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INTENTIONAL KILLING OF EFFICIENCY BY OVERZEALOUSNESS IN THE PURSUIT FOR TRUTH: THE EXAMPLE OF CROATIAN LEGAL AID SYSTEM

Implementation of an equal right of all citizens to access to justice in order to obtain protection of their subjective rights is guaranteed by the norms of global and regional international documents. Republic of Croatia subscribed to the obligation of guaranteeing equality of all citizens in access to justice, by becoming a signatory of these international documents. Despite the fact that RC intends to follow contemporary societies in terms of implementation of political and legal ideals of realization of access to judicial and other state authorities which decide on matters of implementation and protection of citizens' subjective rights, it is still falling behind. the Croatian Legal Aid Act (CLAA) were listed two main criteria for access to legal aid.

Key words: access to justice; (in)equality; human rights; truth; Croatia

1. INTRODUCTION

Are there limits to the pursuit of the truth in procedure dealing with protection of citizens' subjective rights? Can the attempts to extensively establish the legality of certain facts have a negative effect on the potential implementation of citizens' right of access to justice? Does insisting on

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establishing the truth regarding certain fact effect the efficiency of legal protection provided to the citizens? Can one recede from a claim for an extensive establishing of the veracity of certain facts and if so, when can this be the case?

In discovering the answers to the previous questions, this paper will analyse the matter of establishing truth in right to access to justice in Croatian legal aid system. It will look into to what extent does insisting on establishing the truth in satisfying the preconditions to right to access to legal aid may affect (in)efficiency of legal protection of citizens' subjective rights before judicial and other state authorities. Guidelines for future alteration of the procedure of implementation of the right to legal aid will be provided based on undertaken critical analysis, in order to reach a desirable balance between the attempt to establish the truth and provide efficient protection of citizens' subjective rights.

2. CROATIAN LEGAL AID SYSTEM IN PURSUIT OF THE TRUTH

Implementation of an equal right of all citizens to access to justice in order to obtain protection of their subjective rights is guaranteed by the norms of global and regional international documents¹. Republic of Croatia (from here on in: RC) also subscribed to the obligation of guaranteeing equality of all citizens in access to justice, by becoming a signatory of these international documents. Despite the fact that RC intends to follow contemporary societies in terms of implementation of political and legal ideals of realization of access to judicial and other state authorities which decide on matters of implementation and protection of citizens' subjective rights, it is still falling behind. The reasons behind this are political and legal barriers which prevent an integrated system of legal aid to be established to offer the opportunity to all citizens to have an equal right to obtain access to the judiciary. These barriers are primarily evident in an absence of political will to invest in building a modern and integrated legal aid system which

¹ The guarantees of the right of access to justice, and right to legal aid as one of the important aspects of right of access to justice, may be found in global international documents such as: The Universal Declaration of Human Rights, The International Covenant on Civil and Political Rights, United Nations Basic Principles on the Role of Lawyers, The International Covenant on Economic, Social and Cultural Rights, The International Convention on the Elimination of All Forms of Racial Discrimination, The Convention on the Elimination of All Forms of Discrimination against Women, The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment, The Convention on the Rights of a child and the International Criminal Court Statute. Other regional international documents important for regulation of an efficient realization of the right of access to justice are: Convention for the Protection of Human Rights and Fundamental Freedoms, Resolution (76) 5, Recommendation no. R (81) 7 and no. R (93) 1 of the Council of Europe, defining the mechanisms for efficient realization of the right of access to justice.

would through a unique act enclose all forms of providing legal aid and easing access to justice, and which is at present dispersed in several different acts.² In the attempt to establish an efficient legal aid system, the existing one has become a matter of frequent discussions and critique of representatives of the legislative branch, the civil sector and the academia. Also, in order to define the deficiencies of the existing system and provide suggestions for its improvement, detailed studies have been prepared by national and foreign experts, indicating best practices of European legal aid systems, which are obstinately ignored by the Croatian legislator³. Besides the legal regulation fragmentation resulting in partially unaligned acts within the system, current legal aid system is also burdened by a complex procedure aimed at establishing a formal truth regarding the fulfilment of preconditions to obtaining the right to legal aid. This represents a serious limitation on efficient implementation of citizens' right to access to justice since it results in a great number of citizens not complying with the formal conditions and not realizing their right to access to justice. Furthermore, should a citizen comply with the legally prescribed preconditions to realizing the right to legal aid, the bureaucratic nature of the procedure dealing with such compliance often deprives the applicant of timely legal protection which is in collision with the purpose of legal aid⁴. Removal of the formalistic pursuit of the truth regarding compliance with the preconditions for realization of the right to free legal aid was attempted by the Decision of the Constitutional Court of Republic of Croatia, no. U- I-722/2009, delivered on April 6, 2011⁵. Further comparative and critical analysis of the new and altered legal norms on preconditions to realization of the right to legal aid and the procedure of their confirmation will show if the formalistic approach to establishing the truth in free legal aid has been removed.

² Right of access to justice through legal aid system is provided by the Legal Aid Act (*Zakon o besplatnoj pravnoj pomoći*) (Narodne novine RH (Official Gazette) 62/08, 81/11; hereinafter: CLAA 08 and CLAA 11), but also through the article 172 paragraph 1 of the Civil Procedure Act (*Zakon o parničnom postupku*) (Narodne novine RH (Official Gazette) 53/91, 91/92, 112/99, 88/01, 117/03, 88/05, 2/07 – Decision of the Constitutional Court of Republic of Croatia, 84/08, 123/08, 57/11), article 5 paragraph 2 of the Criminal Procedure Act (*Zakon o kaznenom postupku*) (Narodne novine RH (Official Gazette) 152/08, 76/09, 80/11, 121/11), article 85 paragraph 1 and 4 of the Conflict of Laws Act (*Zakon o rješavanju sukoba zakona s propisima drugih zemalja u određenim odnosima*) (Narodne novine RH (Official Gazette) 53/91, 88/01), article 21 of the Lawyers' Act (*Zakon o odvjetništvu*) (Narodne novine RH (Official Gazette) 9/94, 117/08, 50/09, 75/09, 18/11), articles 15- 16 of the Court Fees Act (*Zakon o sudskim pristojbama*) (Narodne novine RH (Official Gazette) 74/95, 57/96, 137/02, (26/03), 125/11), articles 37 and 47 of the Asylum Act (*Zakon o azilu*) (Narodne novine RH (Official Gazette) 79/07, 80/10).

³ For example: Uzelac 2000; Gorkić 2004; Radaković/Barić 2004; Johnsen/Stawa/Uzelac 2010, etc.

⁴ See Johnsen/Stawa/Uzelac 2010, p. 48.

⁵ Narodne novine RH (Official Gazette) 44/11.

3. THE CRITERIA FOR ACCESS TO LEGAL AID LISTED IN THE CLAA

Before the Decision of the Croatian Constitutional Court in the Croatian Legal Aid Act (CLAA 08) were listed two main criteria for access to legal aid. There were existential issue and means criteria.

According to the CLAA 08 legal aid was granted in cases before courts, administrative bodies or other legal entities vested with public authority if they adjudicate the beneficiary's existential issues.⁶ Such existential issues were especially: status matters; rights from the social welfare system; rights from pension and invalidity insurance; other forms of support; employment rights; protection of children and young adults; protection of victims of criminal offences; trafficking in human beings; domestic violence; matters concerning immovable property "up to the size of adequate living accommodation";⁷ matters concerning means for work vital for supporting the beneficiary and his/hers household; monetary claims up to a certain amount;⁸ when prescribed by international agreements to which Croatia is a party.⁹

Section III of the CLAA 08 contained provisions on the qualifications that the applicants must satisfy. Those who qualified without any further conditions were: welfare recipients and recipients from "other forms of assistance"; war veterans with the right to maintenance from the Act on the Rights of Croatian Homeland War Veterans¹⁰ or from the Act on Protection of Military and Civilian War Invalids and their family members.^{11 12} Other persons qualified when the following five conditions were cumulatively met by the applicants and the members of her/his household:

⁶ Art. 5, para. 1 CLAA 08.

⁷ "Adequate living accommodation" was interpreted as 35 m² with an additional 10 m² per additional person (Art. 3 CLAA 08).

⁸ Twenty times the lowest monthly bases for calculation of obligatory insurance contribution per household member (Art. 5, para. 2 CLAA 08), i.e. 54.000 Kuna or the equivalent of 7.300 Euros (2010) or 53.600 Kuna or the equivalent of 7.245 Euros (2011).

⁹ Art. 5, para. 2 CLAA 08.

¹⁰ *Zakon o pravima hrvatskih branitelja iz Domovinskog rata i članova njihovih obitelji* (Act on the Rights of Croatian Homeland War Veterans) (Narodne novine RH (Official Gazette) 174/04, 92/05, 02/07, 107/07, 65/09, 137/09, 146/10, 55/11).

¹¹ *Zakon o zaštiti vojnih i civilnih invalida rata* (Act on Protection of Military and Civilian War Invalids) (Narodne novine RH (Official Gazette) 33/92, 57/92, 77/92, 58/93, 2/94, 76/94, 108/95, 108/96, 82/01, 94/01, 103/03).

¹² Art. 8, para. 1 CLAA 08.

- their assets in monetary form were less than twenty times the lowest monthly bases for calculation of obligatory insurance contribution per household member;¹³

- their assets in non monetary form were less than twenty times the lowest monthly bases for calculation of obligatory insurance contribution per household member;¹⁴

- they did not own a house or a flat that exceeds “the seize of adequate living accommodation”;¹⁵

- they did not own a car with a value above eighteen times the lowest monthly bases for calculation of obligatory insurance contribution per household member;¹⁶

- their total monthly income and revenue per household member were less than the lowest monthly bases for calculation of obligatory insurance contribution per household member.^{17 18} Children qualified without any economic limit in proceedings before competent judicial bodies when the case was about the right to maintenance from their parents and other persons who were obliged to support them.¹⁹

Thus the means test included the monthly income, but also: ownership of a flat or a house and other immovable property; ownership of a vehicle or a vessel; other property or income (savings, shares in the capital, pensions and other assets).²⁰ The CLAA 08 required number of documents that must be submitted of evidence of financial status, not only for the applicant but also for the members of the household – even if there is no maintenance obligation between them.²¹

The existential issue criteria and the criteria for means testing set in Art. 8 CLAA 08 applied on primary as well as secondary legal aid. Namely,

¹³ It was/is about 54.000 Kuna or the equivalent of 7.300 Euros in 2010 or 53.600 Kuna or the equivalent of 7.245 Euros in 2011.

¹⁴ See *supra ad* footnote 13.

¹⁵ “Adequate living accommodation” was interpreted as 35 m2 with an additional 10 m2 per additional person (Art. 3 CLAA 08).

¹⁶ It was/is about 48.600 Kuna or the equivalent of 6.570 Euros in 2010 or 48.240 Kuna or the equivalent of 6.520 Euros in 2011.

¹⁷ It was/is about 2.700 Kuna or the equivalent of 365 Euros in 2010 or 2.680 Kuna or the equivalent of 362 Euros in 2011.

¹⁸ Art. 8, para. 1 CLAA 08.

¹⁹ Art. 8, para. 2 CLAA 08.

²⁰ Art. 8 CLAA 08.

²¹ Art. 16 CLAA 08. See *infra ad* 4.

the CLAA 08 distinguished between primary legal aid and secondary legal aid. Primary legal aid, in accordance to the CLAA 08, comprehended information, counselling, drafting and representation outside the courts,²² while secondary legal aid included legal assistance and representation in court cases, also in settlements before a court.²³ Representation before the European Court of Human Right and other international bodies was covered, but classified as primary, not secondary, legal aid.²⁴

The application of these criteria brought a lot of questions and problems. First, what is a case with an existential issue, especially because the CLAA 08 contained a list with some cases? Is it the division of marital property a case with existential issue or not? Especially in the contexts of requirement that matters concerning immovable property are existential important but “up to the size of adequate living accommodation” which was interpreted as 35 m² with an additional 10 m² per additional person.²⁵ Second, what is with people who live at the edge of poverty in their own houses in rural areas of some size, bigger than 35 m²? For example they fulfil the criteria of the income and the case is about some rights from the social welfare system. Do they need to sell their old house, which only have not collapse, but is higher than 35 m²? Third, the CLAA 08 required the number of documents that must be submitted of evidence of financial status, not only for the applicant but also for the members of the household – even if there is no maintenance obligation between them.²⁶ In this context there was one case where daughter after separation of her husband lived with her mother. The daughter wanted to claim divorce but her mother was against divorce and did not give the relevant declaration and consent to inspection of her property for purpose of submitting the application for legal aid. State administrative body did not know what to do with this application.

However, the principles for granting legal aid for “reasons of fairness” in the CLAA 08 allowed courts to grant legal aid independent of the problematic existential issue criteria and the criteria for means testing criteria,²⁷ but the “fairness” principles in the CLAA 08 appeared as exceptions. Namely, pursuant to Art. 5, para. 3 CLAA 08, in court proceedings the court might also approve legal aid to parties “who do not meet the conditions prescribed in this act for reasons of fairness.”

²² Art. 4, para. 2 CLAA 08.

²³ Art. 4, para. 3 CLAA 08.

²⁴ Art. 4, para. 2 CLAA 08.

²⁵ Art 3 CLAA 08.

²⁶ Art. 16 CLAA 08. See *infra ad 4*.

²⁷ Art. 42 CLAA 08.

The provisions on legal aid for reasons of fairness allowed courts to grant legal aid independent of the problem criteria if: the proceedings were complex; the party did not have the ability to represent himself/herself; and the financial status of the party was such that hiring an attorney would endanger the livelihood of the party and members of his/her household.²⁸ The principles cited were discretionary, the effect in practice depended on whether courts used the discretion as supposed.²⁹

Mentioned problems regarding the access to legal aid, pursuant to the CLAA 08, led to the Decision of the Croatian Constitutional Court.³⁰ Namely, the provisions that listed the cases which were especially existential issues and provisions regarding the financial means test were abolished.³¹

According to the Decision of the Croatian Constitutional Court the Croatian Parliament (*Sabor*) adopted the new provisions of criteria to access to legal aid.³² Instead of the existential issues criteria for primary as well as secondary legal aid the CLAA 11 listed narrow the cases in which the applicant can obtain legal aid. For primary legal aid these are only: status matter of citizens; rights from pension and invalidity insurance; rights from the social welfare system; employment rights.^{33 34} Secondary legal aid is granted in: matters related to ownership (excluded register proceedings); labour disputes; family law proceedings; execution proceedings, in matters for which legal aid may be approved according to the provision of the CLAA 11; peaceful dispute settlement.^{35 36} However, legal aid pursuant to the CLAA 11 may be obtain in court and administrative proceedings when this need derive from the concrete living circumstances of the applicant and the

²⁸ Art. 42, para. 2 CLAA 08.

²⁹ It seems that an exceptional character of this instrument is further confirmed by the fact that the report issued by the Ministry of Justice on the implementation of the right to legal aid in 2009 contained no data whatsoever on the scope and volume of application of art. 5, para. 3 CLAA 08. See Johnsen/Stawa/Uzelac 2010, p. 17-18.

³⁰ *Odluka Ustavnog suda Republike Hrvatske* (Decision of the Croatian Constitutional Court), nr. U- I-722/2009 of 6 April 2011 (Narodne novine RH (Official Gazette) 44/11).

³¹ These provisions ceased to apply 15 of July 2011.

³² *Zakon o izmjenama i dopunama Zakona o besplatnoj pravnoj pomoći* (Act on Amendments to the Croatian Legal Aid Act) (Narodne novine RH (Official Gazette) 81/11; hereinafter: CLAA 11).

³³ Art. 5, para. 2 CLAA 11.

³⁴ The CLAA 11 redefined the primary legal aid. Thus primary legal aid comprehends counselling, drafting and representation outside the courts, also legal aid provided in peaceful out-of-court dispute settlement (Art. 4, para. 2 CLAA 11).

³⁵ Art. 5, para. 3 CLAA 11.

³⁶ Secondary legal aid, pursuant to the CLAA 11, comprehends counselling, drafting and representation before the courts, also legal aid provided in peaceful dispute settlement (Art. 4, para. 3 CLAA 11).

members of her/his household in accordance to the general purpose and sense of the CLAA 11.³⁷

The criteria for means testing after the Act of Amendments to the CLAA did not essentially change. One of changes is that the house or flat in which the applicant and her/his household live will not exclude him from the exercising legal aid.³⁸ Also the CLAA 11 contains the principles for granting legal aid for “reasons of fairness” that allow courts to grant legal aid independent of the ordinary criteria.³⁹

4. THE APPLICATION PROCESS FOR RECEIVING LEGAL AID

The application process for receiving legal aid is complex and did not change essentially after the Decision of the Croatian Constitutional Court. Generally, each procedure for approval of legal aid has to be instituted by submitting an application to a legal aid office of the county administration. Exceptionally, the procedure for approval of primary legal aid may be instituted by direct submission of an application to authorized associations, unions, legal clinics or state administrative bodies.⁴⁰

The application has to be filed on a form, prescribed by the Minister of Justice. The form contains various details about the applicant, as well as about the legal matter for which legal aid is requested. The form of legal aid (primary or secondary legal aid) has to be chosen, as well as its sub-type (e.g. “legal advice”, “drafting documents in legal proceedings”). Only one form of legal aid may be indicated in the application form.⁴¹

The applicant has to provide a full disclosure of the financial status of himself/herself and the members of his/her household. For each member, a number of details have to be reported, including the relationship, personal identification numbers (OIB), data on the average monthly income realized during past 12 months; data on average monthly amount of the taxable income; names and addresses of the employers; data on immoveable property owned by the each member of the household including their addresses, usable space in square metres and market value; data on vehicles or vessels owned by them (including types, brands, models, years of

³⁷ Art. 5, para. 2 and 3 CLAA 11.

³⁸ Art. 8, para. 1 c) CLAA 11.

³⁹ Art. 42-44 CLAA 11.

⁴⁰ Art. 15 CLAA 11.

⁴¹ *Pravilnik o obrascu zahtjeva za odobravanje korištenja besplatne pravne pomoći, obrascu uputnice i evidenciji izdanih uputnica* (Regulations on Application Form for the Approval of Legal Aid, Form of Voucher and the Evidencing of Issued Vouchers) (Narodne novine RH (Official Gazette) 128/08).

production, registration plates and current market value of the vehicles or vessels). Data about the amount of savings or cash in banks should be disclosed as well, including the particulars such as the numbers of bank accounts and the SWIFT codes of the bank. Other assets of the applicant and his household members, such as the ownership on securities or shares, have to be disclosed in detail as well.⁴²

Further on, the completed application form has to contain a number of attachments: a written statement by the applicant and the members of his/her household giving permission to inspect all data on their assets and revenue; various certificates on the status of the applicant issued by a competent body. If the application is submitted directly to the authorized associations, unions, clinics or state administrative bodies, it also has to have attached a certificate from the tax administration on the amount of revenue of the applicant and members of his/her household on their assets.⁴³

The application forms have to be submitted personally or by registered mail to the state administration office (or its branch) competent according to the (permanent or temporary) residence of the applicant. After submission of the application form and the required attachments, the office will have to verify the facts given in the statement. Although it is not necessary to check every declaration of the applicant, the office is obliged to verify at least ten percent of the requests.⁴⁴

The legal aid offices should regularly decide on the application within 15 days from the submission of the application.⁴⁵ If application is rejected, the applicants may lodge an appeal within 15 days with the Ministry of Justice, and – if unsuccessful – further institute an administrative dispute with the Administrative Court.⁴⁶

If application is granted, an order (voucher; *rješenje o odobravanju korištenja pravne pomoći*) certifying fulfilment of the conditions for legal aid is issued. This order is related to the type of legal aid requested. However, the issued order as such does not determine the legal aid provider: the beneficiary of legal aid should “freely” decide on the choice of provider

⁴² Art. 4 *Pravilnika o obrascu zahtjeva za odobravanje korištenja besplatne pravne pomoći, obrascu uputnice i evidenciji izdanih uputnica* (Regulations on Application Form for the Approval of Legal Aid, Form of Voucher and the Evidencing of Issued Vouchers).

⁴³ Art. 16 CLAA 11.

⁴⁴ Art. 21 CLAA 11.

⁴⁵ Art. 23, para. 1 CLAA 11. But practice shows that they need more than 15 days. Sometimes the applicant waits 30-45 days. See Johnsen/Stawa/Uzelac 2010, p. 53.

⁴⁶ Art. 22, para. 4 and 5 CLAA 11.

of legal aid, “bearing in mind the authority of the provider to offer specific forms of legal aid.”⁴⁷

Four categories of providers are pointed out in the CLAA 01 – attorneys, authorized associations, institutions of higher education through law clinics and state office bodies.⁴⁸ Attorneys may offer both primary and secondary legal aid while associations, legal clinics and state administrative bodies are limited to primary legal aid.⁴⁹

5. CONCLUSION REMARKS

Are administrative proceedings and documents that have to be submitted of evidence – listed in the CLAA 11 – appropriate for access to legal aid, generally, primary legal aid (legal counselling), specially?

The described system of processing legal aid applications is quite complicated, and to a large degree bureaucratized. It is setting a number of both procedural and substantive obstacles, which can have a negative impact. There is practically very little difference between the application processes for primary and secondary legal aid, i.e. whether the applicants seek representation in a court case, or whether they need simple legal advice in their matter, they have in principle to undergo the same complex application process.

International researches show that modern legal aid should be liberal when it comes to short legal advice and cover all types of legal problems in society. Such services should be informal, efficient and accessible.⁵⁰ Thus, the application process based on the issuance of orders in the administrative proceedings is inappropriate in the context of primary legal aid.

The implemented system of legal aid in the Republic of Croatia:

- did not enable citizens of lesser economical status to have the access to legal representative, to acquire legal aid and to have equal access to judicial and administrative government institutions, to the full extent;

- it is necessary to implement significant changes to the model and means to possibility of access to legal aid which will require radical changes of the current law, in order to: a) reduce the level of bureaucracy and

⁴⁷ Art. 30, para. 3 CLAA 11.

⁴⁸ Art. 9, para. 1 CLAA 11.

⁴⁹ Art. 11, para. 1, Art. 12, para. 1, Art. 13, para. 1, Art. 14, para. 1, Art. 14a, para. 1. CLAA 11.

⁵⁰ See Johnsen/Stawa/Uzelac 2010, p. 47-49.

formalism of the approval process and utilization of free legal aid services; b) accomplish the presumptions of *acqui commutaire* implementation and c) fulfill the warranties taken over by international law which require the complete equality of citizens in regards to access to justice.

BIBLIOGRAPHY

Gorkič 2004

Gorkič, A., *Legal aid*, a round table presentation, Zagreb, March 2004.

Johnsen/Stawa/Uzelac 2010

Johnsen, Jon. T.; Stawa, G.; Uzelac, A., *Evaluation of the Croatian Legal Aid Act and its implementation*, Zagreb/Oslo/Vienna, October-December 2010.

Radaković/Barić 2004

Radaković, M.; Barić, S., *Position of nongovernmental organizations in providing legal aid in Republic of Croatia*, Zagreb, December 2004.

Uzelac 2000

Uzelac, A., *Access to justice – analysis of the state in Republic of Croatia*, <http://alanuzelac.from.hr/Pdf/access.pdf>, Zagreb, 2000.

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SVESNO UGROŽAVANJE EFIKASNOSTI FANATIČNIM NASTOJANJIMA OSTVARIVANJA ISTINE: PRIMER HRVATSKOG SISTEMA PRAVNE POMOĆI

Ostvarivanje prava svih građana na pristup pravdi sa ciljem ostvarivanja svojih ličnih prava je garantovano odredbama međunarodnih propisa. Potpisivanjem međunarodnih dokumenata Republika Hrvatska se obavezala da obezbedi svim građanima jednak pristup pravdi. Uprkos činjenici da Republika Hrvatska nastoji da prati savremena moderna društva u ostvarivanju političkih i pravnih ideala, koji se, između ostalog, odnose i na pravo građana da se obrate sudskim i drugim državnim vlastima koji odlučuju o ostvarivanju i zaštiti ličnih prava građana, ona i dalje zaostaje. Zakonom o pravnoj pomoći Republike Hrvatske su predviđena dva osnovna uslova za pristup pravdi.

Ključne reči: pristup pravdi; (ne) jednakost; ljudska prava; istina; Hrvatska.

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