

List of topics – 2025 Rule of Law Report

I. JUSTICE SYSTEM

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the justice system (if applicable)

Since the recommendation of the Commission regarding the justice system was issued, and up to December 2024, the Government has not implemented any measures that would increase the efficiency of investigations and prosecution of corruption offences. Reportedly, the ministry appointed a working group. Public trust in government's commitment to fight corruption has been further eroded by the appointment of a highly controversial High Criminal Court judge to the position of State Advocate General (Public Prosecutor General) who is closely connected with the dominant political party, has reputation of keeping personal contacts with suspected criminals under investigation, of using his legal skills to avoid paying a speeding ticket, and who before the appointment publicly stated doubts whether Croatia benefited from acceding to the Regulation on the Office of EU Public Prosecutor. Together with the Prime Minister, he is now in confrontation with the Office of European Public Prosecutor about the authority over an investigation of several high government officials. You may find information on this at <https://www.eppo.europa.eu/en/media/news/eppo-raises-concerns-over-rule-law-violations-croatia-following-conflict-competence>.

Regarding the EPPO, it should be noted that Article 8 of the Act on the Implementation of Council Regulation (EU) 2017/1939 of October 12, 2017 on the implementation of enhanced cooperation in connection with the establishment of the European Public Prosecutor's Office ("EPPO") empowered the State Attorney General (Public Prosecutor General) to decide on a conflict of jurisdiction between the State Attorney's Office and the European Public Prosecutor's Office, without the possibility of further legal recourse. This prevents that the conflict over jurisdiction is appealed in Croatian courts, in this case the Supreme Court, which could then seek view of the Court of the EU. The issue has arisen in criminal procedures against a Minister of Health, when the newly appointed State Attorney General took the case away from the EPPO. On the positive side, the EPPO's office has substantially contributed to the investigations of corruption cases.

A. Independence

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

See our submissions for 2023 and 2024 RoL consultations. The selection of judges and their promotion remain non-transparent, which is one of the reasons for the lack of public trust in the judiciary. The same applies to the election of members of the State Judiciary Council. For our updated recommendations for strengthening transparency and accountability of judiciary see https://tripalo.hr/wp-content/uploads/2024/09/Preporuke_CMT_sudstvo_2024.pdf

Allocation of cases in courts

We provided extensive comments on the allocation of cases in our 2023 submission for the RoL report. We pointed out that presidents of courts have extensive authority to reallocate cases with a stated purpose of “equalizing the workload of judges” while the conditions for such reallocation are imprecisely defined. Since then, an amendment to a by-law has further expanded the discretionary powers of court presidents. See <https://pravosudje.tripalo.hr/2024/01/08/komentar-centra-miko-tripalo-na-dokument-prijedlog-pravilnika-oizmjenama-i-dopuni-pravilnika-o-radu-u-sustavu-espis>. The risk of abusing this discretion is high.

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)

The election of members of State Judiciary Council is non-transparent and based on very peculiar election rules. There are many indications that “behind the scene” agreements play a preponderant role in setting the list of candidates and the election itself. For more on this issue and related recommendations.

See https://tripalo.hr/wp-content/uploads/2024/09/Preporuke_CMT_sudstvo_2024.pdf.

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)

As pointed out in our previous submissions, the accountability mechanism for judges in Croatia is highly ineffective. As a result, the population does not have trust in judiciary to such an extent that this should have attracted attention of the EU Commissions long time ago.

In 2024 we conducted a general population opinion survey via public opinion polling agency IPSOS, which interviewed one thousand respondents. In all important aspects the public opinion about judiciary is highly negative. Only 23% of respondents believe that judges are ruling in an unbiased and fair way. More than 2/3 of 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 population believes that judges are inclined to corruptive practices behaviour. Only 12% of population thinks that disciplinary proceedings against judges are efficient.

Compared to other Croatian institutions, Croatian judiciary enjoys weaker trust than do the government, prosecution and police. Only political parties and the parliament are ranked worse. Details of the survey can be found at <https://tripalo.hr/skup-stanje-u-hrvatskom-pravosudu-izvjestaj-o-vladavini-prava-kako-dalje/>. Neither the Government nor the judiciary are showing any willingness to implement measures that would improve the credibility of judicial system.

You may also wish to reflect on the fact that for many years Croatia is ranked as the worst in respect to political influence on judiciary, as reported in regular the EU Justice Scoreboard and in EU Eurobarometer Flash surveys. High perception of corruption in judiciary is also noted in Special Eurobarometer 534. Our updated recommendations for improving the accountability and transparency in Croatian judiciary can be found at <https://tripalo.hr/skup-stanje-u-hrvatskom-pravosudu-izvjestaj-o-vladavini-prava-kako-dalje/>.

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

See above comments related to the events related to the appointment of the Prosecutor General. In another case, a judge resigned from the position of the president of the regional court after another court approved indictment against him, as raised by public prosecutor. Contrary to the previous practice, the judge was not suspended. He was recently reelected to the position of the president of the court although at that time three judges in his court were under criminal investigations for corruption. He is also known for a large number of cases suing the media and for commercial activities not seen positively by the public.

B. Quality of justice

Resources of the judiciary (human/financial/material), remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year)

In 2024, the Association of Judges organized a strike to put pressure on the government to increase their salaries, in which they were successful. As the strike of judges according to legislation is illegal, it was called “a measure of warning”. There were no indications that the remuneration of judges before that action was putting at risk the normal functioning of judiciary. This is illustrated by very small number of judges who leave their positions, except for retirement (these statistics unfortunately stopped to be published), and by large number of candidates for every advertised position, except for the smallest provincial towns. Judicial positions are obviously attractive.

Moreover, the large increase in remuneration of judges has not prompted the Government to revisit the need for better transparency and adequate restrictions on commercial activities of judges, as proposed by the President of Supreme Court in 2023, At some point his was accepted by the Ministry, but then reversed in Parliament. Your presentation of these events in the previous RoL report for Croatia was inaccurate by omission. See on this the 2023 Report of the President of the Supreme Court, and article by Professor Alan Uzelac at <https://tripalo.hr/komentar-profesora-alana-uzelca-na-izvjestaj-o-vladavini-prava-za-2024-poglavlje-pravosude-za-skup-stanje-u-hrvatskom-pravosudu-izvjestaj-o-vladavini-prava-kako-dalje/>.

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

A new system of publishing courts rulings was introduced on January 1, 2025. Owing to the very short time, we have not been able to assess its quality. However, it is visible that the database does not include procedural rulings, including those on permissible or non-permissible evidence and exclusion of judges because of the potential conflict of interest, both of which sometimes substantially impact the final rulings. Furthermore, the new by-law on anonymization does not in any way take into account public interest for cases of corruption or other forms of criminality committed by public figures.

Moreover, in trying to get access to a case against media, we recently discovered that many court files are completely destroyed five years after the rulings have become final. Destruction of files is prescribed in Rules of Procedure for Courts (Sudski poslovnik), article 167. See https://narodne-novine.nn.hr/clanci/sluzbeni/1997_08_80_1405.html.

C. Efficiency of the justice system

Developments related to efforts to improve the efficiency of the justice system (e.g. as regards length of proceedings)

No efforts are being undertaken, except for formation of a working group by the Ministry. Duration of civil and criminal cases until finality in Croatia is extremely long. As an illustration, our recent analysis of over 1000 civil cases against media discovered that the average duration of litigations until finality is 4.3 years, and similar is the duration of such criminal cases. We measured the duration up to the decision by the second-degree courts (or the first degree if not subsequently contested), and we did not consider possible revisions by the Supreme Court or the Constitutional Court, which could further extend the process. Such statistics exists in the judicial IT system, but it is not published. Instead, the authorities publish effectively meaningless data on “disposition time”. In the past, we recommended to the authorities that the statistics on the efficiency of judicial system be reviewed, but this has not been accepted.

On the issue of duration of cases, you may also read Komentar profesora Alana Uzelca na Izvještaj o vladavini prava za 2024. (poglavlje pravosuđe) za skup “Stanje u hrvatskom pravosuđu: Izvještaj o vladavini prava – kako dalje?” – Centar za demokraciju i pravo Miko Tripalo, and a paper by Professor Juraj Brozović at

<https://www.proquest.com/docview/2628334176?sourcetype=Scholarly%20Journals>

Weak efficiency reflects several factors, among others weak skills among part of judges, absence of records on working time of judges, and the arbitrary norms for annual case load that each judge must complete. There are many indications that the norms for criminal, administrative, labor and misdemeanor cases are too generous while those for the civil litigations are too tight. You may find our findings on the problem of working norms for judges at <https://tripalo.hr/skup-okvirna-mjerila-za-rad-sudaca-2/>.

Judiciary often blames the large backlog of cases on a number of incoming cases, but the supporting statistic is unsupportive as it counts as cases all land and property recordings as well as recordings of changes in business registers, which in most other EU countries are not functions of courts. Moreover, these files are handled by advisors, and not by judges. On the other hand, the number of judges per population is among the highest in the EU. See EU Justice Scoreboard.

II. Anti-corruption framework

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the anti-corruption framework (if applicable).

In 2024, Croatia continued with the implementation of anti-corruption policy, in accordance with the Anticorruption Strategy for the period 2021-2030 and the Action Plan for the period 2022 to 2024. However, the criminal investigation of the vice-president of the Croatian government Vili Beroš, former long-term minister of health, is showing that developing awareness of the unacceptability of corruption remains a permanent task and one of the key challenges in Croatia.

The Council for the Implementation of the Code of Conduct of State Officials in Executive Authorities continued its training initiatives on the topic. Croatia's road towards OECD membership continued in 2024., with legislative changes to strengthen the anti-corruption efforts (e.g. amendments to Criminal Code and Law on responsibility of legal persons for criminal acts).

The Law on Lobbying is in force since October 1, 2024. Lobbying is regulated as a legal and legitimate activity with principles, rights, obligations and sanctions following international standards and guidelines, recommendations received by the Republic of Croatia in the Rule of Law Report, GRECO recommendations, OECD standards, as well as the Transparency Register of the European Union and the European Parliament. However, the weight is on lobbyists to report their activities in the reporting period, not on lobbied persons or institutions. Also, high officials in the executive branch of government

are required by the Code of conduct to regularly report important meetings on the official web pages. But the person is not registered in the Lobbying register, he/she is not considered as a lobbyist.

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 measures taken to effectively and timely cooperate with OLAF and EPPO.

Currently, Working group to amend Law on Suppression of Organized Crime and Corruption is active, so is the Working group on the amendments to Criminal Procedure Law.

All local units have passed their codes of conduct. However, corruption on local level remains an issue and should be addressed in following periods, as one of the priorities.

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

One of the biggest concerns is the independence of the newly elected General State Attorney, Ivan Turudić. On December 16, 2024, the indictment panel of the Zagreb County Court confirmed the indictment against three Osijek judges and the Mamić brothers who, according to USKOK allegations, bribed them in exchange for favourable court decisions. It must be also noted that ECtHR has rejected in August 2024, a claim by Zdravko and Zoran Mamić that they did not receive a fair trial in Croatia.

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

The Ministry of Justice, Administration and Digital Transformation has launched an informational and educational campaign aimed at raising awareness of the harmful effects of corruption and encouraging citizens to actively participate in the fight against corruption. The web page is not yet fully operational with all relevant data. It is still a problem that the Reports of various bodies, such as the Ombudsman, Commission for the Resolution of Conflicts of Interest, etc are not discussed in the Parliament on time.

B. Prevention

Measures to enhance integrity in the public sector (including as regards incompatibility rules, revolving doors, codes of conduct, ethics).

The Council for the Implementation of the Code of Conduct of State Officials in Executive Authorities continued its training initiatives. So did Ombudswoman's Office on whistle-blower protection and Commission for the Resolution of Conflicts of Interest on anti-corruption.

NGO's activity on building integrity and anti-corruption efforts increased in 2024, for example the project "Empowering future generations to fight corruption" implemented by Centre for Democracy and Law Miko Tripalo. (<https://tripalo.hr/projekti-2/osnazivanje-buducih-generacija-za-borbu-protiv-korupcije/>)

Measures to enhance general transparency of public decision-making (including rules on lobbying, asset and interest disclosure rules, gifts policy, transparency of political party financing).

October 2024, the Commission for Decisions on Conflict of Interest adopted the Rulebook on Keeping the Register of Lobbyists. Also, in November 2024, the Commission published on its website the table of the Register of Registered Lobbyists in the Republic of Croatia, which contains data on the executive decisions on registration on that day.

In relation to sanctions concerning declarations of interests and assets of current members of the Government, the Commission for the Resolution of Conflicts of Interest imposed a 1,000 EUR fine on Deputy Prime Minister and Minister of Defence, Ivan Anušić, for submitting an incomplete asset declaration. Anušić failed to disclose that his wife had acquired ownership of real estate. However, the absence of a definition for both officials and employees reporting lobbying is problematic for the transparency of the work of public authorities, as well as the obligation to report once a year by lobbyists of their activities.

Measures to prevent 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)

There is still no officially appointed head of USKOK; the current acting officer is Sven Mišković. During 2024, there were again many cases of corruption in Croatia. In November 2024, Minister of Health Vili Beroš was arrested and dismissed from his ministerial position by Prime Minister Andrej Plenković. The EPPO launched an investigation against Beroš and seven other persons on suspicion of having committed criminal acts of receiving and giving bribes, abuse of position and authority, and money laundering. With Beroš, also arrested were the head of the Neurosurgery Clinic of the Sisters of Mercy, Krešimir Rotim, the director of the Children's Hospital in Klaićeva, Goran Roić, and Saša Pozder, the director of the company Medical Innovation, which sold medical devices to hospitals. In January 2024, USKOK filed an indictment against Dragan Kovačević, former head of Jadranski naftovod d.o.o. (JANAF). In April 2024, the High Criminal Court sentenced ex-SDP Sisak-Moslavina Prefect Marina Lovrić Merzel to six years in prison for abuse of position and authority, accepting bribes, money laundering and document forgery, while she will be tried again for payment of private expenses county money. On April 10, 2024, the Split County Court confirmed the indictment against former Šibenik judge Maja Šupa, accusing her of accepting a 15,000-euro bribe in order to acquit entrepreneur BP, allegedly mediated by lawyer BZ.

On 13 December 2024, the indictment panel of the County Court in Zagreb rejected the proposal of the defense of Josipa Pleslić ex Rimac to extract the messages from her mobile phone as illegal evidence from the court file in which she was accused together with Dijana Vican on suspicion of favoritism at the University of Zadar.

In September 2024, the former head of Croatian roads Josip Škorić was arrested. USKOK's investigators suspect Josip Škorić, that he received a bribe of around 140 to 150 thousand euros from his cousin, the first man of Osijek Koteks, and the director of the Osijek company Structivo. On 18 September 2024, former Petrinja mayor Darinko Dumbović and his son Darko, accused of arranging deals with the City of Petrinja after the 2020 earthquake, pleaded guilty at the Zagreb County Court and, after a settlement with USKOK were sentenced to suspended sentences. On 13 November 2024, the High Criminal Court confirmed the verdict by which the former president of Croatian Chamber of Commerce (HGK) Nadan Vidošević was sentenced to eight years in prison for withdrawing HRK 35 million in the so-called the Remorker affair.

The indictment panel of the Zagreb County Court will schedule a new session at which it should decide on the confirmation of the indictment accusing former ministers Darko Horvat, Tomislav Tolušić and Boris Milošević of favoritism in the awarding of financial support for areas inhabited by national minorities, and former minister Josip Aladrović and the mayor of the County Damir Juzbašić for illegal employment.

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. Croatian Criminal Code is in line with all international obligations from EU, Council of Europe, UNCAC, UNTOC, OECD etc and contains Chapters on offences against public duty (Chapter XXVII, Arts. 291-300) and offences against economy (Chapter XXIV., Arts 246.-265). It also proscribes criminal responsibility of legal persons. The legal framework is satisfactory.

Although the trials of political white-collar crimes are mostly complex, the trials last too long and sometimes the interpretation of offences are not clear enough (e.g. Art. 246 – Abuse of position in business dealings).

Measures to ensure whistleblower protection and encourage reporting of corruption, including their application (i.e. number of reports received, and the follow-up given).

The number of whistleblowers is not satisfactory. Regarding internal applications, in 2023 there were 38 applications, which is only one number higher than in 2022, when there were 37 applications. Of these reports, fourteen were related to irregularities in legal entities founded by the Republic of Croatia or local regional (regional) self-government units, there were twelve notifications of employers' irregularities in economy and trade, eight in legal entities that perform public service, two in bodies with public powers, and one in state bodies and one notice of irregularities in bodies of local regional (regional) self-government units.

Specific measures to enhance transparency, integrity and accountability in sectors with high-risks of corruption, with a view to monitor and prevent corruption and conflict of interests, and where applicable measures to prevent and address corruption committed by organised crime groups.

- *Such high-risk sectors include: public procurement, including construction, transport/infrastructure, defence, cohesion, agriculture, environment, healthcare, citizen/residence investor schemes, large-scale investments of national interest and the spending of EU funds, urban planning.*

Such high-risk sectors include: public procurement, including construction, transport/infrastructure, defence, cohesion, agriculture, environment, healthcare, citizen/residence investor schemes, large-scale investments of national interest.

A high-risk sector is also include the judiciary. See our recommendations for increasing transparency and accountability in judiciary. <https://tripalo.hr/skup-stanje-u-hrvatskom-pravosuđu-izvjestaj-o-vladavini-pravakako-dalje/>.

More emphasis on anti-corruption risks assessments (including non-financial one) and strict implementation of such policies is needed in all Croatian companies, particularly in vulnerable sectors and in those companies that are state owned or owned by local units. Currently, all public procurements in health sector are under review by the new minister of health. Hrvatske šume (wood company) is under investigation as well.

C. Repression

Official data on the number of investigations, prosecutions, final judgments, and the application of sanctions for corruption offences (differentiated by offence if possible)⁷. Please indicate whether the cases: involve legal persons; are related to the implementation of EU or national funds⁸; involve

high level corruption. Please indicate which data is publicly available and how policy-making is informed by the data.

Please see the above description of cases. As noted in the EPPO Report for Croatia, there are such cases and their number is worrisome. There is a need to permanently tackle high level political white-collar corruption that could indicate the existence of organized corruption in some risk areas in Croatia.

Potential obstacles identified in law or in practice to the investigation and prosecution of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, crossborder cooperation, pardoning)

The length of criminal trials in the most complex cases should be shortened. As a problem at the stage of accusation, there is an issue of extracting illegal evidence. State attorneys believe that the courts interpret too restrictively the requirement that there are "particularly" important reasons for a trial in absentia, which they almost equated with the existence of a danger of statute of limitations. Currently, Judicial Academy is organizing training for economic crimes (including corruption crimes) and asset recover as well as on criminal responsibility of legal persons. These trainings should be permanent. Some high-profile cases are still pending, particularly concerning bribery in the period of Homeland war and during privatization and ownership transformation. Due to complexity of such cases, Constitution was amended in 2010 and special law was passed in 2011 that addresses economic crimes that occurred during Homeland war and peaceful reintegration. Proclaiming that there is no statute of limitation for such crimes. The Constitutional court later proclaimed that this could be valid only for such offences that were not statute barred in 2010. According to Art. 31 para 4. of the Constitution, Criminal acts of war profiteering, as well as criminal acts from the process of transformation and privatization, committed during the Homeland War and peaceful reintegration, a state of war and an immediate threat to the independence and territorial integrity of the state, prescribed by law, or those that are not subject to statute of limitations under international law, shall not be subject to statute of limitations. The property gains realized through or related to these acts shall be confiscated. The judgment against former Prime Minister Sandar in Hypo Case still awaits final verdict. Confiscation of assets is not on satisfactory level and should be more rigorously implemented.

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

Please check previous answer for criminal sanctions. As for administrative sanctions, there is even more room for improvement as these could in some cases be more efficient for the prevention of corruption. The sanctions are too low and more resources are needed to enhance its implementation.

III. Media pluralism and media freedom

Please provide information on measures taken to follow-up on the recommendations received in the 2024. Report regarding media pluralism and media freedom (if applicable)

We are not aware of any progress on the issue of strengthening the legal framework and oversight mechanisms to ensure a fair and transparent allocation of state advertising at national, regional and local level, including the public tender procedure. The Government rejected proposal of the opposition that all state-owned companies publish details of their advertising spending. Except for forming a working group to address the issue of strategic lawsuits against public participation, the Government has not implemented any visible measures to address the SLAPP issue. The recent amendment to criminal code that criminalized leaks from criminal investigations has been

widely seen as an effort to restrict access to information by public and to discourage investigative journalism. A few years ago the president of the Supreme Court tried to address the issue of judges appearing as private plaintiffs against media, but this was disrupted by his colleagues. See more on our SLAPP project-<https://tripalo.hr/strateske-tuzbe-protiv-javne-participacije-slapp-u-republici-hrvatskoj/>.

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

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.

The research project conducted by Centre Miko Tripalo established substantial presence of SLAPP cases against media in Croatia and the fact that the court system is not effective in preventive such practice. Based on an analysis of more than one thousand cases against media after the rulings became final in the period 2017-2022, we found that the success rate in both criminal and civil cases is low, but that duration of successful cases is extremely long, more than 4 years on average. This creates for media a long period of uncertainty and cumulative costs of statutory high penalty interest. The penalties imposed on media in such cases are also unproportionally high. This was pointed out by ECHR in the case *Narodni list against Croatia*, Application no. 2782/12. The ruling however did not prompt the Supreme Court to revise its Orientational guidance for compensating immaterial damages, which in principle should regulate courts practice in such matters. The study also demonstrated that judges themselves appear often as plaintiffs against media, seeking and obtaining much higher compensation on average than other plaintiffs, which affects the judicial practice in other cases. Some judges also occasionally fire a salvo of cases against media that are later dropped. Judges privately suing media and journalists seems to be very much a Croatian peculiarity, as we have not been able to find such practice in other EU states.

The study discovered that courts practice in cases against media is inconsistent, that there is a presence of serial plaintiffs, and that plaintiffs often pursue a practice of multiple lawsuits related to the same subject while also requiring the cumulation of compensatory claims.

The Supreme Court in 2017 reinstated practice that plaintiffs may seek that the full text of the Court rulings be published at the expense of media. Between 2008 and 2017, on occasion of ruling in three cases, the Supreme Court argued that this was no longer permitted because it was not envisaged in the law on media approved in 2008. This was followed by all lower courts. Then in 2017, the Supreme Court issued a threeline excerpt from the minutes of its Civil law department, stating that the publication of the whole ruling at expense of the media or journalist is a permissible as a compensatory measure. No explanation was provided.

Given the style and length of court rulings, publishing them in extenso does not have informational useful purpose, but it creates unproportional costs for the media and journalist. Referring to the Law on access to information, we requested from the Supreme Court the full text of minutes for this item on agenda of that meeting, as well as written documents on the basis of which the decision was made. The Supreme Court replied that no written documents were used for the decision, and it refused to provide the full text of minutes. We appealed this decision.

The government and the Supreme Court have so far not implemented any measures to improve the SLAPP situation. The president of the Supreme Court tried in 2023 to address the practice of judges suing press, but his effort was openly disrupted by his colleagues.

The whole study, including the correspondence with the Supreme Court appear at <https://tripalo.hr/stratesketuzbe-protiv-javne-participacije-slapp-u-republici-hrvatskoj/>.

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the system of checks and balances (if applicable).

We regret that the Commission did not address the issue problem of check and balances in Croatian political system. As opposed to majority of other post-socialist countries, in Croatia one political party is dominant in control of the government for almost 30 years. This has led to a wide and deep capture of government administration and most of nominally independent institutions, which has rendered the system of checks and balances widely ineffective. More at <https://library.fes.de/pdf-files/bueros/kroatien/21725.pdf>

D. The enabling framework for civil society

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures to protect them 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, as well as available remedies.

The Council for Civil Society Development is an advisory body of the Government tasked with developing cooperation between the Government and civil society organizations. Its responsibility is to develop an enabling environment for civil society organizations and philanthropy, to enlarge social capital and strengthen intersectoral cooperation. This mission makes the Council uniquely placed to strengthen civil society and facilitate its meaningful participation in policy processes. However, these objectives are often not met.

First, the structure of the Council does not reflect its mandate. The Council consists of 17 representatives of public authorities and only 14 representatives of civil society organizations, with additional three representatives coming from foundations, trade unions and employers' associations (<https://udruga.gov.hr/savjet-za-razvoj-civilnoga-drustva/120>). In such a structure civil society organizations are routinely outvoted by governmental entities and government-sponsored CSOs. Second, only three Council sessions were held in 2024 (with one of these sessions being constitutive) which allowed for very little substantive discussion of meaningful issues impacting civil society (participation, financing, attacks, etc.).

Third, members from the organizations active in the field of strengthening democracy, human rights protection, culture, sustainable development and consumer rights submitted numerous proposals to the President of the Council to put specific issues on the agenda, but these were routinely ignored. Motivated by this situation, several members of the Council for Civil Society Development from the ranks of CSOs conducted a survey among civil society organizations seeking their views on the role and influence of the Council as the main forum for cooperation between the public and the civil sector. Ninety respondents from CSOs completed the survey (Survey not yet public and available upon request).

Majority, i.e. 54% of respondents assess the work of the Council as unsuccessful or partly unsuccessful. Over 60 % of respondents think that the Council is unsuccessful or partially unsuccessful in the area of cooperation in planning the priorities of national financial support programs and participation in programming and determining priorities for the use of EU funds based on consultation with the civil sector.

When asked about what would improve the work of the Council, the majority of respondents cites improved two-way communication with CSOs (71% of respondents) and better reporting about the

work of the Council (63%), while 66 % say thematic sessions with more stakeholders and 62 % say better and more efficient implementation of the process of drafting the National Plan for the Creation of an Enabling Environment for the Development of Civil Society (often referred to as the national strategy).

In short, CSO representatives see the work of the Council as unresponsive to the needs of civil society organizations, ineffective in enabling collaboration between the Government and civil society, unable to successfully guide the process of formulating strategic priorities or spearhead the process of drafting the national strategy. The conclusion is therefore that the organizational framework of cooperation between the public sector and civil society is ineffective and is not responsive to the needs of civil society, especially in terms of enhancing participation and improved access to funding.