of best practices in fight against corruption and legislative alignment in the Region)
- SEECP – South Eastern European Co-operation Process (fight against organized crime, Croatia member since October 2005)
- PACO PROJECT – regional project of the Council of Europe in fight against corruption

### **Other professions as a constituent part of the justice system**

#### The Bar

- autonomous and independent profession, constituting part of the justice system
- contributes to the efficiency of the justice system

Priorities within the Bar profession:

- to increase attorneys' awareness,
- to encourage members of the Bar to contribute to shortening proceedings before courts
- to motivate them to use alternative methods of dispute resolution,
- include them more in the system of free legal aid,
- improve professional ethics and internal disciplinary responsibility and the liability of attorneys

Notary Public Service

- Reintroduced into the Republic of Croatia in 1994 by the Notary Public Service Act
- An important role is related to the implementation of the Companies Act
- The role of the Notary Public Service in uncontested cases (Inheritance Act, Enforcement Act)
- Amendments to the Notary Public Service Act are foreseen aimed at improvement of the notaries public practice

### **National Programme for the suppression of corruption 2006-2008 (October 2005)**

- It is expected that the National Programme will be adopted by the Government at the beginning of 2006
- Main emphasis on the implementation of the concrete measures contained in the Action Plan (institutions responsible, deadlines)
- Targeting sectors
- Operational strengthening of USKOK and improved cooperation with law enforcement bodies (police)
- Educational and preventive aspects of fighting corruption
- Envisages the establishment of the National Council (to monitor the implementation of the measures envisaged by the National programme)