



## Mediation and Legal Aid: Benefits of synergy

### ACTIVITY 5 “WRITTEN FINDING”



February 2025.

## **Content**

<b>1. About bilateral activity .....</b>	<b>2</b>
<b>2. Purpose and goal of bilateral activity .....</b>	<b>3</b>
<b>3. About the activities carried out .....</b>	<b>5</b>
<b>4. Review of judges .....</b>	<b>9</b>
<b>5. Review of the lawyer .....</b>	<b>15</b>
<b>6. Review of the Centre for peaceful resolution of disputes .....</b>	<b>18</b>
<b>7. Conclusion.....</b>	<b>20</b>

# 1. About bilateral activity

Within the framework of the Norwegian Financial Mechanism 2014-2021. in the Republic of Croatia, the program "Justice and Internal Affairs" is implemented. The program is managed by the Ministry of Justice, Public Administration and Digital Transformation with the support of the Norwegian Courts Administration in the role of Donor Program partner and the Council of Europe as an international partner organization. The value of the program is EUR 15 million from the grant of the Kingdom of Norway, with the contribution of the Republic of Croatia in the amount of EUR 2.64 million. The goal of the program is to strengthen the rule of law, and the program included the implementation of the project "Reinforcing the system of court-annexed mediation".

The project "Reinforcing the system of court-annexed mediation" was implemented from 2020 to 2024, it was implemented by the Directorate for Civil, Commercial and Administrative Law of the Ministry of Justice, Public Administration and Digital Transformation in cooperation with Project Partners - the Norwegian Courts Administration and the Judicial Academy.

The bilateral activity "Mediation Legal Aid: Benefits of synergy" is a continuation of work on the improvement of mediation with additional expansion of activities and on the improvement of the legal aid system.

Implementation includes the following activities:

- study visit to Denmark
- maintenance of the workshop
- holding an Open-door week "Towards Mediation"
- study visit to Italy
- making findings.

## 2. Purpose and goal of bilateral activity

The success in the implementation of the project "Reinforcing the system of court-annexed mediation" resulted in the recognition of the importance and need for continuous work with system stakeholders and citizens.

Therefore, the aim and purpose of the bilateral activity is to explore the possibilities for continuing work on the improvement of the legal system related to mediation and in possible future projects.

During the implementation of the project "Reinforcing the system of court-annexed mediation", the interesting question arose as to whether legal aid can give an incentive to mediation.

Also, it has been shown that the improvement of the legal system is possible only through the inclusion in the processes of all stakeholders of the justice system, through the acquisition of knowledge and experience, education and the exchange and dissemination of information.

Based on the above, the idea arose to discuss the issue of how to further encourage the legal system and its stakeholders to use mediation more widely. It was established that the area of providing legal aid is the "meeting place" of all key stakeholders. When we talk about legal aid, the intention is to focus on the system of free legal aid. In the system of free legal aid, processes take place in which both parties and providers of legal aid are involved (persons who are employed in associations, state administration bodies and, as part of their work, provide parties with a certain type of legal aid, but also lawyers as experts), as well as courts and others.

Both mediation and free legal aid are part of the legal system in Croatia and Norway.

Therefore, the purpose of the work is to investigate whether there is additional space for the improvement of mediation, but also to investigate whether there is a need to improve the system of free legal aid in general and how adequate it is to encourage more frequent use of mediation as a way of resolving disputes.

Special attention is devoted to determining the need to improve mediation and free legal aid in terms of improving the quality of the system and its availability to those who need legal aid and are unable to provide it themselves.

In addition to the above, a number of processes have been taking place for a long time that influence and change the social and economic image and needs of society. One of them is the

digitization process that modernizes the entire society, but also the area of justice, however, which, however, simultaneously sets additional requirements for the application of existing knowledge in new circumstances, the acquisition of new knowledge, and requires the adaptation of society in general. Digitization has the potential to bring services such as legal aid and mediation closer to citizens, which is of great importance considering the need to increase territorial accessibility, reduce costs for citizens, and the need to inform citizens about these systems. However, at the same time, it is clear that digitization will not solve the issue of the availability of the system of free legal aid and mediation to all categories of persons, especially persons who fall into sensitive categories, and that it is necessary to consider and develop the availability of these services in other ways as well.

Therefore, if we take into account the mentioned social and economic events that today have an impact on the functioning of the legal systems of states, work on improving the part of the legal system that provides citizens with additional opportunities to resolve disputes, as well as work on strengthening mechanisms that also ensure access to justice and court, is socially beneficial and justified, but also expected.

### 3.About the activities carried out

The bilateral activity was carried out through five activities designed in such a way that at the beginning of the implementation a narrow team of experts would be assembled who would gain insight into other legal systems of mediation and legal aid through comparative experiences, after that the wider professional public would be involved and the implementation of the activity would end with the inclusion of citizens as a wider non-professional public. The last activity is the preparation of finding, the aim of which is to prepare an opinion on whether there is a need and interest for further work on improving mediation and legal aid through synergy, but also separately.

Therefore, the work began with a study visit to Denmark, in the period from September 2 to 6, 2024.

The reason for choosing Denmark for the study visit was that Denmark has a long tradition of both providing legal aid and using peaceful dispute resolution, which was considered worth exploring.

In the case of the legal system of Denmark, the structure of providing legal aid in Denmark, which consists of three steps, was particularly interesting, with the third step being particularly interesting because it refers to the possibility for the parties to receive legal aid in the event that in their dispute with the other party there is a reasonable possibility of resolving the dispute by settlement, that is, by peaceful means.

A team of Norwegian-Croatian legal experts in the field of mediation and legal aid was assembled, consisting of judges, lawyers and mediators. In the framework of visits to institutions in Denmark and presentations by relevant Danish legal experts, insight was gained into the Danish system of mediation and legal aid.

The visiting program began with an introductory remote presentation by a Danish expert in both legal aid and mediation, Bettina Lemann Kristiansen, a university professor at the Faculty of Law in Aarhus. After an introduction to the Danish system of legal aid and mediation, upon arrival in Denmark, the expert team visited the Bar Association of Denmark, the Danish Courts Administration, the University of Copenhagen and the Legal Aid Office in Copenhagen.

After the study visit to Denmark, in the period from October 2 to 4, 2024, a two-day workshop was held in Crikvenica with the participation of about 80 participants, relevant stakeholders of the mediation and legal aid system.

The added value of the workshop was achieved by the participation of international experts as lecturers on topics in the field of mediation and legal aid.

During the first day of the workshop, and considering the intention to familiarize the stakeholders of the legal aid system with mediation and vice versa, the stakeholders of mediation with the system of legal aid, the legal aid system and the framework of mediation in the Republic of Croatia were presented through two lectures with a comparative review of the experiences gained in Denmark. Then followed the international part of the program and presented the Norwegian system of legal aid, and then the European framework with an emphasis on the Greek model regarding the application of mediation and out-of-court methods of dispute resolution in the context of legal aid. The lectures ended with the presentation of the judge's review of the provisions of the Act on free legal aid in relation to pending litigation and the lawyer's review of the role of lawyers in mediation and legal aid.

The next day, the participants of the event took an active part in the workshop held using the "World Café" method. The participants were divided into groups and arranged at six tables with different topics for discussion. The topics of the tables were:

- Mediation and legal aid as a guarantee of the realization of the right to access to justice.
- Suspended litigation - how to prevent process abuses.
- The importance of communication between the stakeholders of the mediation system and legal aid, and the importance of communication between the stakeholders of the aforementioned systems and citizens.
- Specificities of sensitive social groups in the system of legal aid and the mediation system – minorities, Roma, asylum seekers, children, etc.
- Working evaluation of the dispute in the first contact with the party - working application of law, customs and morals.
- Costs of mediation and legal aid - financial sustainability, financial needs.

It was in joint work with system stakeholders, through two days of workshops and their active participation, that a direct insight into the experiences and thoughts of all system stakeholders on the topic, among other things, on the topic of the position of vulnerable groups in the mediation and legal aid system, was achieved. The participants discussed a series of questions to determine the current situation and the needs and obstacles when it comes to vulnerable groups. By not placing restrictions on the participants in terms of determining which vulnerable groups these would be, the discussion in itself showed a common attitude that it is primarily about issues of protecting the rights of migrants, foreign workers, elderly people and members of the Roma community. Particularly significant was the realization that all stakeholders in the system are aware of the special importance of protecting children's rights within the judicial system, however, that it is precisely here that the possibilities of improvement through the use of mediation are largely unused, all

considering that this is a special part of the judicial system and the specifics that characterize the functioning of family law protection. On the other hand, the system of free legal aid itself, as it were, is, acting within the normative and institutionally given framework, focused on providing legal aid to children in court proceedings, in which they are usually represented by parents or guardians, and distanced itself from considering the real potentials that exist in direct ways of communication with children and when it comes to protecting their rights and when circumstances arise for them that require the involvement of the judicial system. The Norwegian experience has shown a huge potential in this area, which is considered particularly important to explore in future work. The participants emphasized increasing information about mediation and free legal aid and education for participants in the system in order to improve their work as important steps in working with vulnerable groups.

In continuation of the implementation of the activities, with the aim of "opening" the project to the wider non-professional public by informing citizens about the topics of peaceful resolution of disputes and realizing the right to free legal aid in the week in which the World Day for Peaceful Resolution of Disputes is celebrated (October 19), an Open-door week "Toward Mediation" was held in the organization of the Centre for peaceful resolution of disputes as a Project partner. The role of the Center is also defined by the normative framework of mediation in Croatia, which stipulates that the Center, among other things, encourages the development of a culture of peaceful dispute resolution, and for which reason they, as Project partners, were responsible for the preparation and implementation of the planned activity.

The Open-Door Week "Toward Mediation" was held according to the open-door model on October 14, 2024 in Zagreb, October 15, 2024 in Rijeka, October 16, 2024 in Split and October 18, 2024 in Osijek.

About 300 participants visited the Open-Door Week in Zagreb, Rijeka, Split and Osijek in four days, where experts for legal aid and mediators were available to them, and citizens were introduced to legal aid and mediation. The media covered the event all over Croatia.

The idea of a study visit to Italy arose later, as a result of successful cooperation between Italian, Norwegian and Croatian experts during the preparation and implementation of the workshop in Crikvenica.

Italy has introduced mediation into its legal system both at the legislative and institutional level as a way of resolving disputes, the solutions it has accepted are to a certain extent comparable to the solutions accepted by Croatia in its legislative and institutional framework of mediation with the adoption of the new Act on the peaceful resolution of disputes in 2023.



In order to compare the three different legal systems governing mediation, Norwegian, Italian and Croatian, as well as the issue of providing legal aid, which is important for all legal systems, getting to know the Italian legal system was useful for the participants.

A study visit to Italy was held in the period from January 27 to 30, 2025, during which Norwegian and Croatian experts visited the Ministry of Justice of Italy, the Supreme Court and the ADR Center in Rome and got acquainted with the Italian system of mediation and providing legal aid.

## 4. Review of judges

Judges conduct court proceedings. Getting to know mediation and being a judge mediator is a kind of upgrade. Therefore, the experiences of judges in the implementation of bilateral activities are particularly significant.

From the perspective of the court, through the activities carried out, it was interesting to see how different institutions approach mediation, whether it is about the creation of a legislative framework for carrying out mediation, or whether it is about the institutional framework in which the systems operate.

The view of mediation from the perspective of judges was presented in Denmark during a visit to the Danish Courts Administration, and in Italy during a visit to the Supreme Court of the Republic of Italy.

In Italy, the expert team had the opportunity to learn more about the development of mediation from its very beginnings, when the idea of mediation was unknown to the local public and there was resistance to the idea of resolving legal disputes peacefully instead of going to court.

Although mediation has been implemented in Croatia for a long time, in relation to the wider, non-expert public, it could be said that the promotion of mediation in Croatia is still in its infancy. Therefore, it was useful and interesting to hear what problems the Italians encountered along the way and how they overcame them.

It was particularly interesting to see the percentages of success in proceedings in which mediation is carried out in Italy, which reached figures above 50%. The above is particularly interesting considering that the Croatian legal culture is in many respects similar to the Italian one; first of all, there is a tendency to litigate, there is a tendency not to give up one's views, which results in the length of proceedings.

The above is certainly an incentive to step up efforts to strengthen mediation in Croatia, both out-of-court and court. Court mediation can be an important segment, on the one hand, to familiarize the parties with the possibility of peaceful settlement of disputes, and on the other, to implement them. Namely, in court it is possible to familiarize the parties with all the advantages of such dispute resolution before referring them to mediation, which is an effective way for the parties to start mediation with an awareness of the advantages of mediation and the real intention that the mediation will be successfully concluded. The parties themselves have the choice whether to try to resolve the dispute peacefully in court or outside it.

In Croatia, the parties still prefer mediation in the courts, for which there are several reasons - first of all, accessibility, free of charge and many decades of practice, which are the advantages of the courts compared to out-of-court institutions for mediation.

Because of the above, there is certainly a need to continue working on court mediation as a tool that will help the parties to solve their legal problems faster and cheaper, and to relieve the courts of cases that can be solved without conducting court proceedings.

The training of judges for mediators in Croatia achieved excellent results in the number of judges who completed it, their impressions and application in practice. There is a noticeable interest of judges who have not yet undergone this training to complete it, as well as those who have completed it after advanced training.

In view of the new legal provisions in Croatia, which stipulate the mandatory holding of an informative meeting in certain cases, and the parties themselves can choose whether to hold it within the court or the institutions for mediation, bearing in mind what was said earlier, it is to be expected that the need to conduct mediation in court will increase.

As far as the provision of free legal aid is concerned, it is noticeable that judges in Croatia are not very familiar with the mentioned institute, because the provision of this type of aid is decided by bodies outside the court. But regardless, judges judge cases in which the parties are persons who are entitled to free legal aid, which is why they come into contact with the mentioned area, either related to the cost or to decide on certain rights of the parties who are entitled to this aid. On the other hand, the bodies that decide on costs related to the provided free legal aid do not always have the necessary knowledge of the case that judges have, which are sometimes necessary in order to make a decision on the costs of the procedure. Therefore, in future work, it would be expedient to consider the question of whether there is a possibility to hold training sessions attended by judges and officials who work on free legal aid in order to exchange experience, consider problems that appear in practice and possible solutions.

It would also be useful to consider the idea and do a deeper comparative research on the possibility of making the provision of free legal aid conditional on an active attempt to resolve the dispute peacefully, which could result in results that would not only strengthen mediation, but also channel the provision of free legal aid to those cases where legal aid is really needed.

Because of all of the above, the visit to Denmark and the insight into the system of providing legal aid there was very interesting and useful because the participants were able to learn about the functional system of providing that aid, which has a long tradition behind it, and they encountered new ideas and solutions in that area.

From the perspective of judges, in the discussion about the needs of vulnerable groups, the issue of protecting children's rights turned out to be particularly important, and it was observed that there is a significant unused space for judicial action within the mediation system when it comes to their legal protection. All of the above especially with the approach that the rights of the most vulnerable members of the family, namely the children, are best protected only when working with the whole family.

Therefore, in this finding, a judge's review of the potential of mediation as an aid in resolving family disputes in Croatia is given, with a review of examples from Norway and Denmark.

Family cases represent one of the most sensitive areas dealt with by judges, lawyers, social workers, psychologists and other participants involved in resolving conflicts between parents - former spouses or extramarital partners. As one of the fundamental principles, the Family Law prescribes the principle of consensual resolution of family relations, which binds all participants who provide professional assistance to the family or make decisions in family relations. Courts and other bodies are obliged to encourage the parties to agree and voluntarily fulfill their obligations and to use family mediation. The obligation to encourage is not limited in time and extends to the procedure for resolving legal remedies and enforcement. In the spirit of the above, the Family Law of 2015 introduced into the Croatian family law system two new instruments - mandatory counseling before starting proceedings for divorce and other proceedings related to children and family mediation.

Mandatory counseling was introduced with the aim of providing professional assistance to marital and non-marital partners before the formal initiation of court proceedings in order to define the individual needs of children and parents in the form of an agreement - a parental care plan, which is then confirmed in court proceedings and given the force of an enforceable document. The aforementioned professional help to parents is provided by a psychologist, a social worker and a lawyer from the Croatian Institute for Social Work. If the parents do not reach an agreement during the mandatory consultation, they are referred to family mediation. The first meeting of family mediation was mandatory before starting the divorce proceedings (Article 230, paragraph 3 of the Family Law) until January 1, 2024, when by the decision of the Constitutional Court of the Republic of Croatia No. U-I-3941/2015 of the said provision was repealed. The same provision was repealed due to its functional connection with the provision of Article 54 paragraph 4 of the same Act, which was also repealed, and which stipulated that a spouse who does not attend the first meeting of family mediation cannot file a lawsuit for divorce. The Constitutional Court of the Republic of Croatia determines, among other things, that the fundamental principle of the institution of family mediation is the principle of voluntariness and that a spouse who does not attend the first meeting of family mediation cannot be denied the right to access the court guaranteed by Article 29 paragraph 1 of the Constitution of the Republic of Croatia, without first examining the reasons and circumstances for which he did not accede.

Therefore, parents who have minor children can, before starting court proceedings, resolve the issue of parental care by agreement and sign a joint parental care plan in the mandatory counseling procedure. They can also reach an agreement in family mediation, which is not mandatory and is carried out in the Family Center or mediation institutions.

Unfortunately, only a small number of cases are settled by agreement before the competent Croatian institutes for social work in such a way that the parties sign a plan which is then approved by the court in non-litigation proceedings.

Some of the cases before the court, about 5%, end already at the first hearing when the parties reach an agreement on which parent the child will live with, on the way to achieve parental care and personal relations with the other parent - and this is a situation where the parents are reasonable and cooperative and put the interests of the child above their own interests, they usually have lawyers who have already prepared them in advance and familiarized them with the advantages of an amicable settlement of the dispute and the disadvantages of long-term proceedings.

However, a larger number of divorce cases with minors or deciding on parental care after the termination of the extramarital union are resolved before the court for several years, the parties solve their mutual unresolved problems through the children, who bear the greatest burden of these long-lasting procedures.

The basic task of all participants in the resolution of family disputes is primarily to take into account the best interests of the child and his well-being in such a way as to protect the child as best as possible from the traumatic situation of the parents' divorce and their mutual conflict and enable the child to grow and develop in a safe, peaceful and stimulating environment.

When parents do not want to come to an agreement or actively participate in finding the best solution for their conflict, but leave it to the institutions to make a decision on parental care for them, with which at least one of the parents will certainly not be satisfied, the basic problem, i.e. the conflict between the parents still remains unresolved, there is no collaboration between the parents, which results in the impossibility of parental care for the minor child.

Underage children in such an environment of absence of any kind of parental collaboration, and sometimes even complete communication, bear the consequences that stop their physical and psychological development and cause irreparable damage.

Therefore, children's rights can be best protected through mediation, which our law only formally allows in proceedings for child maintenance (and division of matrimonial property), while it is not allowed in family cases in which parental care is decided, even though it

emphasizes as one of the basic principles the principle of consensual resolution of family relations.

However, the way in which mediation is carried out in family cases in Norway and Denmark and its success, give us hope.

In Norway, specific mediation is carried out in court in cases where parental care is decided in such a way that the judge in charge of the case first schedules a hearing for mediation, because the dispute is usually resolved in mediation through 1-3 hearings. Mediation is conducted by the judge in charge of the specific case in cooperation with a psychologist. Before the hearing, the psychologist talks with the child and informs the parties and the court about the child's opinion, and then the psychologist talks with the parties. During the duration of the mediation procedure between mediation hearings, relations are temporarily arranged so that the child lives with one parent and then with the other, and depending on this, the personal relations of the child with the parent with whom he does not live are determined, all with the aim of finding a solution that is in the best interest of the child. If the parties fail to reach an agreement in mediation, the same judge will make a decision in the case (within 6 months from the submission of the complaint to the answer, the main hearing is scheduled and the decision is published within 14 days). About 40% of parental care cases are settled by settlement in court mediation, and about 10% by settlement out of court.

Mediation in Denmark is used more often since the opt-out system was introduced, according to which it is assumed that the parties want to participate in mediation until they explicitly state that they do not want to do so.

A family case begins with mediation, except in the case when one of the parties expressly refuses to participate in mediation. Then, 3 months before the hearing, the judge checks with the party who refused mediation by phone whether they have changed their mind. Psychologists are also involved in mediation in family cases. The success rate of cases resolved in mediation is 60%.

Therefore, for further work, it would be worthwhile to investigate the possibility in Croatia of encouraging parents to resolve family relations by agreement and thereby protect the best interests of the child:

- introducing mandatory mediation in family cases with an opt-out system, which would result in the conclusion of a joint parental care plan that would be confirmed by a judge mediator;
- defining the authority of court psychologists in mediation procedures;

- the participation of the court psychologist in the preparations for mediation in such a way as to conduct an interview with the child and then with the parents, to whom he would convey the child's opinion;
- enabling parents to turn to a psychologist for advice between mediation hearings;
- by regulating with temporary measures the child's residence with one parent, then with the other, and personal relations with the parent with whom he does not live between the mediation hearings, so that the parents are convinced in practice what is best for the child;
- by scheduling a mediation hearing in the shortest possible time period, which would protect the child from prolonged exposure to a conflict situation;
- by educating lawyers and judges to actively participate in the mediation process and effectively help the parties to find a solution to their conflict and reach an agreement regarding the regulation of parental care.

## 5. Review of the lawyer

This overview of lawyers summarizes the activities and conclusions reached in the framework of bilateral activity, with a focus on the roles of lawyers in the mediation system.

Analyzing these roles, this chapter elaborates on the integration of mediation and legal aid within different jurisdictions, and the applicability of their practice to improve the Croatian legal framework. The starting point was to investigate how legal practitioners can actively participate in mediation, while protecting the procedural rights and legal interests of their clients.

From the study visit in Denmark, it can be reasonably concluded that Denmark's strong welfare state significantly influences its legal aid and dispute resolution frameworks, ensuring access to legal aid for different social groups. In Denmark, legal professionals play a key role in pre-trial legal aid, guiding clients through potential settlements outside the formal judiciary. The Danish legal aid system is structured to facilitate access to mediation, with financial support available to reduce cost barriers for parties. The success of mediation primarily results in the reduction of court burdens by promoting early resolution of disputes. The legal aid provided, which provides services to different socio-economic statuses, provides advice in an interesting way not only for formal legal procedures, but also for all legal inquiries or problems that a person may face. The various legal practitioners we had the opportunity to meet and engage in discussions shared valuable insights.

One of the more interesting experiences is the fact that young lawyers and professional associates working in law firms often decide to join legal aid providers in the evenings as volunteers. From the perspective of junior lawyers this offers legal practitioners valuable experience in "everyday" legal disputes, but more importantly, it offers people in need of legal aid access to motivated and qualified practitioners who have voluntarily joined the legal aid clinic, rather than the local bar association randomly assigning a case to a lawyer based on legal obligations. Such practice may result from time to time in the possibility that the lawyer does not focus sufficiently on the case in which he is assigned to provide legal assistance. Following the above, the Danish system appears to have practical benefits for the wider population and eases the burden on the courts by providing a variety of alternative dispute resolution forums within mediation.

Furthermore, the study visit to Italy showed how mediation is integrated into civil, commercial and consumer law, through significant legal reforms. This model characterizes the approach in which mediation is a procedural prerequisite for starting a lawsuit, that is, not for the admissibility of a claim, but precisely for the dispute being conducted. In addition, the participation of lawyers in the first mediation meeting is mandatory, which emphasizes



the importance of lawyers in dispute resolution, and lawyers are included as one of the fundamental pillars in conflict resolution. Given that the Italian model includes mandatory mediation in certain disputes, there are a number of public and private mediation centers in Italy. Mediation centers maintain high standards of practice as evidenced by mediations that have resulted in settlement. Nevertheless, this approach initially faced resistance from litigation-focused lawyers concerned about reduced earnings and skepticism about the effectiveness of mandatory mediation. However, as we have learned, ongoing reforms and professional development programs have resulted in the acceptance of the new legal framework, which is now implemented and functioning with a high acceptance rate.

In the Italian model, the advantage is that the court hearings are not postponed if the parties attempt mediation during the ongoing proceedings, as the litigation continues according to the regular schedule. This is important from a lawyer's perspective since in practice mediation can be used as a stalling tactic, i.e. to prevent one side from litigating, showing a facade that there is a willingness to reach a settlement. The introduction of such a practice in Croatia could increase the attractiveness of mediation by preventing further delays and contribute to the economization of court proceedings. Such an approach would ensure that, while mediation offers an amicable solution, it does not impede the progress of the legal process, thus balancing efficiency with the possibility of resolution outside the courtroom.

Following the above, findings from Denmark and Italy suggest several adjustments for Croatia. Encouraging Croatian lawyers to accept mediation includes integrating mediation training into continuing legal education or offering young lawyers to participate in mediation meetings through the provision of legal assistance.

It seems that there is a significant opportunity in Croatia for more active involvement of lawyers in mediation processes, especially in cases involving free legal aid. The inclusion of mediation as a complementary tool in the framework of legal aid could significantly increase the settlement rate, which would benefit all parties involved in the dispute. This is primarily because the parties to the dispute usually voluntarily accept the settlements reached through mediation, thus highlighting the great advantage of mediation given its consensual nature of conflict resolution.

This synergy could lead to faster resolution of disputes and make the application of free legal aid more rational and comprehensive. For example, by successfully resolving disputes through mediation, resources allocated to legal aid could be used more efficiently, potentially allowing the system to expand and offer access to a wider segment of the citizenry, including particularly vulnerable groups such as minors. Ensuring that even more minors have access to mediation through the legal aid system could significantly improve their legal protection and outcomes in disputes involving family law, custody or other issues affecting their welfare. This not only speeds up the dispute resolution process, but also improves the overall

efficiency and reach of the free legal aid system in Croatia, creating a more inclusive and stimulating legal environment for everyone, especially the most vulnerable.

Consequently, Denmark and Italy provide valuable models for the further integration of mediation into the Croatian legal system. For Croatia, the adoption of Italian structured mediation practices - especially those that include mandatory meetings and considerable legal supervision - could be particularly effective, given the common legal cultures. At the same time, the Danish model of accessible legal aid could guide the expansion of mediation services to ensure comprehensive access for all vulnerable groups of citizens. By integrating parts of that international practice, a more efficient and accepted mediation system could be established.

Finally, the exchange of international experiences and ongoing discussions result in a rich mix of different ideas, drawing from best practices and knowledge of different models. Such a discourse is crucial for the continuous improvement and optimization of legal systems. It is important that these established connections and dialogues continue in future activities, which will ensure that the legal system remains dynamic, responsive and gradually harmonized with international standards.

## 6. Review of the Centre for peaceful resolution of disputes

The Center for peaceful resolution of disputes participated as a partner in all bilateral activities, where the emphasis was on gaining experience and positive practices, all in the form of promoting and spreading mediation.

The open-days that took place at all Center locations (Zagreb, Rijeka, Split and Osijek) were especially significant for the Center. Through regional coverage, all citizens of Croatia were able to participate in the open-days and to receive all the information they are interested in for mediation and free legal aid in the period from 9 a.m. to 5 p.m. It is also evident through the activity itself that there is an interest of citizens in the mentioned topics and that further continuous work is needed in order to bring all the advantages of mediation and free legal aid closer to them.

The study visit to Italy was useful for several reasons, considering that colleagues from Italy presented the mediation system in their country with all the advantages and disadvantages, that is, the obstacles they encountered during the development of mediation. Given that alternative dispute resolution is highly developed in Italy, this visit was certainly a valuable experience that will contribute to a different perception of peaceful dispute resolution in Croatia and potentially to its development.

At the two-day workshop in Crikvenica, through a table discussion, it was concluded that the foundations of mediation have been laid, but that this area requires additional investment, primarily referring to the promotion of mediation and the spread of the culture of peaceful dispute resolution.

In terms of bilateral activity, it is evident that there is room for improvement and that time and experience are needed to make mediation more accessible to as many citizens as possible. In this context, in the future, it is necessary to work on informing citizens so that as many as possible become familiar with the Center's activities and the availability and benefits of mediation.

It is necessary to further strengthen out-of-court mediation, but not only with regard to informing citizens (which is of key importance), but also to provide additional training for mediators, training for trainers, and to strengthen cooperation with mediation institutions.

Through joint cooperation with institutions, it is possible to provide adequate lectures and training for mediators, as well as prepare training for trainers. In this way, mediators would

be actively involved who would deepen their expertise through additional education or become trainers if they meet the conditions to access such training.

After that, the emphasis should be placed on citizens, where the main goal will continue to be bringing mediation and free legal aid closer together. Through various initiatives, actively involve them and familiarize them with mediation and free legal aid (workshops that will include the education system, potential collaborations with schools and colleges, and thus introduce children to mediation; potentially workshops with the third age; national minorities).

Direct communication with citizens reminded that the topic of mediation and legal aid within the judicial system is not an everyday topic in the life of an individual, and the distinction between legal institutes and possibilities does not exist at all for most of them. This is a particularly important knowledge in further work, and when choosing an approach to citizens when trying to bring legal topics closer to them.

## 7. Conclusion

Bilateralna aktivnost "Medijacija i besplatna pravna pomoć: Mogućnosti sinergije" uslijedila je nakon ranije provedenog projekta "Unaprjeđenje sustava sudskog mirenja".

Uspjeh toga projekta ohrabrio je projektni tim u pokušaju da na tragu stečenog iskustva ispituje mogućnosti daljnjeg unaprjeđenja sustava rješavanja sporova i uopće, vladavine prava.

The bilateral activity "Mediation and Legal Aid: Benefits of synergy" followed the earlier implemented project "Reinforcing the system of court-annexed mediation".

The success of that project encouraged the project team in its attempt to use the experience gained to examine the possibilities of further improvement of the dispute resolution system and the rule of law in general.

In the context of the rule of law, which represents the general aegis of this type of activity, as well as within the framework of the name of the bilateral activity (benefits of synergy), several possibilities have been recognized:

**Efficiency** - the Croatian judiciary is not the only one that wants to improve the efficiency of access to justice. What is specific for Croatia is the multiple transition and approximation to the European legal system, while similar to other dispute resolution systems, it is catching up with the general development, modernization and pluralization of society.

Observing the Croatian system from an external perspective, it seems that part of the workload of the courts can be solved by extrajudicial means. From this comes the idea that after the improvement of the court-annexed mediation system, the mediation system outside the courts can be improved and capacitated.

**Access to justice** - in the English version "access to justice", in Croatian it is translated as access to the court. In Denmark, access to justice is also considered access to court, although, as we learned, at the University of Copenhagen (Prof. Linn Adrian) it is considered that the time has come to correct such an expression and start using "access to justice" - especially due to the fact that it is possible to reach justice through several doors, including mediation.

Regarding mediation as a dispute resolution procedure that "saves time, money and relationships", the Italian dispute resolution system prescribed a party's duty to consider mediation before starting litigation in court (legge 28/2010).

At the seminar in Crikvenica, it was concluded that mediation can greatly improve access to justice for people who, for economic reasons or because of social exclusion, do not have easy access to court. It was especially emphasized that it must be accessible to everyone, with special attention to the most vulnerable members of society.

Therefore, due to the availability of justice, it makes sense to develop mediation.

**Quality of justice** - the court is important for the concept of justice and legality, that is, it is important for providing parameters for the application of law. Likewise, inclusion, self-determination and transformation are essential for accepting social rules. These are the parameters on which a new project can be designed.

All the participants of the bilateral activity agreed that there is both space and need to continue the work.

Connecting the system of mediation and legal aid, as well as work on the improvement of both systems separately, is a direction that has the potential to achieve further positive results. Access to justice should not depend on the financial capabilities of individuals. In this respect, even more developed countries such as Denmark, with a long tradition in providing free legal aid and mediation, face the issue of territorial availability of these systems due to the concentration of institutions and legal providers in large cities. The territorial unavailability of the legal aid system for citizens is an additional obstacle or financial burden. Digitization, which is already changing the judicial system itself and access to it, will be one of the ways to solve the issue of territorial availability, but it cannot be the only one. For particularly sensitive social groups, who often live in rural and less developed areas or face a language barrier, and do not have the knowledge or ability to use digital technologies, it is necessary to investigate the ways in which the system of free legal aid and mediation needs to be adapted.

The model that was applied in the implementation of the activities, which is the model of connecting stakeholders, close cooperation and exchange of knowledge and experience, proved to be successful this time as well. A clear direction and continuity in joint work proved to be the key to achieving good results. As it was pointed out at the very beginning, the system is made up of its stakeholders, those who, with their work, shape the image of reality every day. The realization that all of them not only expect, but also want to be part of positive changes and contribute to the development of society through their actions and positively influence the sense of personal security of citizens and build their trust in the judicial system,

which is so necessary for everyone, especially in the turbulent times in which we live today, encouraged and motivated us to continue the work on the further improvements.