

RECOMMENDATIONS TO IMPROVE THE TRANSPARENCY WITHIN THE JUDICIAL SYSTEM

Trust in the independence of the judiciary in Croatia is the lowest among EU countries, which is not surprising considering the large corruption scandals related to judges, the intertwining of judges and politics and the length of the process when it comes to the rich and politically powerful. Because of that, Gong, as an organisation that aims to improve democratic institutions and processes, produced policy recommendations that would help strengthen the transparency of the judicial system, and make the judiciary better and more accessible.

1. MORE PUBLIC INSIGHT IN THE APPOINTMENT OF JUDGES

Public availability of data on individual votes of members of the State Judicial Council, documentation of SJC members and candidates, and public availability of video recordings of structured interviews is necessary. We believe this is necessary because it has been noticed that problems frequently arise when grading such interviews due to the lack of clear grading criteria. Furthermore, if the candidate's family members are employed within the judicial system, they should declare that.

2. MORE TRANSPARENT ELECTION OF MEMBERS OF THE STATE JUDICIAL COUNCIL

It is necessary to introduce the obligation to submit more detailed documentation for candidacy for membership in the SJC itself, which would be publicly available, since candidates currently do not have to provide an explanation of the reasons and goals of their candidacy. Also, the professional public, i.e. the bar association, academic institutions and civil society organisations should be able to give their evaluation of the candidate, which would be publicly available on the website of the Supreme Court.

3. NON-ANONYMISED COURT DECISIONS AND RECORDINGS OF COURT DECISIONS AVAILABLE TO THE PUBLIC

Non-anonymized decisions of all courts should be made available to the public, as it is already the practice in some European countries, where anonymisation is conducted only in case of a justified request. Furthermore, decisions must be easily and quickly searchable and should be available together with recordings of court hearings. Even in cases where the public had to be excluded from the proceedings, court decisions should still be publicly available, but of course, anonymised.

4. SUPERVISION AND PUBLIC AVAILABILITY OF DATA ON EXTRAJUDICIAL ACTIVITIES OF JUDGES

It is necessary to limit the extrajudicial activities of judges, [which Gong already tackled last year](#). The restriction refers to the duration of the activity, the amount of compensation, but also the recommendation that the judge must obtain the permission of the president of the court for his part-time engagement - since this is not the case at the moment. Court presidents often do not know what judges do when they are not working. In some European countries, judges cannot

perform paid extrajudicial activities at all, and they regularly need the approval of the president of the court. That is why it is necessary to adjust the asset declarations of judges with information on the sources of the compensation.

5. TRANSPARENT ASSIGNMENT OF CASES TO JUDGES AND THE RIGHT TO A LAWFUL JUDGE

All elements of the assignment of each individual case to judges should be transparent and accessible. In this way, it would be possible to check whether the assignment was indeed random or there was a case of human intervention. At this moment, this is not the case, and in this respect further regulation is needed. Furthermore, the right to a lawfully elected judge, unlike, for example, the German and Slovenian constitutions, is not guaranteed by the Constitution of the Republic of Croatia.

6. PUBLIC INSIGHT INTO DISCIPLINARY PROCEEDINGS

The public should have greater insight into disciplinary proceedings, which are currently quite secret, and the courts should provide detailed statistics and summaries of decisions in disciplinary proceedings, which is not their current practice. SJC publishes information with very few details about disciplinary procedures, and systematic data about initiated disciplinary procedures, the reasons for their initiation and the duration of these procedures and their outcome are not publicly available either.

