

## **GLOBAL ACCESS TO JUSTICE PROJECT QUESTIONNAIRE**

### **2019 - 2020**

#### ● — **General information**

- This questionnaire is an important component of the *Global Access to Justice Project* and contains the parameters that should guide data collection and, subsequently, your preparation of a national report within your region.
- The parameters indicated in this questionnaire are designed as a common methodological tool to ensure the rigour of the research, allowing researchers all over the world to work together and produce national reports that allow meaningful comparison. We appreciate that the questionnaire is long, but please do not be put off by this. You are participating in a very ambitious project and its success depends upon the comparability of the national reports, which is why we are asking everyone to cover certain fixed topics and provide brief information under each heading. After preparation of the national reports, the regional and thematic coordinators will use these to draw comparative conclusions in their own reports; the thematic coordinators, in particular, need consistent information on their topics across jurisdictions both where that element is very significant and also where it is not. However, we trust that national researchers will, in their reports, concentrate on the most significant elements of access to justice in their own countries and provide more detailed information and analysis in those sections which are most relevant whilst still providing the core information under all the headings.
- It is important to highlight that the questionnaire contains guidelines for the preparation of the national report, but should not be taken as limiting the scope of the research. Inevitably, special circumstances or particular innovations may have arisen in some countries that transcend the listed parameters. Please feel free to indicate all relevant information that you deem appropriate.
- We have attempted to be sensitive to the different uses of terminology, when drafting this questionnaire. It is, however, impossible to use the correct national terminology for all aspects of access to justice, across a global range of jurisdictions, as the use of terms varies considerably. We would ask national researchers to use their discretion when determining the meaning of our questions, and to answer using the appropriate local terminology, providing full explanations so that readers unfamiliar with that use of language will still be able to follow. Please remember that structures, terminology and concepts vary across our jurisdictions and that a question may look odd to you but perfectly ordinary in another country. If you have any difficulty deciding how to answer one or more questions in your national context, please contact us.
- The questionnaire covers a lot of information that may involve collecting statistical data. Please provide this information only where it is from a reliable source and already available in your country. We are aware that many participating countries may not yet have data on some of the aspects requested, and do not expect researchers to conduct original research in order to produce new statistical information. When preparing your report, please simply indicate that statistical information is not available, where this is the case.
- Although the questionnaire demands a description of each country's legal system and legal aid model, we are particularly interested in your informed critical evaluation as a local expert. So, please feel free to criticize what you think deserves to be criticized; praise what you think deserves to be praised; and, in particular, tell us about promising solutions devised in your country that contribute to equal access to justice for all. Could these developments be relevant elsewhere, or, in your view are they a unique product of the local legal culture you are reporting on?
- Throughout the questionnaire, if you find that the required information has already been given in the answer to a previous question, there is no need to repeat the information; please simply refer to the earlier section.

- A key aim of the *Global Access to Justice Project* is to share knowledge, in an organized way. We consider this to be a joint venture involving all of its participants. In that spirit, we welcome requests for clarification of the questionnaire, which might also assist other national researchers. Should you have any suggestions or constructive feedback, please share them by sending them to: [globalaccesstojustice@gmail.com](mailto:globalaccesstojustice@gmail.com)

## Completing the questionnaire and preparing the national report

- The national report may be prepared jointly with other researchers of your choice. However, we request that the text of the report not be divided or split between different authors; to ensure homogeneity, the entire report should be co-authored where more than one researcher is involved. All co-authors should of course be named.
- For the avoidance of doubt, we would like to clarify that the report should be prepared as prose text, not as a list of answers to the questions; the questionnaire should be used to provide the headings and sub-headings for the report and as a guide to the topics to be covered in each section of text. The questions themselves should not be copied into your report.
- The *Global Access to Justice Project* will use standard comparative research techniques to facilitate comparative analysis of different legal models around the world. To ensure that all national reports will be formally homogeneous, we request that the following formatting rules be observed:

### TITLE

(the national report title will be the name of your country)

Name of report authors<sup>1</sup>

### 1. Topics

(Please repeat the titles of the topics of the questionnaire following the same order)

#### 1.1. Sub-topics

(Please repeat the titles of the sub-topics of the questionnaire following the same order)

#### - TEXT:

- It would be very helpful if you could use Arial font size 12 on your national report, but all aspects of text layout will be homogenized by the project organizers at the time of publication.
- We request that the national reports be no less than 20 and no more than 100 pages.
- The report must be written in English. However, if you have any difficulties in translating the text, please contact us.
- Within each topic and subtopic please describe the aspects indicated in the questionnaire (and other related aspects, specific to your country).
- The questionnaire sets out, within each sub-topic, the aspects that are of most interest. The order in which these are presented in the questionnaire need not be followed if you deem it appropriate that they are taken in a different order.
- You also do not need to be limited to the listed aspects, which are intended simply as guidelines for the preparation of the national report. Naturally, peculiarities may arise in certain countries that transcend the aspects listed in each topic or sub-topic. Similarly, in some countries, some of the aspects listed may not be relevant and therefore, of course, can be ignored.
- The content of the text is obviously free. Please feel at liberty to present criticisms, make suggestions about what needs to be changed, report experiences and indicate promising solutions. You have complete freedom to express your professional and academic opinion.

<sup>1</sup> Author's short bio - no more than 100 words for each author.



## Citations

- As previously indicated, one of the primary goals of the *Global Access to Justice Project* is to share knowledge. Please feel at liberty to cite relevant books, articles, monographs, online resources, surveys and jurisprudence from your country, to enable other researchers within the project as well as external readers to explore more deeply those national developments which most interest them.
- In order to respect the multiculturalism of the participating countries, whilst preserving consistency and readability, we recommend that citations be made in a freely translated version into English in the main body of the text, with the citation in its original language in a footnote. However, it is also acceptable to provide the native language version in the body of the text and the translation to English in the footnote.



## Name of institutes and institutions

- In order to respect the linguistic traditions of the participating countries, we recommend that the names of institutions and institutes be indicated first in English but also in the native language, as follows:
- Example 1: Japan Federation of Bar Associations (日本弁護士連合会)
- Example 2: Ministry of Public Defense of Paraguay (*Ministerio de la Defensa Pública del Paraguay*)



## Graphic, tables, images and organizational charts

- Although not mandatory, we encourage local researchers to include, where useful, graphics, tables, images and organizational charts in the national report.



## Didactic care

- The national report will be written for readers from other countries, who may well not be familiar with the legal system of your country. Therefore, it is extremely important that you try to be as instructive and explanatory as possible. Please prepare the text on the assumption that you are explaining your national scenario to someone who has never had contact with your particular legal model. Because of this need for didactic care, we recommend that critical opinions of researchers be placed only after an informative, objective explanation of the subject.



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## QUESTIONNAIRE

- **National report title:** Name of the country
- **Name of report authors** (please indicate each author's short bio as a footnote – no more than 100 words per author)

### 1. General information

(Please repeat the title of this topic in your report)

Please describe and evaluate general political, sociological, cultural and religious information about your country. Please indicate especially:

**(a) Form of government.**

Please indicate very briefly the form of government, categorizing by the power source and power structure (e.g. Unitary State, Federation, Confederation).

**(b) Demographics, ethnic groups, languages and religion.**

Please indicate very briefly: (i) how many people are there in your country? (ii) which are the predominant ethnic groups? (iii) what is the official language (if any)? and (iv) what is the predominant religion (if any)?

**(c) Gross domestic product (GDP) for the last ten years.**

To make it easier to see GDP variations, we recommend using bar charts (each column indicating the annual GDP). If possible, please report the amounts in local currency and US Dollars.

**(d) Gross national income at purchasing power parity per capita GNI (PPP).**

**(e) Inequality index and poverty line (percentage of population deemed to be living in poverty).**

**(f) Life expectancy at birth.**

**(g) Expected years of schooling and mean years of schooling.**

**(h) Human development index (HDI).**

PLEASE NOTE: The information required at (d) to (h) can be obtained at <http://hdr.undp.org/en/2018-update/download>

### 2. Legal system

(Please repeat the title of this topic in your report)

Please provide a brief summary of the legal system of your country. Please indicate especially:

**(a) The type of legal system in place in your country.**

(e.g. civil law, common law, religious law, customary law, hybrid)

**(b) The form of organization of the justice system in your country.**

(e.g. unified/unitary national justice system with multiple levels of courts – e.g. supreme court, appellate court, first instance court OR unified/unitary national justice system with a network of subordinate regional courts and justice agencies OR separate national/federal and regional jurisdictions that operate in parallel to each other OR one formal national justice system with multiple levels, as well as customary, informal, or religion-based tribunal; OR some other system). If possible, please indicate number of cases handled by each court (especially first instance courts).

**(c) Please provide an organizational chart indicating the structure and the division of jurisdiction of your country's justice system.**

If your country operates separate national/federal and regional jurisdictions that operate in parallel to each other, please indicate the structure and the division of jurisdiction at national/federal and regional level.

**(d) If your country has parallel/informal justice structures (e.g. informal, customary, religious, indigenous), please specify their scope of action.**

**(e) The structure of the legal profession in your country.**

Of particular interest are the following:

- Please specify, if relevant, differences in the rights and powers of different categories of lawyer.
- Whether your country allows non-lawyers to become owners or managers of law offices and whether such structures are common in practice (non-lawyer ownership and/or non-lawyer management are often described as *LDP - Legal Disciplinary Practices*, *MDP - Multi-Disciplinary Practices*, or *ABS - Alternative Business Structure* in the legal service market).

**(f) How many licensed practicing lawyers are there in the country?**

Please break down into the various categories described in (e), where relevant. For European countries, information may be available at: <https://www.coe.int/en/web/cepej/country-profiles>.

**(g) Are the fees charged by practicing lawyers affordable for the general population?**

**(h) Is legal representation by a lawyer mandatory in your country's justice system?**

Please specify in which courts/cases representation by lawyer is mandatory in your country's justice system, and in which courts/cases self-representation is permissible.

**(i) Is representation by paralegals permitted in your country's justice system?**

Please indicate in particular:

- The definition of paralegals in your country;
- Which type of legal services paralegals are allowed to provide, and in which courts/cases representation by paralegals is allowed;
- If possible, please indicate the number of practicing paralegals in your country.

**(j) Please summarize briefly information regarding the career of judges.**

Please indicate in particular:

- Whether courts are independent of the other branches of government;
- How judges are recruited;
- How many judges there are in your country;
- What is the gender and race representation in the judiciary (if available)?
- Whether judges are appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement). If so, please indicate the compulsory retirement age. If the mandate for judges is not for an undetermined period, what is the length of the mandate? Is it renewable?
- Whether a judge can be transferred (to another court) without his/her consent (e.g. for disciplinary reasons; for organizational reasons; for other reasons)? Please specify the circumstances and safeguards against abuse.

For European countries, information may be available at: <https://www.coe.int/en/web/cepej/country-profiles>.

**(k) Please summarize briefly information regarding the career of public prosecutors.**

Please indicate in particular:

- What is the status of the prosecution services? (e.g. statutory independent; under the authority of the Minister of Justice or another central authority)
- How public prosecutors are recruited.
- Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)? If so, please indicate the compulsory retirement age. If the mandate for public prosecutors is not for an undetermined period, what is the length of the mandate (in years)? Is it renewable?
- How many public prosecutors are there in your country?

For European countries, information may be available at: <https://www.coe.int/en/web/cepej/country-profiles>.

**(l) Evaluate whether there is a shortage of legal services in your country. If so, please indicate whether action has been taken to resolve the problem and, if so, the nature and success of such action.**

### **3. Process and proceedings: overview**

(Please repeat the title of this topic in your report)

#### **3.1. Criminal Procedure**

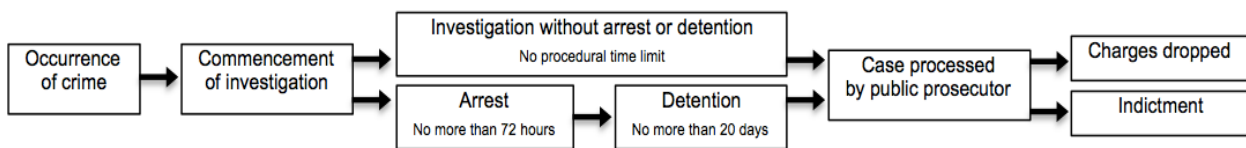
(Please repeat the title of this topic in your report)

Please summarize briefly the criminal investigation process and criminal prosecution proceedings (post-indictment or post-charge) in your country. The following information is of particular interest:

(a) Please provide a brief description and an organizational chart indicating the main steps of the criminal investigation process, and the paths to be adopted at the end of it.

Please specify any differences in proceedings where the suspect is and is not arrested/detained. The following information is of particular interest:

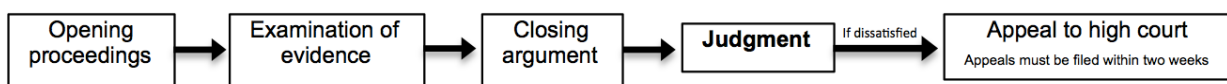
- Which is the authority responsible for a criminal investigation (e.g. police authority; prosecutor; judge/judicial authority)?
- Under what circumstances can the suspect be arrested/detained during the police investigation phase? Please specify: (i) which authority is responsible for the detention (e.g. police, prosecutor, judge/judicial authority); (ii) what are the requirements for arrest/detention (e.g. probable cause); and (iii) whether there is any maximum period for the arrest/detention.
- Is there a legal deadline or time limit for completing the police investigation phase?
- Kindly provide an organizational chart to illustrate the main steps of the criminal investigation phase, and the paths to be adopted at the end of it. Example:



(b) Please provide a brief description and an organizational chart indicating the main steps in criminal prosecution proceedings.

Please specify any differences in proceedings where the accused is and is not arrested/detained. The following information is of particular interest:

- Which is the authority responsible for initiating criminal prosecution proceedings? (e.g. prosecutor only; the victim may also initiate proceedings)
- Under what circumstances can the suspect be arrested/detained during criminal prosecution? Please specify: (i) what are the requirements for arrest/detention (e.g. probable cause); and (ii) whether there is any deadline or maximum period for the arrest/detention.
- Does the legal system of your country allow criminal judgments in absentia (i.e. trials in which the suspect does not attend the hearing in person and is not represented by a lawyer)?
- Is there a legal deadline/time limit for completing criminal prosecution proceedings?
- Kindly provide an organizational chart to illustrate the procedure. Example:



(c) Please evaluate the extent to which the criminal legal system of your country is a rule of law compliant system that respects due process.

Please indicate especially if your country has been subject to criticism by any international Court of Human Rights or other international or domestic body for violations of the rule of law or due process in criminal proceedings.

### 3.2. Civil Procedure

(Please repeat the title of this topic in your report)

**PLEASE NOTE** that this is one of the areas in which terminology varies markedly between jurisdictions. We use 'civil procedure' here to cover the procedure for all non-criminal cases, which is the usage in some of the participating countries. We are aware that in other countries different terminology may be used. Please use the appropriate terminology for your own jurisdiction, but cover all non-criminal procedure including, for example, administrative, family, labour, immigration and social welfare cases.

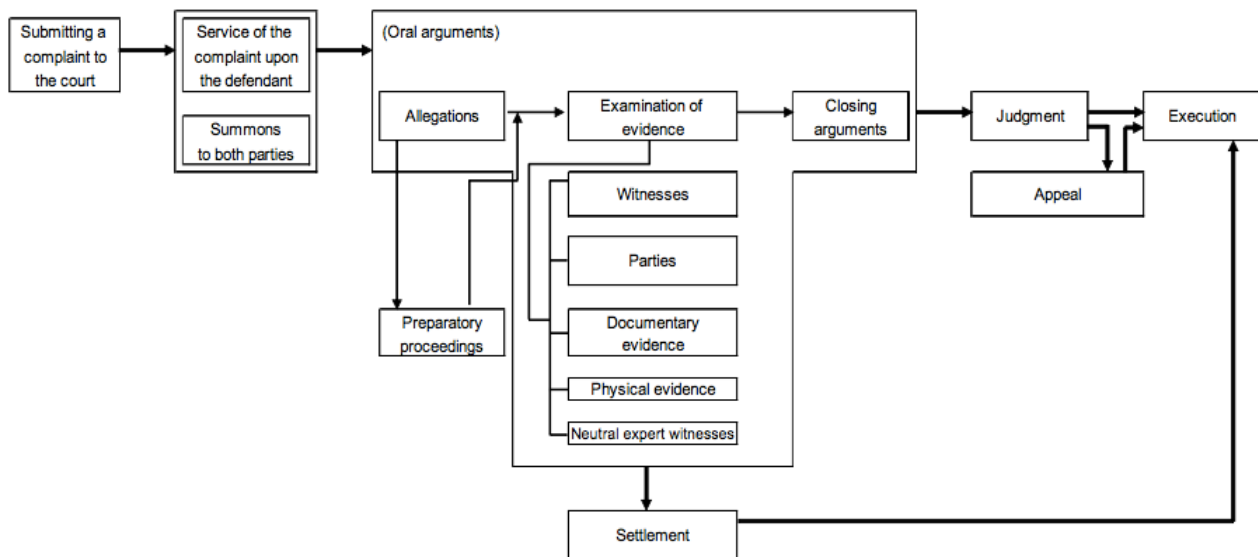
Please summarize briefly the procedure for civil trial or "first instance" hearing in your country. The following information is of particular interest:

(a) Please provide a brief description and an organizational chart indicating the main procedure at "first instance".

If there are several common procedures, please indicate the main first instance procedure. The following information is of particular interest:

- Are there specific procedures for urgent matters? What kind of legal conditions are imposed on the use of this kind of remedy (e.g. periculum in mora)?

- Whether it is obligatory to attempt alternative dispute resolution before or during the procedure. If it is obligatory, please give brief details of the nature and timing of any such required alternative dispute resolution. More information on alternative dispute resolution will be requested in section 3.3, below.
- The case management and other powers of the judge (presiding officer). Please describe and evaluate the extent of participation of the judge during civil first instance proceedings, specifying whether the judge has an active or a passive position. Please indicate especially whether the judge can pursue evidence himself/herself and what case management powers the judge has. Please indicate the extent to which a judge can assist an unrepresented party.
- Kindly provide an organizational chart to illustrate the procedure. Example:



- (b) Please describe and assess the procedures or techniques which are employed to encourage the parties to reach a conciliation or settlement of a dispute during formal civil legal proceedings.

These procedures might include a compulsory "settlement" conference with the judge, a "payment into court" system, etc. The following information is of particular interest if available: (i) data relating to and evaluation of the way in which these techniques produce an effective reduction of costs; (ii) data on and evaluation of the fairness of these techniques, especially with respect to parties with unequal means.

- (c) Please evaluate the extent to which the civil legal system of your country is a rule of law compliant system that respects due process.

Please indicate especially if your country has been subjected to criticism by any international Court of Human Rights or other international or domestic body for violations of the rule of law or due process in non-criminal proceedings (e.g. delay of judgments or enforcement of judgments).

### 3.3. Alternative Dispute Resolution

(Please repeat the title of this topic in your report)

Please summarize briefly the use of alternative dispute resolutions mechanisms in your country. The following information is of particular interest:

- (a) The compulsory diversion of disputes.

Please set out information concerning the compulsory diversion of disputes to dispute resolution mechanisms outside the formal judicial machinery (Alternative Dispute Resolution, or ADR), if this occurs in your country. Indicate whether these mechanisms are government-financed or otherwise a formal part of the government structure, or independent of government. Is it the case that diversions are temporary or conditional, and that the parties have the right to challenge the decisions of/outcomes rendered in these unofficial forums in the courts? Please discuss, if relevant, how compulsory referral to ADR is achieved (e.g. through blanket referral, judicial discretion, compulsory ADR information, 'implied compulsion' such as costs penalties for unreasonable refusals to attempt ADR, making receipt of legal aid conditional upon participating in ADR, etc.).

- (b) The voluntary or consensual diversion of disputes.



Please describe, if relevant, the scope of voluntary or consensual submission of disputes to less costly forums, which run parallel to the formal judicial machinery. "Voluntary" and "consensual" connote respectively that recourse to these forums is left either to the initiative of one party or to the consent of all parties. In the first case, the jurisdiction of those forums is based on the option of one of the parties (and thus becomes compulsory for the other); in the second case, such jurisdiction is based on the agreement of both parties. Please indicate:

- Whether such forums are government-sponsored or not (forums not sponsored by government might include consensual arbitration by private arbitrators, private mediation or conciliation services).
- Whether decisions/outcomes rendered in these forums may be challenged before the courts.

Clearly, this questionnaire cannot pretend to cover the entire field of private arbitration; answers should focus on promising mechanisms intended to protect individual citizens with small and modest claims.

- (c) Examine the policy drivers behind the development of ADR processes in your country (including e.g. saving costs and judicial time in the administration of civil justice; providing less stressful and more harmonious forms of dispute resolution for litigants; instigating forums that provide remedies that better meet parties' underlying needs) and critically examine the impact of such developments on access to justice especially for individuals with small and modest claims.

### **3.4. Simplification of law and by-passing legal processes**

(Please repeat the title of this topic in your report)

Please describe modifications in the substantive law that intend to, or in actual operation do:

- (a) Significantly reduce the cost and time required of judges, parties and/or others to ascertain the applicable legal rules or to present and/or investigate the operative facts in particular categories of cases.

This is likely to be applicable to small and modest claims or to specified categories of disputes which encompass such claims or which are otherwise of special social significance. A possible example is the trend towards the introduction of strict (no-fault) liability rules for defective products, and no-fault compensation schemes that work on the basis of social insurance; another might be "no-fault" divorce laws. The following information is of particular interest: (i) the major operative elements of the prior law; (ii) the ways in which the modification simplified the rules of law and/or reduced the number or complexity of the operative facts; (iii) statistics or other data concerning the impact of the modification upon the expense of resolving these disputes; (iv) appraisal of the comparative fairness of decisions made under the modified law.

- (b) Permit the judge, tribunal, arbitrator, or other adjudicatory body substantially to abandon the usual statutory or precedential rules and to base the decision upon an appraisal of the equities of the individual dispute (with regard to small, modest, or otherwise socially significant claims).

A hypothetical example of such a modification would be a statute providing that all contract disputes involving less than a certain amount shall be decided according to principles of equity.

- (c) Alter the basis of remedying the alleged injury so that the dispute no longer needs to be resolved.

A primary example of this phenomenon is the so-called "no-fault" automobile accident compensation laws which, with respect to claims up to a certain (modest) amount, automatically award damages to the injured party without a court proceeding to establish which driver was negligent.

## **4. Access to Justice, Equal Access to Court and Fair Trial**

(Please repeat the title of this topic in your report)

Please give information concerning the status of access to justice, equal access to court and fair trial rights in your country. In particular, please indicate:

- (a) Whether explicit access to justice, equal access to court and fair trial rights exist in your country, by virtue of national or international law.

Please indicate the content of the relevant provisions and whether they are found in the constitution or in ordinary legislation; if the relevant duty is found in applicable international law, please indicate the treaty and how it is applicable in your jurisdiction.

- (b) To what extent is there political commitment to access to justice, equal access to court and fair trial in your country?

Please provide information on recent statements on these topics by government and public bodies. Examples might include debates in Parliament, commitments in the manifestos of political parties, statements in government reports and in



preparatory documents of legislative proposals. Please comment on whether such statements appear to represent genuine political commitment.

(c) Which government body has responsibility for access to justice policy?

(d) What is government access to justice policy?

(e.g. please provide information on whether access to justice policy is focused on the functioning of the courts, introduction/expansion of ADR, expansion of legal services/paralegals, reform of legal services, specific needs of individuals/community/businesses, reliance on private markets.)

(e) Are there problems in ensuring equal access to justice for minorities, immigrants, indigenous peoples or other groups in your country? If so, please describe these briefly here and provide specific information on the challenges for such groups in your answers to the rest of the questionnaire.

(f) Is the issue of access to justice the subject of public or scholarly debate? If so, please give examples.

## 5. Legal aid system

(Please repeat the title of this topic in your report)

**PLEASE NOTE:** Some of the jurisdictions participating in this project have formal systems for State-funded legal assistance, which they refer to as 'legal aid'; others do not, and use the term to refer to legal assistance provided through other methods. We are interested in understanding the principal way in which the public can be provided with help from lawyers to improve their access to justice in each country, as well as whether there are other schemes making a significant contribution to this aim. Section 5 should be completed using information on the official State-funded legal aid system in your country, if there is one. If there is not such a system in your jurisdiction, please instead give information on the main national system for providing assistance with legal proceedings. If you feel that there is more than one national system of equal importance, complete the section giving information on both/all the systems. Subordinate/subsidiary systems can be included in section 5.11.

### 5.1. History of legal aid

(Please repeat the title of this topic in your report)

Please summarize, briefly, the history of the emergence and development of legal aid in your country. Please include the following:

(a) When was the right to legal aid first recognized by your laws?

(b) Briefly describe the evolution of legal aid in your country.

Please specify briefly: e.g., sociological changes that stimulated modifications in the legal aid system, legislative changes, relevant jurisprudence, relevant policy changes.

(c) Whether there has been a significant reform/restructuring of the national legal aid system since its inception.

Please specify briefly the sociological, political or legal reasons that triggered the reform/restructuring process.

(d) Evaluate whether there is any historical correlation between your country's democratic development process and the emergence/strengthening of the legal aid system.

(e) Evaluate the importance of legal aid in delivering the access to justice, equal access to court and fair trial rights and goals described in section 4.

Please indicate whether legal aid is seen as the main vehicle for achieving access to justice, equal access to court and fair trial, or is one of many mechanisms. If the latter, how important a role does legal aid play in the overall picture?

### 5.2. Legislative framework for legal aid

(Please repeat the title of this topic in your report)

Please describe and evaluate the legislative framework for legal aid in your country. Please indicate especially:

(a) Whether the right to legal aid is specified in your country's constitution.

Please indicate and transcribe the relevant provision of the constitution and explain its scope - criminal cases, civil cases, administrative cases, etc.

(b) Whether the right to legal aid is set out in other laws of your country.

Please indicate the statutory framework for legal aid, in broad terms, transcribing any key provisions.

(c) If there is no specific legislative provision for legal aid, please specify whether the right to legal aid has been established through judicial decisions or is implicit in national due process provisions.

### **5.3. Institutional framework for legal aid**

(Please repeat the title of this topic in your report)

Please give brief information concerning the institutional framework for legal aid in your country (see introduction to this section). Please indicate especially:

(a) Which institution has chief responsibility for organization, provision and supervision of legal aid to individual clients, as well as supervision of the functioning of the system in general?

If your country adopts separate national/federal and regional legal aid systems that operate in parallel to each other, please indicate the institutions at national/federal and regional level. Please indicate the name in English and also in the native language. If there is no official State legal aid agency, or if the official State agency does not provide legal aid for all cases (e.g. for criminal and/or civil/family/administrative cases) please specify which most relevant non-state agencies are responsible for providing legal aid. If there is a combination of efforts between State and non-state agencies, or between various non-state agencies, please explain and specify the mixed structure of the legal aid system of your country.

(b) Provide an organizational description of the official State legal aid institution, if there is one.

Of particular interest are the following:

- The administrative and management structure of the official State legal aid institution. If your country adopts a separate national/federal and regional legal aid system that operate in parallel to each other, please indicate the structure of the State legal aid institutions at national/federal and regional level.
- Whether the official State legal aid institution is linked/subordinated to another State body (e.g. the executive branch, the Ministry of Justice or the Courts);
- The level of functional/professional independence/autonomy of the official State legal aid institution. Please specify: whether there is any kind of government interference in defining the legal actions to be taken by the legal aid institution or its providers, or to define in which cases the legal aid institution or its providers may or may not act; if the legal aid institution and its providers are free to take legal action against unlawful acts committed by the government itself, large corporations, politically influential persons, etc.
- The level of administrative/management independence/autonomy of the official State legal aid institution. Please specify: whether the legal aid institution has independence/autonomy to manage financial resources from the State budget or other sources; if the agency is free to define, without interference from the government, who will be the legal aid providers; etc.
- The method of selection of the head of the legal aid authority (or members of the legal aid board). Please specify whether appointment is made by Parliament, the Executive, the courts, the prosecution, the police, the bar association, the public defender office, election by bar association members, competitive selection process, etc.
- The responsibilities of the head of the legal aid authority.
- The number of administrative personnel of the official State legal aid institution, if known.
- Does your country's legal aid institution provide any alternative dispute resolution services (conciliation, mediation, etc.)?

(c) Delivery method: how are legal aid services delivered in your country? If mixed please explain the division of labour and balance of the mix.

(e.g., through public defender institutions; through panel appointments - ex officio, contract lawyers; through the bar association; through pro bono schemes; through the legal aid boards/commissions; through civil society). Please indicate in particular:

- The number of judiciary lawyers, staff lawyers and/or public defenders in your legal aid system
- Whether your country allows paralegals to provide legal aid, and if so, the number of practicing paralegals in your legal aid system
- The territorial distribution of legal aid providers in your legal aid system, specifying whether legal aid services are available in remote areas (rural areas, less populated areas, etc.)

(d) What has been the major development strategy of the legal aid institution of your country over the past ten years? What was the reason for adopting this strategy?

(e) Does the client community participate in governance of or setting priorities for legal aid?

(f) Please report any information or statistical data evaluating the public's perception of the legal aid institution, if this exists.

(e.g., evaluating the level of reliability of the legal aid services provided; evaluating the general impression of the public regarding the legal aid agency.)

#### **5.4. Legal aid budget**

(Please repeat the title of this topic in your report)

Please summarize briefly the available information concerning the legal aid budget in your country. Please indicate especially:

(a) What are the sources of legal aid funding?

(b) Is legal aid a separate component of the annual justice system budget in your country?

(c) Explain how the annual budget of the main legal aid institution is set by the government.

(e.g., whether the government defines the budget without participation of the legal aid agency; whether the legal aid agency submits a formal budget proposal to the Ministry of Justice or another state agent; whether the budget is informally politically negotiated with the government; whether the legal aid agency has autonomy to present its budget proposal directly to the Legislature / Parliament / Congress for a vote, etc.)

(d) Please indicate the level of the national budget for legal aid (approved and implemented) in the last ten years. If the main legal aid institution has funding sources other than the State budget, please specify the source and the amount.

To make it easier to see budget variations, we recommend using bar charts (each column indicating the agency's annual budget). If possible, please report the amounts in local currency and US Dollars. If you cannot isolate the budget allocated to legal aid from the budget allocated to courts and/or public prosecution services, please indicate the total annual public budget allocated to these.

(e) If possible, show the actual expenditure for the last ten years broken down into case type and assistance level (initial advice, representation etc.)

(f) Has the legal aid service experienced large-scale funding cuts? If so, what were the strategies to respond to such a situation?

#### **5.5. Legal aid providers**

(Please repeat the title of this topic in your report)

Please give information available about legal aid providers in your country. Please indicate especially:

(a) Which qualifications are required for State funded legal aid providers?

Please specify any requirements for individual lawyers and, in judicare systems, for law firms engaging in legal aid work. These might include: for individuals, level of qualification, membership of the regional/national bar association; for firms, supervision requirements, minimum staff numbers etc. SEE ALSO section 5.6, below, on quality assurance.

(b) What is the procedure to become a staff member of the legal aid institution (if applicable)?

Please specify: if there is a separate test to be accepted as a staff member of the legal aid institution (indicate the degree of difficulty of the test/rate of failed candidates); if there is an interview with the legal aid administration or board (indicate the rate of failed candidates); if there is any kind of selection based on the practical performance of the candidate; etc.

(c) Evaluate the level of interest among lawyers to become State funded legal aid providers.

Please specify: if it is only lawyers at the start of their careers who tend to have an interest in becoming State funded legal aid providers; if a large number of lawyers are interested (if so, please indicate any professional, financial, political, sociological and/or religious reasons that you believe motivate this).

(d) How are legal aid providers paid for their services?

Please state, for example: they receive a fixed fee for each case or action on a case; providers work in law firms that receive funds from the State (contracted); they work full time in institutions funded by the State (e.g. public defenders' office); 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); providers are paid on an hourly basis for actions that the state has identified as a basis of payment; they submit reports on the hours they spend on a legal aid case. If a number of funding schemes apply, please briefly specify the various methods and their applicability.

(e) Evaluate the remuneration offered to legal aid providers.

For legal aid lawyers, take as a comparative measure the salary paid to private lawyers in the regular market; for staff lawyers/public defenders, take as a comparative measure the salaries paid to judges and prosecutors.

(f) Evaluate the level of independence/autonomy of legal aid providers.

Please specify: whether there is any kind of government interference in defining the legal actions to be taken by legal aid providers; whether legal aid providers are free to take legal action against unlawful acts committed by the government itself, large corporations, politically influential persons, etc. Does any law (legislation or case law/jurisprudence) protect the independence of legal aid providers?

(g) Do legal aid providers have any kind of functional or procedural special prerogative/privilege to facilitate/enhance their professional performance?

(e.g., double procedural term; special judicial intimation; right to require the provision of information from public bodies; access to restricted databases of public bodies)

## 5.6. Quality assurance

(Please repeat the title of this topic in your report)

Please summarize briefly the mechanisms for assuring the quality of work carried out by legal aid providers in your country. The following information is of particular interest:

(a) Are there minimum standards or qualifications which providers must satisfy before they are entitled to take legally-aided cases? If so, what are these? Is there a formal accreditation scheme in place for legal aid providers?

(b) Is there an external institution/agency or an internal board overseeing the quality of work carried out under legal aid funding?

Please specify whether legal aid recipients take part in the external institution/agency or internal board.

(c) Is there a mechanism to monitor the quality of work carried out by legal aid providers?

If so, please describe this mechanism in brief, paying particular attention to the following aspects:

- Whether monitoring is reactive (e.g. responding to client complaints) or proactive.
- What form does any proactive monitoring take? Examples might include client satisfaction questionnaires/ interviews or other regular processes.
- How is data collected in order to monitor the quality of legal aid services? For example, the use of model or standardized clients; self-assessment; mentoring; supervisor audit; peer review or other third party assessment e.g. by judges.
- Are client files assessed by internal supervisors, external auditors, or both?
- Does observation and assessment of client interaction and court performance take place, either live or by video/audio tape?

(d) Are legal aid providers required to engage in continuing education and/or skills training?

(e) Is there a remedy available if a person receives legal aid services, but the legal aid provider is unprepared or unqualified or if the services are otherwise of poor quality?

## 5.7. Criminal legal aid

(Please repeat the title of this topic in your report)

### 5.7.1. Scope of criminal legal aid

(Please repeat the title of this topic in your report)

Please describe and evaluate which services are included as part of criminal legal aid in your country, indicating the statute or case law/jurisprudence which underpins the rights described. In each answer, please indicate whether the rules are the same for all cases/crimes; if not, please explain the range of options and the circumstances in which they apply.

(a) Is legal aid available for suspects arrested or detained on criminal charges, during the criminal investigation phase?

Please also clarify whether an arrested or detained suspect will continue to receive legally aided assistance even if s/he is released from custody during the investigation.

(b) Is legal aid available for suspects charged with a crime (but not arrested or detained), during the criminal investigation phase?

(c) Is legal aid available for defendants during trial and other hearings?

Please specify whether the right to criminal legal aid for defendants when they appear before a court or tribunal applies to all stages and hearings of the criminal procedure.

(d) Does a convicted person have the right to legal aid after the criminal conviction, to appeal against conviction?

(e) Does a convicted person have the right to legal aid after the criminal conviction, during the criminal enforcement phase?

(f) Is legal aid available for victims of crimes?

Please specify whether assessment of financial circumstances or other additional eligibility criteria is made.

(g) Is legal aid available for witnesses?

Please specify whether eligibility criteria (financial or other) apply.

### 5.7.2. Eligibility criteria for criminal legal aid

(Please repeat the title of this topic in your report)

Please describe and evaluate the eligibility criteria for criminal legal aid in your country. Please indicate especially:

(a) What are the eligibility criteria for criminal legal aid in your country?

These may be financial thresholds, criteria concerning the type of crime or possible penalty, or others.

(b) Does the recipient of criminal legal aid services have to contribute to the cost of providing those services?

If so, please indicate the circumstances in which a contribution must be made.

(c) Does the criminal legal aid recipient have to repay any amount to the legal aid provider, the legal aid agency or the prosecution at the end of the criminal process or at some other time?

If so, please indicate the circumstances in which repayment must be made, the way in which the amount to be repaid is set, and the degree to which recovery is achieved, in practice.

### 5.7.3. Process for obtaining criminal legal aid

(Please repeat the title of this topic in your report)

Please describe and evaluate the process for obtaining criminal legal aid in your country. Please indicate in particular:

(a) How is the process for obtaining criminal legal aid at the investigation stage initiated?

Please set out all relevant processes, for example the position if the suspect is arrested or detained during a criminal investigation; if they are not arrested or detained but are investigated for or charged with an offence; and any other circumstances relevant in your jurisdiction.

(b) If the suspect has a right to legal aid, and (where relevant) wishes to be assisted, but no legal aid provider is available, must the criminal investigation proceedings cease until a legal aid provider arrives?

Is there any legal consequence if evidence is obtained without the suspect having legally aided assistance in such circumstances? Please indicate the law or case law/jurisprudence (if any).

(c) Who is responsible for granting criminal legal aid for representation before the court or tribunal and by what process are applications made?

Please indicate how applications for legal aid at the trial and pre-trial hearings are made, to whom, and who makes the decision on legal aid (e.g. the court or tribunal; the legal aid agency; the legal aid provider).

(d) If legal aid is denied, is there any possibility of review or appeal of the decision?

Please indicate the method by which appeals can be made; the grounds on which appeals are possible; the identity of the body/person who decides the appeal and whether further appeal is possible.

(e) What is the mechanism for assigning legal aid providers?

Please include information about the extent to which the suspect/defendant can exercise a choice of provider.

(f) Can a suspect or defendant choose not to receive legally aided assistance?

Please indicate whether the court or other awarding agency can award a legally aided defense lawyer against the wishes of the suspect/defendant.

**(g) Indicate the total number of criminal cases filed in court where State funded legal aid was provided.**

If the data is available, please indicate for the last ten years: the total number of criminal cases filed in court; the total number of criminal cases filed in court where State funded legal aid was provided; and the percentage of all criminal cases filed in court where State funded legal aid was provided.

## 5.8. Civil legal aid

(Please repeat the title of this topic in your report)

**PLEASE NOTE** that this is one of the areas in which terminology varies markedly between jurisdictions. We use 'civil legal aid' here to cover legal aid for all non-criminal cases, which is the usage in some of the participating countries. We are aware that in other countries different terminology may be used. Please use the appropriate terminology for your own jurisdiction, but cover all non-criminal legal aid including, for example, administrative, family, labour, immigration and social welfare cases.

### 5.8.1. Scope of civil legal aid

(Please repeat the title of this topic in your report)

Please describe and evaluate which services are included as part of civil legal aid (as defined above) in your country. Please indicate especially:

(a) Whether the right to civil legal aid is specified in legislation, in case law/jurisprudence or is implicit in national due process provisions (not formally recognized by law).

(b) Whether civil legal aid covers legal advice (e.g. on the application of the relevant law, and actions the person may appropriately take).

Please specify whether legal advice is allowed for all cases, or if it is restricted to certain cases. Restrictions may include limits on the legal subject areas for which legal aid is available.

(c) Whether civil legal aid covers legal assistance (e.g. with taking any appropriate action, whether by taking action on the persons' behalf or by assisting them with taking action).

Please specify whether legal assistance is allowed for all cases, or if it is restricted to certain cases, defined by legal subject or otherwise.

(d) Whether civil legal aid provides legal representation before a court or tribunal.

Please specify whether legal aid for representation before a court or tribunal is available in all cases and at all stages of the procedure (including appeal and proceedings before high/ superior courts), or if it is restricted to certain cases or courts/tribunals or stages of the civil procedure.

(e) For which types of cases do people most commonly seek out civil legal aid services?

(f) Does your country provide legal aid for alternative dispute resolution before the forums mentioned in section 3.3 above?

### 5.8.2. Eligibility criteria for civil legal aid

(Please repeat the title of this topic in your report)

Please describe and evaluate the eligibility criteria for civil legal aid (as defined above) in your country, in particular:

(a) The personal eligibility criteria for civil legal aid services.

Please include where relevant:

- Information on economic vulnerability criteria (e.g. income and/or capital limits);
- If available, the percentage of the population which is financially eligible for civil legal aid;
- Any other vulnerability criteria. Please specify any law or case law/jurisprudence providing for the protection (e.g. by specialized legal aid services) of vulnerable groups (children, women, lone parents, elderly, disabled, indigenous, aborigines, homeless, ethnic minorities, immigrants, etc.).
- Whether only citizens of your country are eligible for legal aid or if immigrants, asylum seekers or foreigners can also apply;
- Any other personal eligibility criteria.

(b) Are specialized legal aid services provided by the State for specific population groups?



Please specify the background reasons (why target this group/issue?) and whether the financial eligibility criteria for this population group are the same as for other legal aid applicants.

**(c) The case-related (merits) eligibility criteria for civil legal aid services.**

Please indicate whether, in your country, decisions on civil legal aid include an assessment of the case for which funding is sought. If this is the case, please indicate the nature of such tests (e.g. reasonable to pursue the case; prospects of success) and whether they are applied to all types of case. Can the legal aid be withdrawn if the merits assessment changes during the life of the case?

**(d) Does the recipient of civil legal aid services have to contribute to the cost of those services?**

If so, please indicate how the contribution is calculated and how it is collected.

**(e) Does the civil legal aid recipient have to repay any amount to the legal aid provider or the legal aid agency at the end of the civil/family/administrative judicial process or at some other time?**

If so, please indicate how the contribution is calculated and how it is collected.

**5.8.3. Process for obtaining civil legal aid**

(Please repeat the title of this topic in your report)

Please describe and evaluate the process for obtaining civil legal aid. Please indicate especially:

**(a) How the process for obtaining civil legal aid is initiated.**

**(b) Who is responsible for granting civil legal aid?**

(e.g., the court or tribunal; the legal aid agency; the legal aid provider; others)

**(c) If legal aid is denied, is it possible to request an appeal or review of the decision?**

The following information is of particular interest:

- Can applicants ask for a review of all kinds of decision? On what grounds?
- Likewise for appeals;
- The review/appeals procedure;
- How long does this process take?
- Do the appeals processes include challenges in court?
- Are lawyers paid by legal aid authorities for their work in making applications for review, appeal or judicial review of decisions to refuse legal aid?

**(d) What is the mechanism for assigning legal aid providers?**

Please include information about the extent to which the client can exercise a choice of provider.

**(e) 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 is found?**

**(f) Indicate the total number of applications and grants for the last ten years.**

If possible, please specify the total number of applications received, the total number of applications approved and the total number of applications rejected, broken down by category of case. If data is available, please also indicate the type of case and the gender, age and income of the legal aid recipient. Information on the granting of legal aid to vulnerable or underrepresented minorities should also be provided, if available.

**5.9. Holistic legal services**

(Please repeat the title of this topic in your report)

Please summarize briefly information available concerning holistic legal services. Please indicate in particular whether your jurisdiction is exploring link-ups between legal services providers and non-lawyer professionals (e.g. health/justice partnerships, social work/justice collaboration, or other forms of “one stop shop”).

**5.10. Legal aid before regional human rights mechanisms**

(Please repeat the title of this topic in your report)

This is an **optional** fill-in topic. If your country is part of a regional system of human rights protection, please report the relevant information here, in particular: (i) Please identify the regional system and briefly evaluate its effectiveness in protecting human rights in your country. (ii) Does your country provide legal aid before



international tribunals, for people who wish to seek the international human rights protection? Please specify briefly how the process for obtaining legal aid is initiated, and the mechanism for assigning legal aid providers. (iii) Is support available from local, regional or global NGOs or other sources for those wishing to seek international human rights protection?

### **5.11. Alternative sources of legal assistance**

This is an **optional** fill-in topic. If your country's legal aid system has alternative sources of legal aid (e.g. legal expenses insurance, trade unions, claims companies, community law clinics, university law clinics, pro bono, conditional fee arrangements, etc.), not covered by the above parameters, please report the relevant information here. For some countries, providing information on this topic may take a considerable portion of their report; for some, there will be no such information. Please take an appropriate approach in the light of the situation in your jurisdiction.

### **5.12. Peculiarities of legal aid in [your country]**

This is an **optional** fill-in topic. If your country's legal aid system has any peculiarities that should be highlighted, not covered by the above parameters, please report the relevant information here. This topic can be used, for example, to describe the challenges to delivering legal aid potentially encountered in your country in recent years, and the strategies for responding to those difficulties.

## **6. Costs of resolving disputes within the formal judicial machinery**

(Please repeat the title of this topic in your report)

### **6.1. Overview of judicial costs for litigants**

(Please repeat the title of this topic in your report)

Please summarize briefly the costs for litigants of resolving disputes in the courts of your country, both at first instance and on appeal. Please indicate:

- (a) Are litigants in general required to pay a court tax or fee to start a proceeding at a court of general jurisdiction?
- (b) Are further fees or costs required during the progress of proceedings? Please indicate the circumstances in which additional fees must be paid.
- (c) Please briefly present the methodology of calculation of court taxes or fees.

### **6.2. Exemption from judicial costs**

(Please repeat the title of this topic in your report)

Please summarize briefly, if applicable, the rules concerning the right to exemption from judicial costs for economically vulnerable people in civil, family, administrative and other non-criminal cases, both in courts of first instance and on appeal. Some jurisdictions include exemption from judicial costs as part of legal aid; if this is the case in your country, and the relevant procedures and rules are the same as those indicated in section 5 above, please feel free to refer back to your earlier answers rather than repeating the information here. Please indicate especially:

- (a) The name of and legal basis for exemption from legal costs.

If the exemption of judicial costs for the poor has a specific name in your country, please indicate the name in English and also in the native language. Please indicate whether the right is found in legislation, case law/jurisprudence or is implicit in national due process provisions (not formally recognized by law), and specify the relevant provisions.

(b) What are the eligibility criteria for exemption from judicial costs?

(c) What is the process for applying for exemption from judicial costs, in particular:

- Who is responsible for granting the exemption (e.g. the court or tribunal; the legal aid agency)?
- What evidence must be provided?
- If the exemption from judicial costs is denied, is it possible to appeal the decision?

(d) May a person who has been exempted from judicial costs nonetheless have to repay any amount of the judicial costs to the government, judiciary, legal aid agency or other at the end of the judicial process or at some other time?

If so, please give details of the circumstances in which this may occur.

(e) In your jurisdiction, are legally aided litigants who lose their case liable to pay the other side's legal expenses/costs?

Please indicate the circumstances in which this may occur; how the amount to be paid is calculated and whether the court or any other body has power to limit the costs to be paid to the other side or excuse them altogether.

(f) In the light of your answers above, please analyze whether judicial costs may discourage access to justice in your jurisdiction.

Please indicate whether this is particularly a problem in disputes involving small or modest claims, when the judicial costs may exceed the amount at issue in the case. Please provide any available evidence such as statistics or statements by national or international bodies suggesting that court or other side costs have a 'chilling' effect.

### **6.3. Mechanisms to reduce costs by variations to courts and procedures**

(Please repeat the title of this topic in your report)

Some jurisdictions attempt to reduce costs for litigants by creating courts of special jurisdiction within the formal judicial machinery or by providing simplified procedures within the regular courts for certain categories of disputes. If this is the case in your country, please provide information here. This section of the questionnaire overlaps with section 3.4 on "Simplification of law and by-passing legal processes", but here we are particularly interested in the role of such mechanisms in reducing cost for the litigant rather than in saving costs for the government. Please feel free to refer back to section 3.4 if the information provided there is also relevant here. Please indicate the situation in your country concerning:

(a) Courts of special jurisdiction where access is possible without payment of any court costs.

These courts may have been created with in your country as a part of the formal judicial machinery to dispose of: small or modest claims or specified categories of cases which usually involve such claims or particular controversies of special social significance.

(b) Special or simplified procedures designed to reduce the expense of resolving certain categories of disputes within the regular courts.

(e.g. procedures designed to reduce the cost of resolving small or modest claims; procedures designed to reduce the cost of resolving certain disputes having a particular social importance; procedures designed for the expeditious and comparatively inexpensive resolutions of claims for a liquidated sum; etc.)

(c) Mechanisms which require (by operation of law or by judicial order) that small or modest claims, or certain other categories of disputes, be resolved in less costly forums sponsored by the government, but outside the formal judicial machinery.

A brief description and evaluation of such less costly forums should be included. Please feel free to include forums whose decisions are not final but may be challenged before the courts of the formal judicial machinery. Of particular interest is the following information: (i) categories of cases to which compulsory diversion applies; (ii) ways in which procedures before these forums are simpler or less costly; (iii) provision or restriction regarding counsel for parties, especially with respect to low-income parties; (iv) relevant statistics, especially regarding costs, the sort of persons who use these mechanisms, the kind of litigants who tend to win; (v) an appraisal of the efficiency and fairness of the mechanism.

## **7. The protection of diffuse and collective rights**

(Please repeat the title of this topic in your report)

Diffuse rights are those of an indivisible nature which belong to an indeterminate group of people (typical examples might be environmental rights and the right to proper conduct by administrative authorities). Collective rights are those which belong to a group of individuals which could be determined (but may or may not need to be determined for proceeding to be brought, depending on the jurisdiction), for example claims by all the patients given a particular medicine which had harmful effects, or claims that there has been discrimination against a whole class of individuals. Please describe and evaluate the most useful procedures available in your country (if any) for merging and resolving in a single proceeding claims which are being asserted by a number of different individuals. The following information is of particular interest:

- (a) The circumstances under which merger and simultaneous resolution are possible.
- (b) Who is authorized to initiate these procedures for the protection of diffuse and collective rights?

Please specify whether legal aid agencies or legal aid providers are among those authorized to initiate these procedures.

- (c) Policies that encourage counsel to litigate group claims.

In particular: (i) provisions for government-subsidized legal aid counsel to represent clients in group litigation; (ii) other methods for encouraging attorneys to act as counsel in such cases e.g., a contingency fee system; (iii) statistics and other data concerning attorney participation in such cases, e.g., the types of attorneys who participate (single practitioners, "public interest" law firms, etc.), forms and amounts of compensation; (iv) an appraisal of the adequacy and value of present policies.

- (d) Other present policies and trends for or against encouraging such procedures.
- (e) Problems of notice and, more generally, the right of the parties to be heard.
- (f) The effects of decisions for named and unnamed, present and absent parties.
- (g) An appraisal of the efficacy and equity of the procedure, and the benefits accruing to litigants.

## 8. Professional legal ethics

(Please repeat the title of this topic in your report)

Please provide information on professional legal ethics in your country. The following information is of particular interest:

- (a) Does your country have effective self-regulation by the legal profession of lawyers'/legal professionals' ethical conduct? To what extent is there external regulation of the profession? Please describe, if you are aware of any, recent trends in lawyer misconduct and comment on its most likely causes.
- (b) Do (professional) legal ethics permeate law school programs in your country? Is legal ethics mandatory in the undergraduate or postgraduate (JD) law curriculum? What, if anything, is taught beyond the code of professional conduct? Do law schools require law students to make any kind of pledge to uphold legal and social values either upon entry to, or graduation from, law school?
- (c) Please explain how professional ethics are taught and examined in the vocational (Bar) examination and whether this topic is mandatory post qualification in Continuing Professional Development?
- (d) Please comment on the lawyers' admission ceremony and explain the content of the oath/affirmation aspiring lawyers make at the point of entry to the legal profession, if any. What legal (or other) values and principles do they commit to defend/uphold during this rite of passage?
- (e) Do lawyers in your country actively engage in lobbying for changes in the substantive law or regulations to benefit the poor or to resist changes that would harm that part of the public? Please explain the kinds of efforts made to improve legislation and regulation and the extent to which lawyers view this as a core part of their professional ethical duty.
- (f) Please describe the interrelationship between professional legal ethics and pro bono, and provide information and statistics, if available, on pro bono activities and outcomes in your country.
- (g) Describe promising regulatory and educational initiatives and innovations, if any, directed towards strengthening professional identity and legal ethics in your country.
- (h) How much support do you think there would be in your country for a global (or regional) code governing lawyers' conduct and/or some kind of legal Hippocratic oath?

## 9. Technological innovation and access to justice

(Please repeat the title of this topic in your report)

Please describe and evaluate promising initiatives and new technologies in your country, geared towards improving access to justice. The following information is of particular interest:

**(a) What is the general situation regarding access to technology in your jurisdiction?**

For example, what is your best estimate of how many of those lacking effective access to justice are able to use the internet (with assistance if likely to be available); what is broadband coverage like, particularly in rural areas; what proportion of people would you estimate have smart phones; what is the use of unsmart mobile phones? Can you safely rely on text messages/SMS to contact people?

**(b) Are non-legal public services assisted by technology?**

To the best of your knowledge, is technology used for public service provision. For example, are midwives or other health workers able to use the internet for immediate medical advice in remote country areas?

**(c) How much (if at all) do legal practitioners, particularly those concerned with low income clients, use technology for business purposes?**

(e.g. in basic 'productivity tools' such as Microsoft Office packages; specific legal client management packages; communication by email or SMS)

**(d) How much do not-for-profit providers use technology?**

If legal services are provided to low income clients by charities or other non-commercial entities (e.g. NGOs), do these organizations use technology in their work? Is this impeded by cost considerations? Is usage limited to business tools? Do providers use SMS or email to communicate with users? Do they use websites to make initial contacts? Do they use phone or video connections to remote locations?

**(e) Is technology used for the following: (i) Assisting in the referral of people to appropriate provision or to identify their eligibility for services? (ii) Empowering and helping self-represented litigants to take their own cases (whether through government-led online initiatives or services set up by legal aid providers)? (iii) Assisting in the delivery of pro bono services by private legal practitioners? (iv) Support for paralegals or other workers in remote locations away from their offices? (v) Campaigning and advocacy, e.g. through social media?**

**(f) If private practitioners are used to deliver publicly funded legal services, do they communicate with their funder electronically? Does the funder encourage them to use technology to extend their services?**

**(g) Is your country using or developing an online dispute resolution system?**

If so, please provide information on:

- Which types of cases can online dispute resolution used for either now or in the proposed scheme?
- In relevant case types, is online dispute resolution mandatory or voluntary; if voluntary, who needs to agree before this process is used?
- Are there any provisions, either current or proposed, to ensure that litigants who lack the necessary education, language or technical skills are not at a disadvantage?
- What challenges do you perceive to access to justice as a result of the system/proposed system?

**(h) Has your jurisdiction seen the successful use of technology to provide legal services in innovative ways? If so, please describe and evaluate these initiatives.**

**(i) Are internationally-focused organizations such as the Hague Institute for Innovation of Law (HiIL) or the Open Society Justice Initiative active in your jurisdiction and what have they done in relation to technology?**

## 10. Unmet legal needs

(Please repeat the title of this topic in your report)

Please describe and evaluate the unmet legal needs of the population in your country. Please indicate especially:

**(a) Has there been a countrywide needs assessment study in your jurisdiction in recent years, looking at the distribution of justiciable problems and how the public responds to them? If yes, please provide brief information on the results.**

**(b) In your country, is help accessing justice available to all eligible people who need it?**

**(c) Are legal aid services available throughout your country? Are there places where legal aid services are not available for the eligible population?**

(e.g. rural areas; isolated areas)

(d) In your country are there places where the general laws of the State are not enforced or are prevented from being enforced? If so, please specify which rules apply in these areas and who applies them?

(e.g. areas reserved for indigenous or aboriginal peoples where only the primary rules of the tribe apply; regions occupied by armed militias where state forces are prevented from entering; urban or rural areas occupied by drug dealers or criminal organizations where state forces are prevented from entering; etc.)

## 11. Public legal education

(Please repeat the title of this topic in your report)

Please describe and evaluate public legal education initiatives in your country. The following information is of particular interest:

(a) Is public legal education provided in your country? To whom is the program addressed (school pupils, non-law students, ordinary citizens, disadvantaged people, local communities etc.)?

What kind of legal education program is offered to each group? Please indicate any particular approach for those in remote areas or those with special legal needs.

(b) Is any form of legal education included in the school education curriculum? If so, please state the extent of this education.

(c) What would be the likelihood that a non-legally trained member of the public could adequately read and comprehend your laws?

(d) Has the State conducted any public information/awareness campaigns on the right to legal aid and how to access legal aid services, in the last ten years?

(e) Is the general public aware of legal aid and other legal support services? Do people actively and voluntarily apply for legal aid?

## 12. Global efforts on access to justice

(Please repeat the title of this topic in your report)

Please describe and evaluate any global and regional efforts that promote access to justice in your country. The following information is of particular interest:

(a) Please describe any regional (e.g. Africa, Asia, South America, etc.) efforts and collaboration on Access to Justice in your country.

(b) Please describe any global efforts and collaboration on Access to Justice in your country.

(c) Please describe any efforts and collaboration by non-governmental organizations on Access to Justice in your country.

(d) Please describe any steps being taken to articulate and elaborate Sustainable Development Goal 16.3 in your country.

## 13. Conclusions

(Please repeat the title of this topic in your report)

Please provide your concluding critical evaluation of the state of access to justice in your jurisdiction. You may wish to draw attention to areas of particular importance or mechanisms of which your jurisdiction is proud, promising developments on the horizon or, conversely, impending threats to access to justice. What lessons, good or bad, can the rest of the world learn from your jurisdiction?