

ASSOCIATION OF CROATIAN JUDGES

16 June 2007

INTERNATIONAL ASSOCIATION OF JUDGES  
First Study Commission

Re: Answers to the Questionnaire "**Access to Justice**"

**I. The costs of bringing or defending a civil claim or defending a criminal charge.**

**1.**

(a) YES, there is system of legal aid in Croatia.

(b) YES, it is available in all regular courts where individuals are parties in the case both criminal and civil.

**2. Which costs are covered by legal aid?**

Covering costs can have different aspects.

(a) Parties can be freed fully or partly of paying court fees, what is decided by a judge.

(b) If a party is unable to pay representation before court Bar Association has to provide lawyer for such individual if he/she meets proscribed requirements ( depends on parties assets). Decision on providing lawyer stays within Bar Association. State bodies have no role in this respect.

In criminal case if party is unable to cover his/hers cost for defence lawyer- attorney at law is provided by court decision .

(c.) In particular cases ( i.e. family cases) expert witnesses are pays from court budget. If party has no sufficient fond to cover court expenses procedural laws proscribes that such party can ask that such cost shall be covered from funds in court budget. In criminal cases all such costs are funded from court budget.

### **3. What are limitations to of legal aid?**

There is no limitation in any of listed aspects.

Regarding cost of a lawyer in criminal case only in that case lawyer fees are proscribed by law.

### **4. Who grants legal aid for civil/ and/or criminal cases? Is it granted by body which is under the control of judiciary or by an extra judicial organ? If the latter, describe this organ.**

In civil case aid is granted by Barr Association providing lawyer to the party. Lawyer have duty to provide such service if they are ordered by the Barr.

In criminal case representation is provided by decision of President of Court, and costs are covered from court budget. ( see Answer 2.)

## **II. Information about the judicial system:**

### **5. Students.**

YES, students are taught about court system through procedural law subjects.

### **6. What means are there for informing potential litigants or other users of court system?**

Web sites, media, spokespersons of courts, judges in particular proceedings, pamphlets and booklets in the courts etc.

## **III. Access for minority groups (eg. ethnic or language groups)**

(7.a.) YES. Everybody has a right to use his/hers language in court and in that case court interpreter is provided.

In municipalities with substantial number of members of minority they have right to use their own language.

(7.b.) and (7.c.) See answer under 7.a.

## **IV. Delays in the justice system.**

Croatia court system has managed to reduce number of pending cases for one fourth in last year. So instead of 1,6 million pending cases court system is dealing with 1,2 million pending cases.

The main problem is to wide court jurisdiction , large numbers of incoming cases every year, not sufficient number of court staff comparing to other European countries.

New laws are introduced to change jurisdiction of courts and cases are distributed among courts so court with less backlog are getting cases from courts where number

of incoming cases is not allowing those courts and judges in those courts do deliver decisions on reasonable time.

#### **V. Procedure in courts.**

(9.) There are not such problems in Croatia as listed under this point.

Problem from judges point of view is that procedural laws allow parties to use various modalities to postpone the hearings, and final judgment.

Lawyers' fees which are charged by every action before court in particular case and not by faze in the proceedings also generate delays in the proceedings.

#### **VI. Enforcement**

(10.a.) Courts are insuring that judgments are enforced upon the request of the party. Judgments in civil cases are not enforced ex officio.

(10.b.) YES.

(10.b.) Law on enforcement of judgments gives opportunity to the parties to use large number of remedies and motions to postpone the enforcement.

Transferring enforcement out of the courts could help, and/or introduce changes of Enforcement Act which will forbid wide possibility to appeal in this faze of procedure.

#### **VII. Other Obstacles**

#### **VIII. Recommendation**

New law on legal aid is before Parliament.

For Association of Croatian judges  
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