

The Global Study on Legal Aid 2015

UNITED NATIONS MEMBER STATE QUESTIONNAIRE

Introduction

This questionnaire is an important component of the *Global Study on Legal Aid* which aims to gather data on the current state of legal aid around the world, including legal aid for civil, criminal and administrative matters:

- The framework for the provision of legal aid by the State
- The different models/actors of legal aid service delivery
- The current demand for legal aid, and how the demand for legal aid is met
- The availability, accessibility and awareness of legal aid services
- Legal aid services in informal justice mechanisms (traditional/customary justice systems and alternative dispute resolution mechanisms)
- Strengths, challenges, and recommendations to strengthen the provision of legal aid services

Filling out the Questionnaire:

- Please ensure that appropriate government authorities with access to data on legal aid complete this questionnaire. Please list the contact details of all respondents to the questionnaire on page 2.
- If you encounter a question for which data is not available, please indicate that on the response and continue to the next question.
- If you cannot provide figures for the year 2013 under questions asking for figures from that year, please provide the most recent figures available.
- If you wish to provide additional information, please use the comments section or the 'Additional Information' section at the end of the questionnaire.
- For any questions or assistance in filling out the questionnaire, please contact: legalaids@unodc.org
- The questionnaire is divided into the following sections:
 - Part I: General Information
 - Part II: Questionnaire
 - A. Preliminary Information
 - B. Legislative Framework for Legal Aid
 - C. Legal Aid Service Providers
 - D. Legal Aid in Practice
 - E. Legal Aid in Criminal Cases
 - F. Legal Aid in Civil and Administrative Cases
 - G. Legal Aid Administration and Management
 - H. Legal Aid and Informal Justice Systems
 - I. Challenges and Recommendations
 - J. Additional Information

Submitting the questionnaire:

- The questionnaire should be submitted to: legalaids@unodc.org
- The questionnaire can also be submitted by fax to: (+43-1)26060-74198.
- A Word version can be downloaded at: <http://www.unodc.org/unodc/en/justice-and-prison-reform/index.html?ref=menuseide> (under Statistics and Surveys) and can be submitted via email or fax.

- This questionnaire will also be made available in electronic form for download in the other five official languages of the United Nations by 5 May 2015 at the aforementioned link.
- In cases where submission by email or fax is not possible, kindly send a paper copy of the questionnaire to:
Justice Section
United Nations Office on Drugs and Crime
P.O. Box 500
A-1400 Vienna
Austria

Should you wish to share relevant documents such as laws, strategies, and policies, kindly send them as an attachment to the completed questionnaire, or send them in a separate email or fax.

Key Terms:

- **Alternative Dispute Resolution (ADR)** – A set of mechanisms a society utilizes to resolve disputes without resort to costly adversarial litigation. These often include arbitration, mediation, conciliation.
- **Child** – As per the Convention on the Rights of the Child, a child means every human being below the age of eighteen years unless under the law applicable to the child.
- **Contracted lawyers, Ex officio or panel appointment** – A mechanism through which licensed practicing lawyers participate in the provision of State-funded legal aid on a case-by-case basis.
- **Informal justice systems** – The resolution of disputes and the regulation of conduct by adjudication or the assistance of a neutral third party that is not a part of the judiciary as established by law and/or whose substantive, procedural or structural foundation is not primarily based on statutory law.
- **Legal Aid** – Legal advice, assistance and/or representation at little or no cost to the person designated as entitled to it.
- **Legal aid provider** – A legally trained professional who provides State-funded legal aid on a full-time or part-time basis.
- **Legal aid administration** – An institution that carries out the organizational and management functions to ensure the appointment of legal aid providers and delivery of legal aid services to eligible recipients.
- **Legal aid board/council** – A supervisory body that oversees the formulation and implementation of policy on legal aid.
- **Paralegals** – Non-lawyers trained in legal matters and authorized to perform specific tasks requiring some knowledge of the law and legal procedures but not requiring a law degree. Distinct from clerical assistants to lawyers, paralegals can perform certain tasks independently.
- **Plea agreement, procedural agreement, expedited trial** – An arrangement prior to trial between the State and the defendant in a criminal case through which the defendant agrees to waive the right to a full trial and acknowledge some level of guilt, with the understanding that a lesser sentence may be imposed than the maximum penalty contemplated for the crime charged.
- **Primary legal aid** – This form of legal aid involves the provision of information, referral to territorial offices, mediation and public education. It is available regardless of the financial circumstances of the applicant, and is provided either immediately on request or within a maximum of several days of submission of the request.
- **Pro bono lawyer** – A lawyer who provides legal assistance on a voluntary basis without pay from either the state or the person requiring assistance.
- **Public defender** – A lawyer providing state-funded legal aid as a salaried employee of a group of lawyers who work exclusively as advocates of the rights of qualifying legal aid recipients
- **Public defender institution** – An institution dedicated exclusively to meeting the legal needs of qualified recipients of legal aid through the services of salaried public defenders. Public defender institutions may be organized at the national, regional or city level, and may provide legal aid in a variety of jurisdictions. (Public defender institutions may also be called, collectively, “national defenders,” “public attorneys,” “legal aid societies” or professional “legal aid clinics,” *et al.*)
- **State-funded legal aid** – Legal advice, assistance and/or representation that is provided at no cost to the recipient, or at a reduced cost to the recipient, with the remainder of the cost paid for by the State.
- **Public interest litigation and/or class action** – Legal action taken to bring about social change to benefit the public. Class action refers to lawsuits that are undertaken on behalf of a group of people.

I. General Information

→ Country: _____

→ Date of Submission (day/month/year): _____

→ Name of person submitting the questionnaire (last name, first name) :

→ Title: _____

→ Department/Organisation: _____

→ Contact Details:

○ Email: _____

○ Phone: _____

○ Address: _____

→ Authorities involved in completing the questionnaire:

Agency 1: Name: _____
Organisation: _____
Date (d/m/y): _____

Agency 2: Name: _____
Organisation: _____
Date (d/m/y): _____

Agency 3: Name: _____
Organisation: _____
Date (d/m/y): _____

Agency 4: Name: _____
Organisation: _____
Date (d/m/y): _____

II. Questionnaire

A. Preliminary Information

1. Which type of legal system is in place in your country: *(Please select all that apply)*

- Civil law Common law Religious law Customary law Hybrid *(specify below)*
 Other *(please specify)* _____

2. How is the justice system in your country organized?

- Unified (unitary) national justice system with multiple levels of courts (supreme court, appellate court, first instance court)
 Unified (unitary) national justice system with a network of subordinate regional courts and justice agencies
 Separate national (federal) and regional jurisdictions that operate in parallel to each other
 One formal national justice system with multiple levels, as well as customary, informal, or religion-based tribunal
 Other *(please specify)* _____

Section A - Comments *(optional)*: _____

B. Legislative Framework for Legal Aid

3. Which law(s) specify a person's right to legal aid? *(Please select all that apply)*

- The Constitution
- A separate law on legal aid
- Law on judicial procedure
- Law on police
- Law on the judiciary
- Law on the prosecution
- Civil procedure code
- Administrative law
- Law on pre-trial detention
- Law on the penitentiary
- Criminal procedure law
- Regulations addressing State actors
- Implementing regulations for the law on legal aid
- A right to legal aid is implicit in national due process provisions, but it is not formally recognized by law
- Other *(please specify)* _____
- Not applicable

4. Under the law, which services are included as part of "legal aid"? *(Please select all that apply)*

- | | Criminal cases | Civil & Administrative |
|---|--------------------------|--------------------------|
| • Legal advice (e.g. on the application of the relevant law, and actions the person may appropriately take) on a one-time or two-time basis | <input type="checkbox"/> | <input type="checkbox"/> |
| • Legal representation before a prosecutor, court, or tribunal
<i>(Please specify where _____)</i> | <input type="checkbox"/> | <input type="checkbox"/> |
| • Legal assistance (e.g. with taking any appropriate action, whether by taking action on the persons' behalf or by assisting them with taking action) | <input type="checkbox"/> | <input type="checkbox"/> |
| • General assistance in navigating the justice system (e.g. by providing instructions on filling out legal documents) | <input type="checkbox"/> | <input type="checkbox"/> |
| • Execution of legal documents | <input type="checkbox"/> | <input type="checkbox"/> |
| • Legal assistance before international tribunals | <input type="checkbox"/> | <input type="checkbox"/> |
| • Provision of legal information in police precincts, prisons, or in the community | <input type="checkbox"/> | <input type="checkbox"/> |

- Other (please specify) _____

5. According to the laws/policies, what is the role of legal aid in your country? (Please select the three answers most important for your system under each column)

	Criminal	Civil & Administrative
• To ensure equality of all parties to a dispute	<input type="checkbox"/>	<input type="checkbox"/>
• To ensure a fair hearing	<input type="checkbox"/>	<input type="checkbox"/>
• To act as a neutral arbiter between the parties	<input type="checkbox"/>	<input type="checkbox"/>
• To help courts reach an equitable solution to disputes	<input type="checkbox"/>	<input type="checkbox"/>
• To prevent a wrong decision in court	<input type="checkbox"/>	<input type="checkbox"/>
• To minimize an unfavourable outcome for the legal aid recipient	<input type="checkbox"/>	<input type="checkbox"/>
• To actively defend legal aid recipients' national and international due process and human rights	<input type="checkbox"/>	<input type="checkbox"/>
• To reveal the truth even if it is against the legal aid recipient's interests	<input type="checkbox"/>	<input type="checkbox"/>
• To actively participate in proceedings to prevent the legal aid recipient from making statements against their interests	<input type="checkbox"/>	<input type="checkbox"/>
• To use all legal means to achieve the best result for the legal aid recipient	<input type="checkbox"/>	<input type="checkbox"/>
• Other (please specify) _____	<input type="checkbox"/>	<input type="checkbox"/>

6. When was the right to legal aid first recognized by your laws?

Since _____ (year) Not applicable

7. Has there been a reform/restructuring of the national legal aid system since its establishment?

Yes, in _____ (year) No

Section B - Comments (optional): _____

C. Legal Aid Service Providers

8. How many licensed practicing lawyers are there in the country? _____

- Not Applicable
- Don't have the data

9. If your country allows paralegals to provide legal aid, how many practicing paralegals are there?

Number of practicing paralegals: _____

- Not Applicable
- Don't have the data

10. Which type of legal aid services are paralegals allowed to provide in your country?

- | | Criminal | Civil & Administrative |
|---|--------------------------|--------------------------|
| • Legal advice (e.g. on the application of the relevant law, and actions the person may appropriately take) on a one-time or two-time basis | <input type="checkbox"/> | <input type="checkbox"/> |
| • Legal representation before a prosecutor, court, or tribunal
(Please specify where, and whether these services can only be provided under the supervision of a qualified lawyer _____) | <input type="checkbox"/> | <input type="checkbox"/> |
| • Provision of legal information in police precincts, or prisons | <input type="checkbox"/> | <input type="checkbox"/> |
| • General assistance in navigating the justice system (e.g. by providing instructions on filling out legal documents) | <input type="checkbox"/> | <input type="checkbox"/> |
| • Other (please specify) _____ | <input type="checkbox"/> | <input type="checkbox"/> |

11. Which of the following qualifications are required for State funded legal aid providers? (Please select all that apply)

- | | Lawyer | Paralegal |
|---|--------------------------|--------------------------|
| • A law degree | <input type="checkbox"/> | <input type="checkbox"/> |
| • Proof of passing a professional examination (bar examination) | <input type="checkbox"/> | <input type="checkbox"/> |
| • Membership in the national bar | <input type="checkbox"/> | <input type="checkbox"/> |
| • Completion of an apprenticeship or internship with a practicing lawyer | <input type="checkbox"/> | <input type="checkbox"/> |
| • Completion of an apprenticeship with a judge or other State justice agency | <input type="checkbox"/> | <input type="checkbox"/> |
| • A contractual relationship with the agency that oversees administration of legal aid | <input type="checkbox"/> | <input type="checkbox"/> |
| • Separate testing to be accepted as a staff member of the institutional legal aid provider | <input type="checkbox"/> | <input type="checkbox"/> |
| • Interview with the legal aid administration or board | <input type="checkbox"/> | <input type="checkbox"/> |
| • Completion of a professional paralegal training course accredited by the State | <input type="checkbox"/> | <input type="checkbox"/> |
| • Registration in a State-authorized roster of legal aid providers | <input type="checkbox"/> | <input type="checkbox"/> |

- No professional qualification is required
- It depends on the type of case
- Other (*please specify*) _____

12. Does any law require legal aid providers to engage in continuing education and/or skills training?

- Yes No

13. How are legal aid providers paid for their services? (*Please select all that apply*)

- | | Criminal Cases | Civil & Administrative |
|--|--------------------------|--------------------------|
| • They receive a fixed fee for each case | <input type="checkbox"/> | <input type="checkbox"/> |
| • They receive a fixed fee for each action they take on a case and report to the agency authorized to issue payment | <input type="checkbox"/> | <input type="checkbox"/> |
| • They receive a fixed fee for each procedural action that a state agent witnesses and approves in writing (e.g., presence in court; representation at interrogation; pre-trial detention/release advocacy; investigation; <i>et al.</i>) | <input type="checkbox"/> | <input type="checkbox"/> |
| • Providers work in law firms that receive funds from the State (contracted) | <input type="checkbox"/> | <input type="checkbox"/> |
| • Providers work full time in institutions funded by the State (e.g. public defenders' office) | <input type="checkbox"/> | <input type="checkbox"/> |
| • Providers sign contracts with the state agency overseeing appointments to receive payment for a set number of cases (e.g., bulk payment for ten cases) | <input type="checkbox"/> | <input type="checkbox"/> |
| • Providers are paid on an hourly basis for actions that the state has identified as a basis of payment | <input type="checkbox"/> | <input type="checkbox"/> |
| • Providers submit reports on the hours they spend on a legal aid case | <input type="checkbox"/> | <input type="checkbox"/> |
| • Other (<i>please specify</i>) _____ | <input type="checkbox"/> | <input type="checkbox"/> |

Section C - Comments (*optional*): _____

D. Legal Aid in Practice

14. How are legal aid services organized in your country? (Please select all that apply)

- | | Criminal | Civil & Administrative |
|--|--------------------------|--------------------------|
| • Through public defender institutions | <input type="checkbox"/> | <input type="checkbox"/> |
| • Through panel appointments (<i>ex officio</i> , contract lawyers) | <input type="checkbox"/> | <input type="checkbox"/> |
| • Through the bar association | <input type="checkbox"/> | <input type="checkbox"/> |
| • Through pro bono schemes | <input type="checkbox"/> | <input type="checkbox"/> |
| • Through the legal aid boards/commissions | <input type="checkbox"/> | <input type="checkbox"/> |
| • Through civil society | <input type="checkbox"/> | <input type="checkbox"/> |
| • A combination of the above(<i>please specify</i>)_____ | <input type="checkbox"/> | <input type="checkbox"/> |
| • Other (<i>please specify</i>)_____ | <input type="checkbox"/> | <input type="checkbox"/> |

15. How is the process for obtaining legal aid initiated? (Please select all that apply)

- Upon request from the person who wants legal aid
- The court presiding over a case must inquire and assess eligibility during the first appearance of the parties
- Upon request from the police
- Upon request from the prosecutor
- The institution that oversees appointment of legal aid providers based on notification from a State justice actor or applicant for legal aid
- Upon request from the bar association
- Upon request from the legal aid provider
- The determination is automatic if the case or legal aid recipient qualifies for legal aid for legal aid services
- Other (*please specify*) _____

16. Where can people obtain *primary legal aid* services free of charge? (Please select all that apply)

- It is available at the office of the public defender, or other state-funded institutional legal aid provider
- There is a legal advice centre in city and/or town administrative offices where lawyers or paralegals provide advice
- The bar association maintains a roster of qualified lawyers available to provide legal advice
- The bar association provides a hotline that individuals can call by phone to receive advice
- Civil society organizations provide legal advice to people who come to their offices
- Not Applicable
- Other (*please specify*): _____

17. Is there a cost to the recipient of legal aid services? (Please select all that apply)

- No. The services are free of charge to those meeting eligibility criteria
- The State covers all legal aid costs in criminal cases
- The State covers all legal aid costs in civil cases
- The party using legal aid pays a percentage of the cost, established by law
- The legal aid recipient pays a bonus to the legal aid provider above the provider's fee from the government or donor
- There are set fees for certain actions
- There is a sliding scale of payment, based on financial status
- Other (please specify) _____

18. What must a person do to prove eligibility to receive legal aid? (Please select all that apply)

	Criminal	Civil & Administrative
• Show a paper proving status as a recipient of welfare or state subsidies for indigent or vulnerable members of the population	<input type="checkbox"/>	<input type="checkbox"/>
• Demonstrate family hardship (e.g., (documentary evidence) multiple children, single parent, family member disability, et al.)	<input type="checkbox"/>	<input type="checkbox"/>
• Evidence of low income, if employed (pay mark/contract/other document indicating pay rate)	<input type="checkbox"/>	<input type="checkbox"/>
• The applicant's word that he or she meets financial or vulnerability criteria	<input type="checkbox"/>	<input type="checkbox"/>
• Tax filing for previous year	<input type="checkbox"/>	<input type="checkbox"/>
• Membership of a protected group, such as migrants, children, displaced persons, refugees, women, national, ethnic, religious minority, non-fluency in the national language, or other vulnerable group or minority	<input type="checkbox"/>	<input type="checkbox"/>
• No proof; entitlement to legal aid depends on the gravity or complexity of the matter requiring assistance	<input type="checkbox"/>	<input type="checkbox"/>
• A determination by the agency or official responsible for ensuring appointment that the interests of justice require provision of legal aid in the given specific case	<input type="checkbox"/>	<input type="checkbox"/>
• Proof of citizenship of your country	<input type="checkbox"/>	<input type="checkbox"/>
• No proof; entitlement to legal aid depends on the complexity of the matter requiring assistance	<input type="checkbox"/>	<input type="checkbox"/>
• Proof that the legal aid applicant's claim has merit	<input type="checkbox"/>	<input type="checkbox"/>
• No proof is necessary when the case or situation where the State is obliged to provide legal aid under the law	<input type="checkbox"/>	<input type="checkbox"/>
• Other (please specify) _____		

19. What is the mechanism for assigning legal aid providers? (Please select all that apply)

- Courts and police have a roster of duty legal aid providers for a given day, and call them in the given order
- Courts and police contact the bar association, which maintains and coordinates appointments and delivery of services
- The legal aid board maintains a duty roster; State agencies contact the board
- There are legal aid providers on duty in courts and police precincts
- Other (please specify) _____

20. If a person has a right to legal aid, but no legal aid provider is available, must the proceedings cease until a legal aid provider arrives?

- Yes Yes, with limitations (please specify below) No
- _____

21. Is there a remedy available if a person receives legal aid services, but the legal aid provider is unprepared or unqualified?

- The proceedings are deemed invalid
- The proceedings are postponed
- A replacement legal aid provider is asked to represent the party instead of the assigned provider
- There is no means of assessing if the legal aid provider is unprepared or unqualified
- Other (please specify) _____

22. Is there a mechanism to monitor the quality of legal aid services provided?

- Yes, it is monitored by:
 - The legal aid board
 - The executive agency in charge of justice (e.g. Ministry of Justice)
 - The bar association
 - The judiciary
 - The office of the prosecution
 - A bureau of statistics
 - A peer review team organized by the legal aid authority or bar association
 - A research institution that reports on its conclusions to the government and/or other stakeholders
 - Other (please specify) _____
- No

23. How is data collected in order to monitor the quality of legal aid services?

- Through assessments by justice actors (police/prosecutors/judges)
- Review of complaints by legal aid recipients or lack thereof, lodged with the state or the bar association about a legal aid provider's actions
- Conducting satisfaction questionnaires that legal aid recipients fill out/court users surveys
- Monitoring of services provided in Court
- None, data is not collected on quality of legal aid services
- Other (*please specify*) _____

24. Are specialized legal aid services provided by the State for specific population groups? (*Please select all that apply*)

- Yes, for:
 - Persons with disabilities
 - Children
 - Women
 - The elderly
 - Migrants
 - Refugees, asylum seekers, or stateless persons
 - Internally displaced persons
 - Indigenous populations
 - Ethnic or religious minorities
 - LGBT (Lesbian, gay, bi-sexual, transgender)
 - Other (*please specify*) _____
- No

25. Has the State conducted any assessment of the legal aid needs of the population?

- Yes, in the past 5 years
- Yes, more than 5 years ago
- No

If yes, please provide details on how to access the survey results/report, or attach a document with the findings of the survey to this questionnaire _____

26. Has the State conducted any public information/awareness campaigns on the right to legal aid and how to access legal aid services?

- Yes, at least once in the past year
- Yes, at least once in the past 3 years
- More than 3 years ago
- No

27. Are legal aid services available in rural areas in your country?

- Yes
- No

Section D - Comments (*optional*): _____

E. Legal Aid and Criminal Justice

28. What percentage of all court cases is criminal?

- Less than 10%
- Greater than 10% but less than 25%
- Greater than 25 percent but less than 50%
- Greater than 50% but less than 75%
- Greater than 75% but less than 90%

29. In 2013, what was the total number of criminal cases filed in court?

_____ Data not available

a) *How many were acquitted after trial?*

_____ Data not available

b) *How many had pre-trial detention (pre-trial restrictive measure) imposed?*

_____ Data not available

c) *How many were resolved pursuant to a plea agreement, procedural agreement or expedited trial?*

_____ Data not available

30. In 2013, what was the total number of criminal cases filed in court where State funded legal aid was provided?

_____ Data not available

a) *How many cases were acquitted after trial?*

_____ Data not available

b) *How many cases had pre-trial detention (pre-trial restrictive measure) imposed?*

_____ Data not available

c) *How many were resolved pursuant to a plea agreement, procedural agreement or expedited trial?*

_____ Data not available

31. To whom is legal aid available under the law? (Please select all that apply)

- Persons arrested and detained on criminal charges
- Persons charged with a criminal offence
- Persons imprisoned on criminal charges
- Victims of crime
- Witnesses
- Other (please specify) _____

32. In which of the following instances is the State obliged to provide legal aid? (Please select all that apply)

- To persons who meet a financial threshold [Please indicate threshold (in USD, if possible) _____]
- To children (under the age of 18 or as per national law)
- To persons with physical disabilities
- To persons with intellectual/mental disabilities
- To internally displaced persons
- To refugees
- To persons whose mother tongue is not the language of official proceedings
- To persons who face a potential prison sentence [Please indicate minimum term of imprisonment for eligibility of State funded legal aid _____]
- To persons who face the potential of the death penalty
- According to the case's gravity, complexity, or case type, as identified in the law
- When the law notes that the interests of justice require it
- No specific requirements, it is assigned by authorized agencies under their discretion
- Other (please specify) _____

33. For which procedural actions or stages of a criminal case is an eligible suspect or defendant entitled to legal aid? (Please select all that apply)

- From the moment when a law-enforcement representative restricts the suspects/defendant's freedom
- From the moment when charges are officially filed
- From the moment when a State agency begins consideration of whether to impose pre-trial detention or restrictive measures
- During an identification procedure with the suspect's/defendant's participation
- During a search of the suspect's/defendant's residence
- During questioning of a potential suspect/defendant before formal charges are filed
- During trial
- During a first appeal
- For representation of prisoners in cases involving serious disciplinary charges, or in initiating complaints
- For any appeal or cassation
- For appeal to international tribunals
- For consideration of probation, or social rehabilitation/reintegration matters after release from prison
- Other (please specify) _____

34. Are legal aid advice and court support services in all legal proceedings provided to female victims of violence (including victims of sexual and gender based violence)?

- Yes No

35. Which specialized divisions or personnel are in place in the justice system to work with children who are suspected or charged with a criminal offence? (Please select all that apply)

- There are specialized courts or judges
- There are specialized prosecutors
- There are specialized police officers or units
- There are specialized lawyers and/or paralegals
- There is no such specialization in the justice system
- Other (please specify) _____

36. When children are suspected or charged with a criminal offence, what percentage of cases is diverted from the formal justice system without trial (for example, through mediation, restitution, a warning or apology)?

- Less than 10%
- Greater than 10% and less than 20%
- Greater than 20% and less than 35%
- Greater than 35% and less than 50%
- More than 50%
- No data is available on resolution prior to a case's transfer to court

37. In 2013, in what percentage of all cases in which a child was found culpable was an alternative to imprisonment imposed?

- Less than 10%
- Greater than 10% and less than 20%
- Greater than 20% and less than 35%
- Greater than 35% and less than 50%
- Greater than 50% and more than 75%
- Greater than 75%
- Data about children is not recorded separately

38. In 2013, when State funded legal aid was provided, what percentage of cases in which a child was found culpable was an alternative to imprisonment imposed?

- Less than 10%
- Greater than 10% and less than 20%
- Greater than 20% and less than 35%
- Greater than 35% and less than 50%
- Greater than 50% and more than 75%
- Greater than 75%
- Data about children is not recorded separately
- Data is not recorded separately with respect to legal aid providers

Section E - Comments (optional): _____

F. Legal Aid and Civil & Administrative Justice

39. In 2013, what was the total number of civil/administrative cases filed in court?

_____ Data not available

40. In 2013, what was the total number of civil/administrative cases filed in court where State-funded legal aid was provided?

_____ Data not available

41. What is the eligibility criterion for access to legal aid services in civil cases? *(Please select all that apply and indicate in comments below if more than one criterion needs to be met)*

- If a person meets a financial threshold [*Please indicate threshold (in USD, if possible)* _____]
- If the person is a child (under the age of 18 or as per national law)
- If the person has physical disabilities
- If the person has intellectual/mental disabilities
- If the person is an internally displaced person
- If the person is a refugee
- If the persons' mother tongue is different than the language of official proceedings
- According to the case's gravity, complexity, or case type, as identified in the law
- When the law notes that the interests of justice require it
- The merit of the party's (parties') claim
- A minimum monetary threshold in dispute
- The number of parties opposing the person requesting legal aid
- No specific requirements, it is assigned by authorized agencies in their discretion
- Other *(please specify)* _____

42. For which types of civil cases do people most commonly seek out legal aid services ? *(Please select the five answers most important for your system and rank them from 1-5 ('1' being the most common)*

- Marital disputes
- Child custody issues
- Property issues
- Labour disputes
- Contractual disputes
- Tort claims
- Administrative matters
- Claims for state services or disputes with state agencies
- Dispute resolution proceedings or mediation
- Assistance with entrepreneurial activity or 'start up' of a small business
- Assistance with informal or traditional justice proceedings
- Other *(please specify)* _____

43. For which types of civil cases are State funded legal aid services made available? *(Please select all that apply)*

- Marital disputes
- Child custody issues
- Property issues
- Labour disputes
- Contractual disputes
- Tort claims
- Administrative matters
- Claims for state services or disputes with state agencies
- Dispute resolution proceedings or mediation
- Assistance with entrepreneurial activity or start-up of a small business
- Assistance with informal or traditional justice proceedings
- Other *(please specify)* _____

44. Is State funded legal aid provided for public interest litigation/class action cases (e.g. to address cases of discrimination, labour rights, consumer rights, environmental protection, etc.)?

- Yes No

Section F - Comments *(optional)*: _____

G. Legal Aid Administration and Management

45. Which institution has chief responsibility for the management and administration of legal aid? *(Please select all that apply)*

- The executive agency in charge of justice or a subdivision within it (e.g. Ministry of Justice)
- The bar association or subdivision of the bar
- An independent self-governing legal aid administration
- A legal aid board or council under an executive level justice agency
- A legal aid board or council under an ombudsman's office
- A legal aid board or council under the legislature
- A legal aid board or council under the executive branch (other than the national justice institution)
- A legal aid board or council under another governmental body
- The national institutional legal services provider (sometimes called "public defender," "national defender," or "professional clinic for legal services") acts as a coordinating agency, as well as providing legal aid services
- A civil society organization
- A local city-level or village-level administration
- Other *(please specify)* _____
- There is no central administration

46. Is legal aid a separate component of the annual justice system budget in your country?

- Yes No *(Please go to the next question)*

- a. What was the national level budget for legal aid in 2013 (in USD, if possible)? _____ For criminal cases _____ For civil cases
- b. What was the national level budget for legal aid in 2010 (in USD, if possible)? _____ For criminal cases _____ For civil cases

47. What was the annual budget for prosecution of criminal cases in 2013?

48. Which of the following is included among the responsibilities of the legal aid authority? *(Please select all that apply)*

- To oversee and coordinate the function of legal aid appointment mechanisms
- To safeguard the rights of legal aid recipients
- To establish legal aid strategy and policy
- To establish and maintain performance standards for effective delivery of legal aid
- To serve as an independent oversight agency between legal aid providers and the state that pays them
- To oversee professional training programs
- To guarantee the independence of legal aid providers from the state
- To review data on legal aid and incorporate it into new legal aid policy
- To track case outcomes for data on effective representation
- To interface with personnel of other justice agencies and organizations (judges/prosecutors/police/experts/other) about the quality of legal aid providers' services
- To negotiate with officials to achieve reasonable conditions for legal aid providers (scheduling/caseload limitations/access to independent experts, et al.)
- To monitor expenditure of the legal aid funds
- To monitor compliance of legal aid providers with government priorities
- To advocate with appropriate officials for sufficient budget to cover the need for legal aid
- To advocate or negotiate for conditions that allow legal aid providers to advocate effectively for legal aid recipients' rights
- To consult with legal aid providers on their needs for ensuring their ability to provide effective legal aid
- Other *(please specify)* _____

49. If your country has a legal aid board: Not Applicable

a) Which of the following are included within the Board membership? *(Please select all that apply)*

- Member(s) of the bar
- Supreme Court justice(s)
- Representative(s) of the judiciary (other than the Supreme Court)
- Retired justice(s)
- Representative(s) from the Ministry of Justice
- Official(s) specializing on legal aid
- Member(s) of the national human rights institution
- Member(s) of gender equality commission

- Member(s) of the child protection commission
- Representative(s) of social or welfare agencies (*Please specify*_____)
- Representative(s) of non-governmental or other civil society organizations
- Representative(s) of universities with law clinics and paralegal associations,
- Representative(s) from informal justice systems (e.g. Council of Chiefs)
- Legal aid provider(s)
- Paralegal(s)
- The law requires that certain qualifications be represented among board members (*please specify*)_____
- Other (*Please specify*)_____

b) How are the members of the legal aid board selected? (Please select all that apply)

- Appointment by the parliament
- Appointment by the executive
- Appointment by the courts
- Appointment by the prosecution
- Appointment by police
- Appointment by the bar association
- Appointment by the public defender office
- Election by bar association members
- Competitive selection process
- Other (*please specify*)_____

Section G - Comments (optional): _____

H. Legal Aid and Informal Justice Systems

50. Do informal justice mechanisms in your country allow a lawyer or paralegal to provide assistance in the mediation/adjudication process?

(Please select all that apply)

- Yes, in formal mediation/alternative dispute resolution processes
- Yes, to represent parties or provide advice in customary or religious mediation/adjudication processes
- No
- Not applicable

51. Are there mechanisms that allow referrals between the formal/statutory legal system and informal justice systems?

(Please select all that apply)

- Yes, for formal mediation/alternative dispute resolution processes
- Yes, for customary or religious mediation/adjudication processes
- Yes, for others *(please specify)* _____
- No
- Not applicable

If yes, can legal aid service providers work across the different systems?

- Yes
- No
- Not applicable

52. Do legal aid providers need qualifications to provide assistance in informal justice processes?

a) *for formal mediation/alternative dispute resolution processes*

- A law degree
- A paralegal certificate
- Being a reputable member of the community
- Basic training on legal matters
- Other *(please specify)* _____
- Not applicable

b) *for customary or religious mediation/adjudication processes*

- A law degree
- A paralegal certificate
- Being a reputable member of the community
- Basic training on legal matters
- Other *(please specify)* _____

Not applicable

Section H - Comments (*optional*): _____

I. Challenges and Recommendations

53. From the choices below, please select the five answers most important for your system and rank from 1-5 ('1' being the most significant) the factors that most impede access to legal aid in your country:

- _____ There is a limited number of lawyers in our country
- _____ There is a limited number of lawyers outside urban areas
- _____ Lawyers are paid very little for legal aid work
- _____ Low quality of the services provided by legal aid lawyers
- _____ The bar association is opposed to allowing paralegals to fill the gap of available lawyers
- _____ It is more important to cover the cost of police, prosecutors and judges than to spend state funds on lawyers
- _____ There is little support among the population for spending funds to defend accused criminals
- _____ People prefer to resolve issues through the informal justice system, where legal professionals do not typically participate
- _____ People do not know where to find legal assistance
- _____ There is no law on legal aid
- _____ Other (*please specify*) _____

Comments (optional): _____

54. In which areas, if any, would your country benefit from technical assistance and/or policy and programme support to strengthen the provision of legal aid?

- Legislative drafting advice
- Development of action plans/policies
- Developing quality criteria for legal aid providers
- Establishing paralegal systems
- Institutional support (*please specify below*)
- Training (*please specify below*)
- Not Applicable
- Other (*please specify*) _____

Comments (optional): _____

J. Additional Information

- **As highlighted in the introduction, if your country has laws, policies, strategies, and/or action plans related to legal aid and legal assistance, please attach them to this questionnaire when submitting it, or send it separately:**

By email to: legalaid@unodc.org

By fax to: (+43-1)26060-74198

By paper copy to: Justice Section
United Nations Office on Drugs and Crime
P.O. Box 500
A-1400 Vienna
Austria

- **If applicable, please provide additional comments:**
