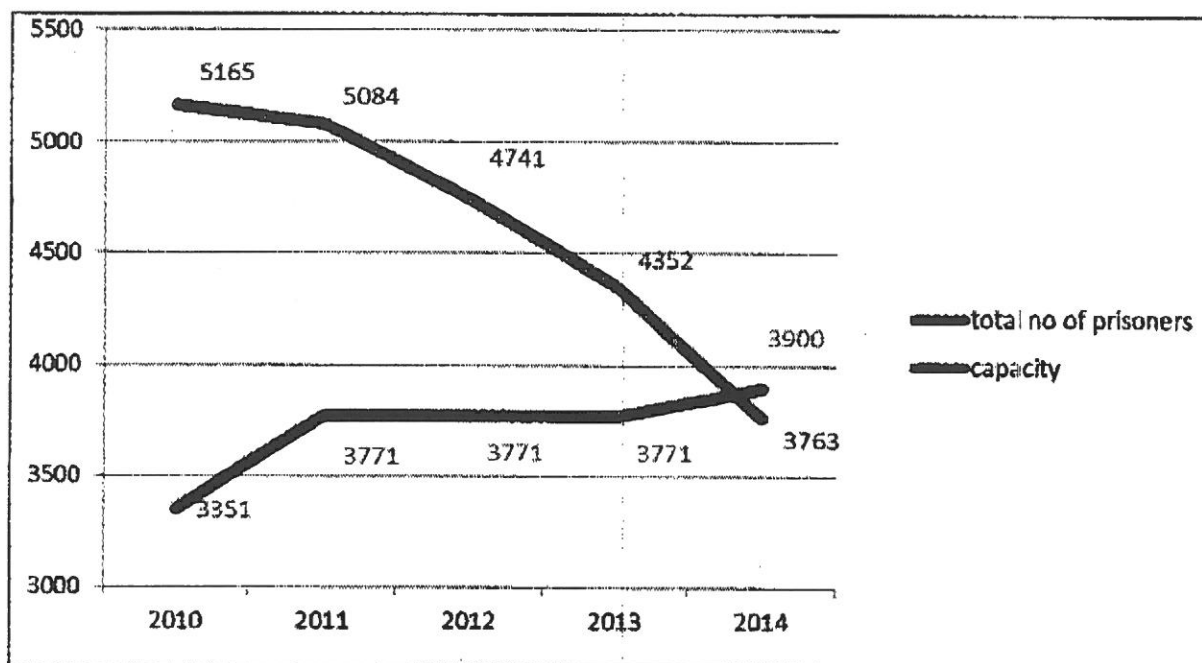


Prison System Directorate

Prison system (information on occupancy of capacities in comparison with 2010)

Total number of prisoners and capacities between 2010 and 2014 (31 December)



In the period following the year 2010, in which overcrowdedness reached its peak, we are seeing a mild but steady drop in prisoner numbers. This is, first and foremost, an effect of changes made to the Croatian Criminal Procedure Act which involve curbing the duration of pre-trial detention, changes in the Criminal Code which allow alternative sentences, actions of the Probation Service which have grown in scope and now cover a larger area of the country, and, to some extent, a mild increase in the conditional part of sentences, as well as earlier release of prisoners.

Though the data instils optimism, there is also other data to consider – in particular, the fact that data on pre-trial prisoners point toward a high likelihood that this trend is only temporary.

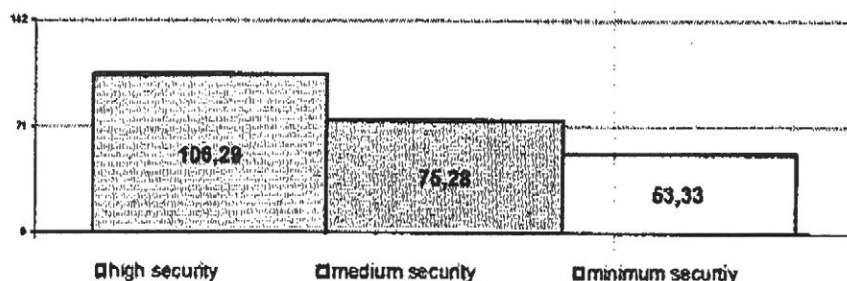
The Prison System Directorate's yearly reports have underlined for years the problem of the prisons' capacity being exceeded. Existing data on capacity have been in use

for years and were amended as a consequence of increased requirements for prison spaces. The capacity until now was 3,771 spaces. Over the years this capacity was increased through additions, rearrangement and conversion of rooms to 3,900 spaces, which is an increase of 129 spaces, i.e. an increase of 3.42%. In measuring and calculating new capacities, we took into account the provisions of Art. 74(3) of the Execution of Prison Sentence Act stating "Premises where inmates are accommodated have to be dry, clean and large enough, so that each inmate has at least 4 m² and 10 m³ of space".

The new capacities of the prison system according to the degree of security and limitation of the freedom of movement of prisoners are 2911 high security spaces, 704 medium security spaces and 285 minimum security spaces.

Regardless of the current total number of spaces in the prison system being lower than the existing legal capacity, it is necessary to consider the needs for capacities on the basis of degree of security.

A representation of occupancy in % as od 31 December 2014



There is still overcapacity in minimum security conditions and is increasingly likely in the coming future. Penal policy has created conditions where persons who have committed minor criminal offences, are first-time offenders, and are deemed to have a low risk of recidivism receive alternative sentences (community service, conditional sentence under surveillance, treatment etc.) and this group of prisoners are referred to carrying out their sentences in medium and minimum security conditions. In the current prisoner population carrying out their sentences it is becoming increasingly difficult to find a sufficient number of inmates that can be moved to medium or minimum security conditions according to the general benchmarks that are in place.

PROBATION

The existence of a young and professional probation service is certainly help in relieving the prison system in the Republic of Croatia. The Croatian national probation system was organized in accordance with the recommendations of the Council of Ministers of the European Union and is in line with the recommendation of

the Council of Europe. Probation offices in Croatia were opened in mid-2011 and, today, a professional probation service is available to all Croatian citizens and is recognized as a relevant part of the penal system.

Probation affairs in Croatia are under the jurisdiction of the Ministry of Justice. The Sector for Probation is part of the Directorate for Criminal Law and Probation (in other words, part of the Ministry of Justice, but separate from the prison system) and consists of a Central Office and 12 local probation offices distributed throughout Croatia.

Probation oversees just those perpetrators of criminal offences that are of age and probation affairs follow the entire process – from deciding on legal persecution up to surveillance of conditional discharged persons.

Probation was underlined by the latest amendments to the Criminal Code which strengthened the “alternatives” to prison. In practice, short term sentences are passed only in exceptional conditions and sentenced persons are referred to probation surveillance through community service and conditional sentencing with protective surveillance and/or special obligations.

The relevance of the system is corroborated by current statistical data. Probation officials currently have more than 3000 cases under advisement, the majority of which are community service and surveillance of conditional discharge cases.

USERS OF FREE LEGAL AID IN CROATIA

The new **Free Legal Aid Act** entered into force on 1 January 2014. Based on analyses of legislative provisions it was established that the existing free legal aid system could be improved from the viewpoint of the target groups for which it is intended and especially from the viewpoint of the needs of socially disadvantaged persons for legal information and counselling (the so-called primary legal aid).

With the new Act, access to the judicial system has been improved for the economically vulnerable categories of citizens. Primary legal aid is now available to everyone and provided in every legal matter with no need to verify the income status. Thus is created a comprehensive legal aid system which does not discriminate on the basis of the individuals' income status.

The provisions of Article 5 define the users of primary and secondary legal aid as follows:

"The users of legal aid in the meaning of this Act are:

- Croatian citizens,
- minor foreigners in the Republic of Croatia who are not accompanied by their parents or legal guardian,
- foreigners under subsidiary protection and foreigners with permanent residence,
- Foreigners under temporary protection,
- Foreigners illegally staying and foreigners on short-term stay in the procedures of the decision on expulsion or the decision on the return,
- Asylum seekers, asylum seekers and foreigners under subsidiary protection, and members of their families legally residing in the Republic of Croatia, in proceedings for which legal aid is not foreseen with a specific act."