

Abstract

The theme of this Master's degree thesis is Legal Aid in the Czech Republic, Slovak Republic and the Federal Republic of Germany – A Comparison. The appeal of the selected issue results from its notable relation to history, legal philosophy or human rights, yet mainly from the possibility to compare different approaches to the provision of legal aid applied by each individual state.

From a formal point of view, the thesis is composed of five chapters, the second and the third chapter being further divided into parts and sections. The introductory chapter outlines in the most general way the problem of the effect of economic inequality of individuals on the enforcement and protection of their rights. It also indicates the primary division of the text. Chapter Two comprises two parts: The first one briefly deals with the historic evolution of legal aid from the Ancient Rome to the expansion of the concept of equality before the law, as it emerged during the Enlightenment. Special attention is given to personality of Yves of Kermartin (1253 – 1303) and his legacy, which has inspired the lawyers of the following centuries. Part Two presents the theoretical fundamentals of legal aid. Its third section, which deals with legal aid in relation to human rights, is of exceptional volume and importance. This section explores both European systems for the protection of human rights, i. e. the system built up on the soil of the Council of Europe (fundamental document being the European Convention on Human Rights) and the system functioning within the European Union (Charter of Fundamental Rights of the European Union). A considerable regard is paid to the perception of the right to a fair trial and its components (in particular the access to justice and the equality of arms) in the interpretation conducted by the European Court of Human Rights and the Court of Justice of the European Union. In the following fifth section, there is an explanation of the various theoretical models of legal aid.

Next, Chapter Three of the thesis analyses the current regulation of legal aid in the Czech Republic (Part One), Slovak Republic (Part Two) and the Federal Republic of Germany (Part Three). Both institutes applicable in court proceedings and non-procedural institutes are studied regarding each respective state. Chapter Four points out the disadvantages of the valid Czech legal aid regulation and mentions the regulation

de lege ferenda. An established legislative procedure, which should result in massive system changes brought about by the new Legal Aid Statute, is at present still in its early stages, therefore the definitive features of the new regulation as well as its potential fiscal impact cannot be estimated with reasonable accuracy.

The new conception of the Czech legal aid system is reflected also in the last chapter of this Master's degree thesis, which proposes the possibilities of further research of this matter.