

年度報告書  
ANNUAL  
REPORT  
2021







年度報告書

# ANNUAL REPORT 2021

PROFESSIONAL

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EFFICIENT

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FLEXIBLE

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APPROACHABLE

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## To Friends of the Legal Aid Foundation

It has been a universal value that the right to fair trial shall be protected. Legal aid system is the mechanism designed to implement this right. It is an institutional approach that a state can take to secure equal access of the disadvantaged to justice. Legal Aid Foundation (LAF) was established to safeguard the right to litigation and equal access to justice under the Constitution of the Republic of China (Taiwan), and to ensure the spirit of “justice for all”.

According Legal Aid Act, LAF shall provide assistance to people who are indigent or are unable to receive proper legal protection for other reasons, provided that the case is not manifestly of no grounds for assistance. In this regard, every year, LAF refers to the income standards of middle-low-income households provided in Public Assistance Act and adjusts LAF criteria for indigent people who shall be granted legal aid. This is done to ensure that the scope of support corresponds to social and economic development. In 2021, over 172,000 applications for assistance were made to LAF, among which over 146,000 applications (including both legal consultation and commissioned cases) were granted for assistance. Clearly, legal aid is in great demand.

In view of that when the disadvantaged encounters legal issues, legal consultation can effectively alleviate their anxiety, provide them with correct legal information in time and prevent abusive litigation, LAF not only collaborates with courts, prosecutor offices and various associations to offer on-site legal consulting services, but also provides the services through the helpline for the general public (only for issues concerning family, labor, consumer debt and indigenous peoples), video conferencing in remote areas, the helpline for persons with disabilities, and the helpline

served by helpers. People across the country could therefore discern legal issues in “faster” and “easier” ways. With legal advice in advance, futile litigation could also be avoided. Given the COVID-19 pandemic since 2020, some partners providing in-person legal consulting service have been concerned about the risk of coronavirus transmission among close contacts. In order to meet public needs, LAF took a resilience approach to face the Covid-19 crisis – making consulting service available through video conferencing. In 2021, taking account that in-person service remained affected by the pandemic, LAF continued to be attuned to public needs and further expanded video conferencing consulting service. It is hoped that legal aid is easily and timely accessible to all citizens around the country.

The service quality of legal aid attorneys directly affects the rights and interests of recipients. Therefore, quality assurance in the service has been one of LAF’s key tasks. As of 31 December 2021, there has been 4,560 legal aid attorneys working for LAF. In order to assure the service quality, LAF adopts numerous mechanisms, including reasonable remuneration, regular training for lawyers, attorney specialization, review on case closure, Legal Aid Case Notification Form for Courts and Prosecutors, complaint system and lawyer performance appraisal system. Taking attorney specialization as an example – in 2015, LAF implemented a trial program, assigning labor, family, and consumer debt clearance cases to LAF specialist lawyers; following satisfactory achievements of the trial program, LAF Directions for Attorney Specialization came into force in 2021, codifying the attorney specialization system. Another example is that lawyers’ efforts in handling complex cases are to be reflected on the remuneration. In 2021, LAF

### Philosophy

- ☑ Equality – to protect the right to litigation and equal access to justice pursuant to the constitution, and to facilitate the improvement of economic status of citizens
- ☑ Human Rights – to protect the human rights of the disadvantaged
- ☑ The Rule of Law – to complement the system of the rule of law

### Service Principles

- ☑ Be approachable
- ☑ Be efficient
- ☑ Be flexible
- ☑ Be professional



CEO  
Han-Wei Chou

周漢威

Chairman  
Kuang-Chun Fan

范光群

Deputy CEO  
Ze-Fang Sun

孫則芳

amended Article 9 and Attachment 3 of the Regulations for Legal Aid Remuneration. Before the amendment, the discretionary increase in remuneration for complex cases was capped at 10 basis points. With the amendment, LAF review committee can take account of the work hours reported by the lawyers and raise the limit to 20 basis points, provided that it does not exceed the limit of remuneration set in Article 27(2) of the Legal Aid Act. Furthermore, for being in line with Citizen Judge Act, which will come into force on 1 January 2023, LAF has been actively preparing the training courses for lawyers and amended relevant provisions of the Regulations for Legal Aid Remuneration. Based on

the efforts of lawyers in handling cases where citizens participate in the trial of first instance in accordance with Citizen Judge Act, one basis point is raised from NT\$1,000 to NT\$1,500 for each case, and the remuneration of each lawyer in each case can reach NT\$75,000. In addition, up to three lawyers can be assigned to handle one case.

Legal aid has always been in great demand. Despite of challenges imposed by the pandemic in 2021, LAF, with its limited budget and increasing workload, will continue to uphold the ethos to serve the disadvantaged and improve legal aid services.

### Mission Statement

- ✔ To engage in self-reflection, innovation and advancement of legal aid system
- ✔ To make legal aid available throughout Taiwan
- ✔ To promote the awareness of legal aid
- ✔ To enhance accessibility to legal aid for the public
- ✔ To advance the quality of legal aid services
- ✔ To encourage the participation of lawyers in legal aid and social reform
- ✔ To further promote legal education for the disadvantaged

## Annual Statistics

Total of legal aid cases  
(general cases)

51,424



5,880 less than in 2020

Total of legal consultation  
applications

86,954



24,158 less than in 2020

Total of outreach services  
and campaigns

1,153



346 less than in 2020

※The data include consulting services provided by helpers through LAF Helpline and video conferencing.

Total of Legal Aid Attorneys

4,560



178 more than in 2020

Total of Facebook friends

62,016



5,066 more than in 2020

Total of pageviews  
on official website

4,495,552



846,344 more than in 2020

Total expenses

NT\$1,514,232,875



NT\$86,995,400 less than in 2020

Average expense per capita

NT\$65.8

will be sufficient to keep LAF running

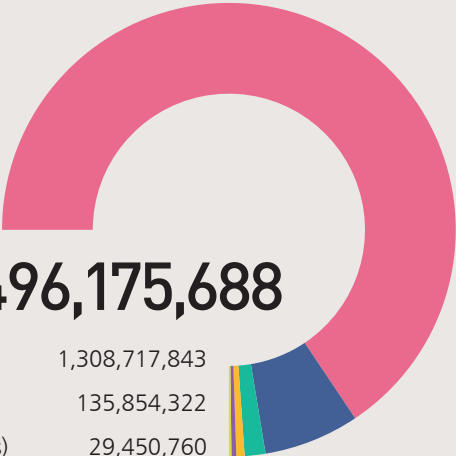


# Annual Financial Statistics

The accounting system of LAF observes the calendar year. The 2021 financial report was audited by an independent local CPA firm, which issued a report without any reservation attached.

In 2021, LAF's total income was NT\$1,496,175,688, the total expenditure excluding capital expenses was NT\$1,494,279,540, and the capital expenses were NT\$19,953,335. On the 2021 profit and loss statement, the profit was NT\$1,896,148. The main reason for that was the decrease in number of legal aid cases due to the COVID-19 pandemic.

2021 LAF Total Income: NT\$ **1,496,175,688**



Government Endowment Income	1,308,717,843
Government Special Program Income	135,854,322
Nonbusiness Income (interest and others)	29,450,760
Repayment and Recovery Income	11,739,939
Other Business Income	6,849,027
Income from Private Donations and Project Plans	3,563,797



2021 LAF Total Expenditure: NT\$ **1,514,232,875**

Legal Aid Expenses	986,310,647
Operating Expenses	233,561,113
Management and Non-operating Expenses	147,195,516
Special Purpose Expenses	127,212,264
Capital Expenses	19,953,335

Legal aid expenses: including attorney remuneration, litigation expenses, and fees for Assessment and Review Committees.

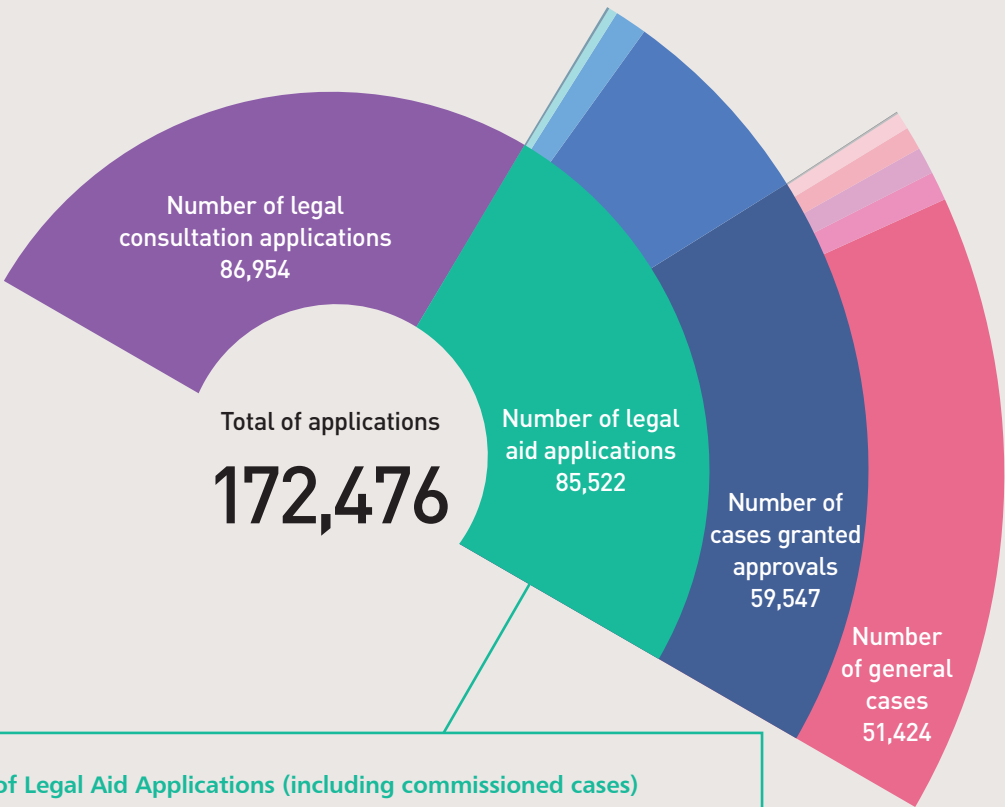
Operating expenses: including costs for providing services, and personnel costs for hiring staff attorneys and LAF staff.

Management expenses and non-operating expenses: including costs for personnel management, administrative expenses, and campaign expenses.

Special purpose expenses: costs of programs commissioned by the Ministry of Labor, the Council of Indigenous Peoples, and the Ministry of Health and Welfare.



# Annual Business Data



### Analysis of Legal Aid Applications (including commissioned cases)

There were 85,522 applications for legal aid (including commissioned cases) in 2021. A breakdown of the statistics is as follows:

Cases granted approvals	59,547
Total rejections	21,435
Total withdrawals	3,369
Review decisions pending	912
Reconsideration decisions pending	259

### Analysis of Approvals by Case Type

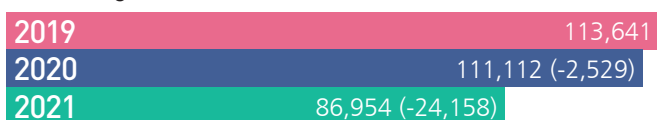
A total of 59,547 cases were granted approval. A breakdown of the statistics is as follows:

General Cases	51,424
Cases commissioned by the Council of Indigenous Peoples	2,402
Lawyer presence during interrogation	2,232
Cases commissioned by the Ministry of Labor	1,923
Lawyer presence during interrogation of an indigenous person	1,388
Cases commissioned by the Ministry of Health and Welfare	154
Cases under Habeas Corpus Act	24

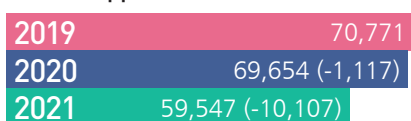
#### Total of annual applications



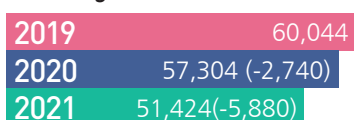
#### Total of legal consultations



#### Total of approvals (including projects and commissions)



#### Total of general cases



#### Comparison of key business indicators over the past three years

※The data include consulting services provided by helpers through LAF Hotline and video conferencing.

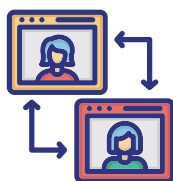
#### Total of applications (including legal consultation applications)

172,476



#### Total of legal consultation applications

86,954



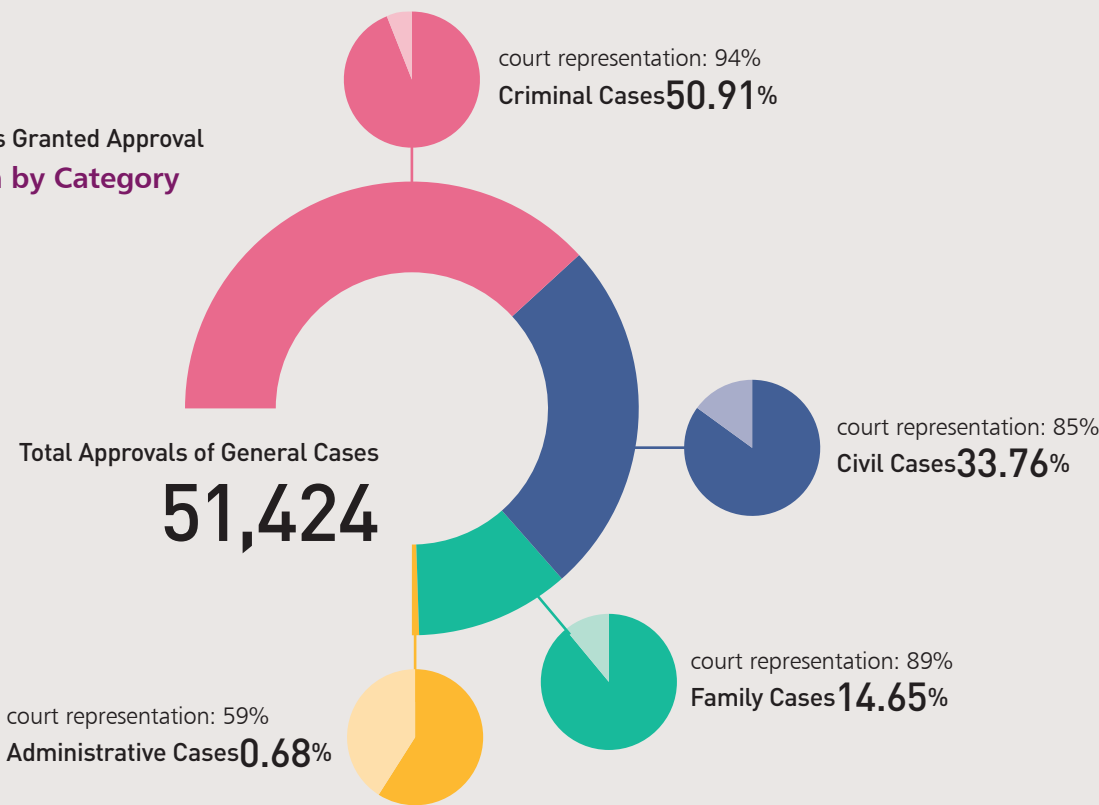
#### Total of approvals (including projects and commissions)

59,547



# Analysis of Legal Aid Cases by Type

General Cases Granted Approval  
Breakdown by Category

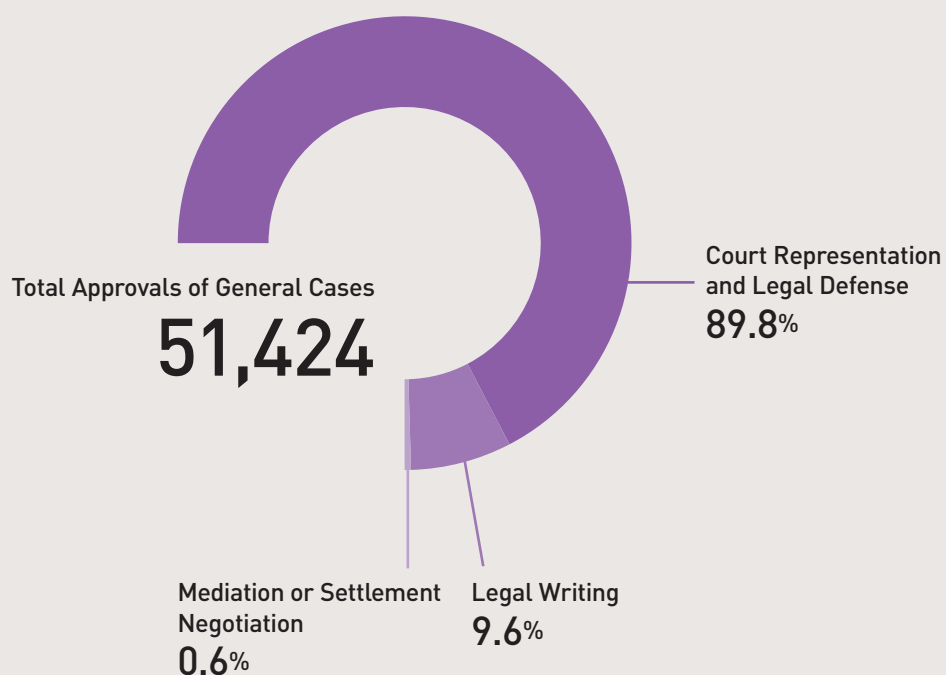


General Cases Granted Approval  
Top Five Grounds

Criminal Cases		Civil Cases		Family Cases		Administrative Cases	
↑Offenses of Fraudulence, Breach of Trust, Taking, and Usury	4,813	Consumer Debt Clearance Act	8,045	Maintenance Payment	3,280	↑Labor Insurance Act	50
↓Drug Offenses	4,569	Tort	4,890	Divorce	1,193	↓Road Traffic Management and Penalty Act	34
Assault Causing Bodily Harm	4,169	Loans for Consumption	916	Child Custody	672	Public Assistance Act	22
Offenses against Sexual Autonomy	1,869	Ownership	552	Parental Rights	563	Regulations on Development and Management of the Lands Reserved for Indigenous People	19
↓Offenses of Larceny	1,725	Salary Dispute	409	Protection Order	395	↑Employment Service Act	15



### General Cases Granted Approval Breakdown by Assistance Type



Issued to aid recipients  
**3,988** letters of guarantee  
Guarantee bonds for  
over NT\$**2.5 billion**



As of 31 December 2021

### Issuance of letter of guarantee

In order to safeguard the effectiveness of legal aid and to avoid situations where a legal aid recipient is unable to secure the enforcement of a favorable court judgment because the counterparty maliciously disposes the properties, LAF may, in accordance with Article 67 of the Legal Aid Act, submit a letter of guarantee to substitute the deposit necessary for the legal aid recipient to apply for a court injunctive relief, where LAF is of the view that the case concerned is clearly favorable to the said legal aid recipient. As of 31 December 2021, LAF has provided the legal aid recipients concerned with more than NT\$2.5 billion in guarantee bonds and issued a total of 3,988 letters of guarantee. Other than the 707 letters in ongoing cases that cannot be retrieved at present, bonds paid in 3,281 letters are available for retrieval, in which bonds in 3,114 letters have been retrieved by the end of 2021. The retrieval rate has reached 94.91%.

## Multiple Access to Legal Consultation

# Merging video conferencing help desks Improving consulting services provided by helpers



The importance of legal advice is to provide the public with early access to professional information, so they can evaluate litigation risks beforehand. In turn, disputes could be minimized and assistance in legal proceedings could be provided to them in time.

In 2021, LAF received 86,954 applications for legal advice.

	2019	2020	2021
In-Person Legal Consultation	87,970 visits	82,480 visits	50,622 visits
Legal Consultation Helpline	22,648 calls	22,717 calls	28,139 calls
	1,663 calls	2,770 calls	2,031 calls
Video Conferencing Legal Consultation	327 help desks 1,360 calls	288 help desks 1,482 calls	185 help desks 1,543 calls



	Civil Cases	Family Cases	Criminal Cases
Case Percentage	52.24%	29.04%	16.42%
Most frequently consulted issues	Consumer Debt Clearance Act	Maintenance Payment	Offenses of Fraudulence, Breach of Trust, Taking, and Usury
Second most frequently consulted issues	Compensation for damages caused by torts	Divorce	Drug Offenses
Third most frequently consulted issues	Loans	Parental Rights	Assault Causing Bodily Harm

In 2021, 15.46% of the public consulting LAF through the helpline made assistance applications to LAF branches, and 73.85% of these applications were granted approval for legal aid.

Among the consulting services provided by LAF helpers, approximately 60% involved family affairs, 12% maintenance affairs, 11% the commencement of guardianship/assistance, and 10% parental rights.

As to the administrative cases, the most frequently asked questions concern labor laws and regulations (e.g. Labor Insurance Act), Road Traffic Management and Penalty Act, and Public Assistance Act.

In 2020, LAF expanded its video conferencing consulting services to Taiwan's outlying islands. At the same time, a few contact centers were merged and of which the consulting services were substituted by consulting lawyers serving at the call center for legal advice at LAF head office through video conferencing. As of end-2021, there were a total of 185 contact centers nationwide where video conferencing services are available, providing 1,543 consultations.





## Attorney Attendance at Interrogation

# Interrogated for the first time? No fear, a lawyer will be with you!

### Whom We Serve

For the suspect of offense punishable for not less than three years of imprisonment, LAF legal aid attorney can be present during the suspect's first interrogation free of charge. For this service, please make the application through the police or call the helpline 02-2559-2119 (accessible all year round). Whereas the aforementioned service shall not be limited to felonies, should the defendant or suspect:

- is not able to make a full statement due to neurological or mental disorders;
- holds the indigenous status.

When the defendant or suspect does not have the assistance of counsel for his defense during interrogation, the police/prosecutor should inform LAF of the need to assign a defense attorney for the party in accordance with legal procedures.

For ensuring that the suspect's waiver of his/her right to counsel is genuine, LAF's standard operating procedures (SOP) of customer service specifically require that the customer service staff should request police/prosecutor assistance for speaking with the party in person. The purpose is to reconfirm the suspect's consent. Furthermore, LAF staff would also help the suspect to understand his/her rights during the interrogation – for example, not to make a statement against his/her own will, and attorney assigned by LAF being free of charge.

Among the waiver cases made by the general public, most of them involve misdemeanors punishable for less than three years of imprisonment – a total of 4,526 cases, accounting for 82.62%. The top three charges were offenses of larceny (2,155 cases), drunk driving which violates public safety (480 cases), and fraudulence (474 cases).

Among the waiver cases made by indigenous peoples, most of them also involve misdemeanors punishable for less than three years of imprisonment – a total of 13,900 cases, accounting for 85%. The top three charges were offenses

of drunk driving which violates public safety (4,776 cases), assault causing bodily harm (2,344 cases), and larceny (1,485 cases).

There were 1,523 eligible applications, and 95.4% of these applications – that is, 1,453 cases – were assisted by LAF legal aid attorneys.

### Statistical Breakdown of Attorney Attendance at the Interrogation of Ordinary Citizen

Among the applications made by the ordinary citizen, the applicants of 2,399 cases expressed their desire to be assisted by attorneys, whereas 144 cases did not meet the application requirements and 23 cases were withdrawn – making a total of 2,232 eligible applications. 98.43% of the eligible applications – that is, 2,197 cases – were assisted by LAF legal aid attorneys.

### Statistical Breakdown of Attorney Attendance at the Interrogation of Indigenous People

Among the applications made by indigenous people, the applicants of 1,418 cases expressed their desire to be assisted by attorneys, whereas 30 cases were withdrawn – making a total of 1,388 eligible applications. 98.34% of the eligible applications – that is, 1,365 cases – were assisted by LAF legal aid attorneys.

### Measures to Promote Attorney Attendance at Interrogation

Reasonable travel allowances are offered to encourage attorneys to attend the interrogation of suspects. From 1st April 2021 onwards, should an attorney attend the interrogation of ordinary citizen (namely, the applicant does not hold the indigenous status, and neither is he/she unable to make a full statement due to disability) "in the nighttime" or "in a remote area or an area where lawyer services are scarce in the daytime", LAF shall reimburse the transportation expenses after verification.

### Attorney attendance at the interrogation of ordinary citizen over the past three years

2019	2,323
2020	2,531
2021	2,197

### Attorney attendance at the interrogation of indigenous people over the past three years

2019	1,336
2020	1,453
2021	1,365

## Legal Aid for Consumer Debt Clearance

# Specialist lawyers provide professional assistance consumer debt clearance cases!

In terms of the data of cases closed in 2021, LAF dealt with 5,332 cases concerning consumer debt clearance, among which 552 were withdrawn. A breakdown of the remaining 4,780 cases is as follows:

negotiation or mediation concluded	1,350 cases
rehabilitation approved by the court	2,158 cases
court ruling that liquidation is exempted and has been restored	644 cases
percentage of favorable results	87%



Assistance in 2021

**8,033** cases



Approval percentage

**95.41%**



Specialist lawyers  
in consumer debt  
clearance

**762** lawyers



LAF legal aid  
in Consumer Debt Clearance Act

Case numbers of legal aid in consumer debt clearance over the past three years

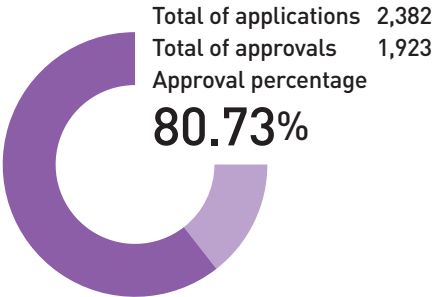
2019	9,625
2020	9,516
2021	8,033



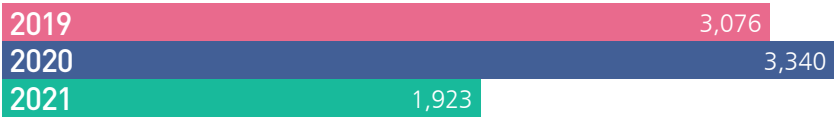
## Cases Commissioned by the Ministry of Labor



The cases commissioned by the Ministry of Labor mostly concerned civil affairs, which accounted for 97.66% of the application total. Most of these applications were granted aid in court representation and defense. The disputes mostly involved severance pay, wage payment, and wrongful dismissal. In 2021, due to the pandemic effects and that there was no employment class action, the number of accepted cases dropped.



Case numbers of LAF assistance in labor cases over the past three years







## Cases Commissioned by the Council of Indigenous Peoples



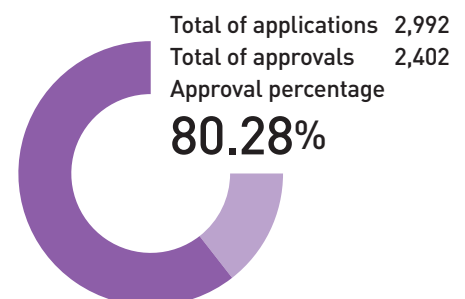
14 July 2021, awareness campaign and home visit co-organized by LAF Tainan Branch and Tainan City Government



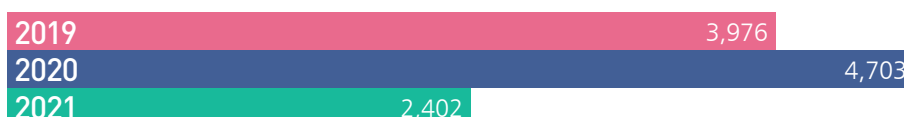
### Amendment of the Eligibility for Legal Aid

On 30 December 2020, the Council of Indigenous Peoples announced the revised Directions for Promoting Legal Aid Services to the Indigenous Peoples, in which the eligibility for legal aid is amended and the amendments shall be implemented in two phases. From 1st January 2021 onwards, the provision of legal aid services no longer requires the case to be "not manifestly of no remedy measure", but instead "not manifestly of no grounds", provided that the case does not involve traditions and customs of indigenous peoples, cultural conflicts, or great implications for the society and public welfare. From 1st July 2021 onwards, a triage system is implemented. An applicant with indigenous status is eligible for the indigenous program only if it is verified that his/her household is not eligible for other LAF or government programs.

The cases commissioned by the Council of Indigenous Peoples mostly concerned civil affairs, which accounted for 56.79% of the application total; and secondly family cases, accounted for 23.40%. Most of these applications were granted aid in court representation and defense. The top three types of cases granted legal aid were torts, ownership disputes, and assault causing bodily harm.



### Case numbers of LAF assistance in indigenous cases over the past three years



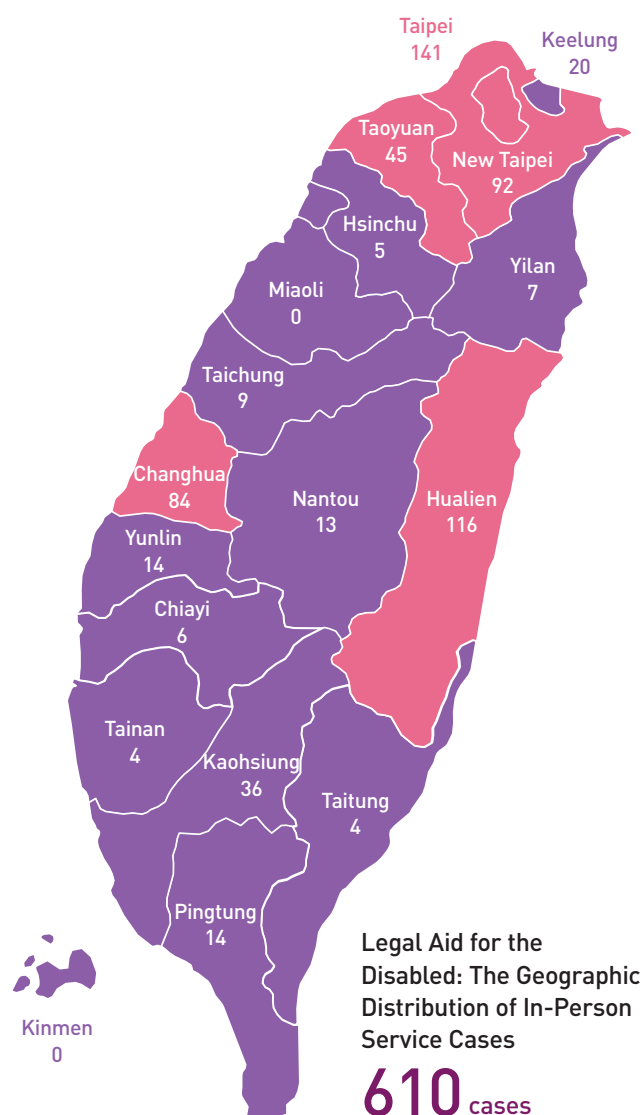


## Cases Commissioned by the Ministry of Health and Welfare to Support Persons with Disabilities

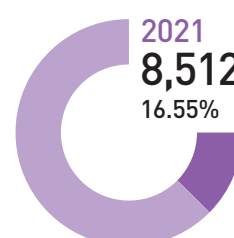
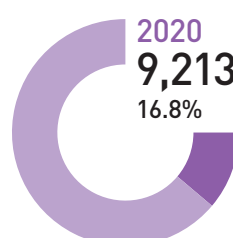
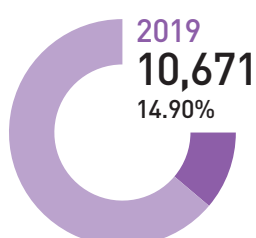
From 2018 onwards, LAF has been commissioned by the Ministry of Health and Welfare to provide legal aid to persons with disabilities.

### Legal Consulting Services

- ◎ **Service Helpline:** 5,494 consultations made through the helpline Helpline No. of the Ministry of Health and Welfare: 412-8518 (after connected, press "2" for "telephone consultation"; and then press "2" again for "legal consultation for the disabled")
- ◎ **In-Person Service:** 610 consultations in total  
By 2021, LAF has set up 48 service centers with accessibility facilities in 22 counties/cities (except Matsu and Penghu) across the country. Accessible communications, such as sign language translation and communication access real-time translation (advance booking required), are also available at these service centers. Therefore, people with disabilities can easily access legal aid in person.
- ◎ **Home Visit Service:** Home visit service is provided to those who cannot access LAF consulting services through the helpline and video conferencing, and they cannot, or are obviously unable to, visit LAF service centers in person due to their disabilities.  
This service is not limited to the residence of the client. In the case that the client cannot, or is obviously unable to, access aforementioned consulting services while in a psychiatric ward, LAF legal aid attorneys would then make home visit to provide consulting service.  
In 2021, there were 59 applications of home visit service, among which 51 applications were eligible for the service. Among the eligible applications, 41 consultation cases were made at medical institutions and 11 at the applicant's residence.
- ◎ **Video Conferencing Service:** LAF has been providing legal consulting services through video conferencing since October 2021, and 45 video contact centers for legal consultation have been set up nationwide. In areas where LAF cannot set up in-person service centers, technology facilitates people to get connected to lawyers serving at LAF call center for legal advice. Due to the lack of transportation, remote towns are often badly served with legal support nearby. The video conferencing service can remedy this shortcoming. From October to end-December 2021, a total of 27 persons with disabilities benefited from the video conferencing service.



Case numbers of LAF assistance in the disabled cases over the past three years  
(the commissioned cases excluded)





- ❶ On 16 November 2021, LAF Pingtung Branch organized an information session for cases commissioned by the Ministry of Health and Welfare at Pingtung Christian Victory Home.
- ❷ On 30 March 2021, LAF Qiaotou Branch conducted a legal education session at Kaohsiung Municipal Nanzih Special School.
- ❸ On 31 March 2021, LAF Qiaotou Branch conducted a legal education session at Kaohsiung Municipal Nanzih Special School.
- ❹ On 21 January 2021, LAF Yilan Branch hosted the forum "Let's get hold of the mentally impaired persons in judicial affairs – a multiparty dialogue involving society and law".
- ❺ 19 April 2021, the Miaoli Session of CRPD Case Study

### Other Services: Legal Representation, Defense and Writing

In 2021, there were 585 applications of those services, among which 154 acceptances and 431 refusals. The approval percentage is 26.32%.

The Convention on the Rights of Persons with Disabilities (CRPD) manifests the global trend to protect the rights and dignity of persons with disabilities. LAF will continue to support its review committee members and legal aid attorneys in better understanding the CRPD, and in turn further comprehensive legal aid which meets demands can be provided.

Within this service type, criminal cases accounted for 50% (which is the most), followed by civil cases for 32.74%. Most of them were granted aid in court representation and defense.

### Case numbers of LAF assistance in legal representation, defense and writing for the disabled over the past three years

2019	13	*the services began in December 2019	
2020			152
2021			154





## Cases of High Social Profile: The Status in 2021

### Legal Aid Program for Victims of Formosa Fun Coast Explosion

#### Case Progress

Regarding the criminal defendant, the representative of Formosa Fun Coast, the dismissal letter issued by Taiwan Shilin District Court was received on 16 September 2021 (case number: 2019 Sheng-Pan No. 145). The litigation remedies had been exhausted, and the case was affirmed to be closed. As to the provisional remedies proceeding in 2021, the enforcement of provisional attachment continued and the corresponding written pleadings or documents requested by the court were submitted.

### Workers Group Class Action Against RCA Taiwan for Pollution

#### Case Progress

LAF fights for the rights of RCA workers. The contingent of lawyers provided legal grounds in response to the appeal filed by the four companies, so as to defend the judgement favoring RCA Care Association and to appeal against the judgement unfavoring the Association. From 15 October 2020 to 19 November 2021, the lawyers attended 22 court hearings at Taiwan High Court, in which they checked the disputed information of each RCA worker diagnosed with cancer; inquired 12 RCA workers about their respective work and life history, and the then RCA factory manager; and figured out how RCA's Taoyuan factory operated at that time. The oral argument was held in Taiwan High Court on 23 December 2021 and concluded on the same day. Taiwan High Court will pronounce the ruling at 11:00 a.m. on 21 April 2022. Besides, the Supreme Court is expected to hold an oral argument on 27 January 2022.

The contingent of lawyers also assists RCA Care Association in rebate arrangement. According to the resolutions of the second meeting of the 4th RCA Care Association Congress and the third meeting of the 6th Congress, the nominees shall reward 25% of the compensation payment to the Association for the use in the following: (1) 7% of the compensation payment as the charitable fund for legal aid, vulnerable workers, human rights, environmental protection, etc.; (2) rewards for the teams or individuals providing assistance in this workplace injury case; (3) expenses for the administration of the Association and member-caring, such as emergency assistance, medical care, condolences for the injured and the sick; (4) payment for follow-up matters, such as the litigation costs and remuneration to LAF. The contingent of lawyers

and RCA Care Association held a press conference on 28 April 2021, the Workers Memorial Day, announcing that they would firstly withdraw NT\$20 million from the nominees' rewards to set up a charitable fund. With the aim to set up a charitable trust in the second half of 2022, those lawyers assist the Association to set up a charitable fund preparatory group, to deliberate the goals and use of the fund, to aim at the establishment of a national charitable trust with the Ministry of Labor as the competent authority, to contemplate the composition of supervisors and advisory committee of the charitable trust, to inquire about potential trustee banks, and to prepare the application documents (such as annual plan for the trust and budget plan).

### CPDC Dioxin Pollution Case

#### Case Progress

With the assistance of LAF staff attorneys, the 38 residents who failed to sue in the previous case filed a separate lawsuit on 6 February 2017. The case was heard by Taiwan Tainan District Court. On 4 September 2020, the oral argument was concluded. On 6 November 2020, Taiwan Tainan District Court ruled that the defendant, China Petrochemical Development Corporation (CPDC), shall compensate 16 aid recipients with \$NT6.8 million. Some of the aid recipients and CPDC filed an appeal to the court of second instance. This case is currently pending before Taiwan High Court Tainan Branch Court (case number: 2021 Zhong-Shang-Guo No, 3).

### The Case on Weiguan Building Collapse

#### Case Progress

After the affirmation of the civil judgement, staff attorneys from LAF Tainan Branch assisted the plaintiffs to petition for a compulsory enforcement. Since the debtor's (i.e., defendant's) properties scatter at various sites – among which there are nearly 30 real estate properties – the enforcement proceedings are still pending before the Civil Execution Department of Taiwan Tainan District Court.

### Legal Aid to Civil Disobedience Activists

#### Case Progress

In 2021, LAF assisted the activists in legal defense during the investigation of the eastward shift of railway line in Tainan Urban District Railway Underground Project.



### Program Dedicated to the Case of Air Pollution Caused by No. 6 Naphtha Cracking Complex of Formosa Plastics Corp.

#### Case Progress

The case that LAF represents 68 aid recipients to claim compensation for civil damages from Formosa Plastics is currently pending before Taiwan Yunlin District Court (case number: 2015 Gong No. 1). Regarding the civil case that two plaintiffs represented themselves in court and filed a lawsuit without an attorney, Taiwan Yunlin District Court dismissed their petition on 30 October 2020 (case number: 2018 Gong No. 1). LAF contingent of lawyers have assisted these two plaintiffs to appeal. This case is currently pending before Taiwan High Court Tainan Branch Court, undergoing the preliminary proceeding (case number: 2020 Gong-Shang No. 2). Besides, the civil case where the petition for adding plaintiffs filed by 43 aid recipients was dismissed by Taiwan Yunlin District Court (case number: 2018 Gong No. 1). With respect to this dismissal, the contingent of lawyers have petitioned, in accordance with the law, the court to adjudicate the petition. The case is currently pending before Taiwan Yunlin District Court (case number: 2021 Gong No. 1).

### The Accident of Taroko Express Derailment

#### Case Brief

At about 9:00 a.m. on 2 April 2021, the crane truck driven by Li stalled and the wheels got stuck. It then slid down the slope, fell onto the railway tracks, and collided with Taroko Express Train No. 408 (operated by Taiwan Railways Administration). The accident claimed 49 lives, including train driver Yuan and assistant driver Jiang, and over 200 people were injured. It is the most fatal rail accident in Taiwan in almost half century.

#### Case Progress

A large number of people died or were injured in this accident, and about half of the victims were indigenous people. The accident site, Qingshui Tunnel, is under the jurisdiction of Taiwan Hualien District Prosecutors Office. The public prosecutor has initiated public prosecution or additional prosecution against the parties concerned. The case is currently pending before Taiwan Hualien District Court (case numbers: 2021 Yuan-Zhu-Su No. 1 and 2021 Zhu-Su No. 1). Regarding the ruling not to prosecute defendants Lin and Xiong, the case was remanded by the Hualien Branch of Taiwan High Prosecutors Office for reconsideration on 8 December 2021. The continuing investigation is carried out by Taiwan Hualien District Prosecutors Office.

LAF has granted legal aid to 98 people so far – 69 of them are



On 8 April 2021, LAF Hualien Branch provided on-site services regarding the Taroko Express accident.

family members of the killed and 36 are the injured; among the injured, 7 persons also lost their family members. LAF actively assists the victims in filing criminal complaint (investigation proceedings) and petition for participation in the proceedings. LAF also serves as the agent *ad litem* in the criminal proceedings of court of first instance and in the victims' participation in the litigation proceedings. Furthermore, LAF petitioned for reconsidering the ruling not to prosecute defendants Lin and Xiong, and the case has been remanded by the Hualien Branch of Taiwan High Prosecutors Office for reconsideration and further investigation. Striving for the best and greatest interests for the victims, LAF also assisted the victims to negotiate settlements with Taiwan Railway Administration, and assisted the unreconciled victims in filing the Ancillary Civil Action and claiming compensation.

### Cases Before the Criminal Grand Chamber of the Supreme Court

#### The Principle of *ne bis in idem*

#### Case Brief

Aid recipient Li was found guilty of using second degree drug and eight larceny offenses, and the punishment to be executed for these offenses has been determined. Besides, he committed two crimes of using first-degree drug and one crime of forgery, and the punishment to be executed for these three offenses has also been determined. At the request of the sentenced, the prosecutor petitioned for combined execution of the punishment. The original trial court ruled that the prosecutor's petition violates the principle of *ne bis in idem*, and dismissed the petition. The prosecutor disagreed with the court ruling and filed an interlocutory appeal. The Supreme Court heard the case regarding whether the principle

of *ne bis in idem* shall be applied only to the offenses by the same punishment range (that is, to repeat the trial of all offenses and then render the judgement of punishment to be executed), provided that the guilty ruling has been delivered and the punishment to be executed has been determined. After consultations with other courts, disagreements remained. Therefore, the case was submitted to the Criminal Grand Chamber of the Supreme Court for adjudication in accordance with the law, and a letter requesting LAF to assign legal aid attorneys for the defendant was issued.

#### LAF Assistance Progress

After receiving the letter from the Supreme Court, a team of LAF staff attorneys and non-LAF legal aid lawyers was set up. They applied for the expert testimony and submitted a recommendation list of experts and scholars. Moreover, they offered legal opinions from various perspectives, including the principle of equal culpability in the Constitution, combined punishment in criminal law, the amending of substantial certainty doctrine, the choice of remedies, and defendant's rights in litigation proceedings.

The oral argument was held on 18 August 2021. On 15 September 2021, the Criminal Grand Chamber of the Supreme Court announced its ruling – for protecting the legal rights of the parties and taking into account of the defendant's reliance on the effectiveness of the judgement, the rendered decision on the punishment to be executed shall have the same force as sentence judgment. If the perpetrator is judged twice for the same offenses by the court, he would obviously face the risk of double punishment for the same act. That is, if the principle of *ne bis in idem* could apply, the court shall be bound by the substantial certainty doctrine in principle.

Nevertheless, the court should still take into account of certain circumstances. The grounds for the original judgement could be changed, since some of the crimes for which the punishment to be executed might be revoked or commuted due to extraordinary appeal and retrial, or since there could be a pardon or commutation. There could be exceptional circumstances in which the punishment obviously does not fit the crime from an objective perspective. For the sake of extremely important public interests, there also could be exceptions where the punishment to be executed needs to be reconsidered.

The ruling of the Criminal Grand Chamber also states that the matter of punishment to be executed concerns not only state's power to impose penalties but also the inmates' rights and interests. For cases involving combined punishment for multiple crimes, the sentencing decisions would be more predictable, unnecessary repetition of judgments would be less, and the principle of *ne bis in idem* would not be violated, if the final judgement could be rendered after the establishment of all crimes committed by the defendant, followed by the request of the prosecutor (of the Prosecutors Office corresponding to the court rendering the final judgment on the criminal acts) to the court for determining the punishment to be executed; and if the court could give the defendant (inmate) an opportunity to state his opinion verbally, in writing, or in other appropriate ways before rendering the judgement (except in the events that it is obviously unnecessary or there is an urgency) to protect the defendant's (inmate's) right to court hearing and to achieve due process.

### Motion of Objection and *ne bis in idem*

#### Case Brief

Aid recipient Chen violated the Drug Control Act and was sentenced to life imprisonment by Taiwan Tainan District Court for the crime of first-degree drug trafficking. Chen disagreed with the ruling and filed an appeal. After the dismissal of his appeal, the judgement of protective restraint on parole was rendered. During the parole period, he committed the crime of drug use and failed to report to the guardian on time. The parole was revoked by the Ministry of Justice. The prosecutor ordered the execution of a 20-year remaining sentence and three months in prison for the offense of forgery in another case.

The aid recipient submitted a motion of objection to Taiwan Tainan District Court on the grounds that the prosecutorial discretion concerning the remaining sentence is lax, of serious matter, against the legislative purpose of parole, and against the aim of the Constitution to protect the rights and interests of the people. Taiwan Tainan District Court dismissed his petition, and then the aid recipient appealed to Taiwan High Court Tainan Branch Court. Taiwan High Court Tainan Branch Court held that the aid recipient had submitted a motion of objection to Taiwan Tainan District Court for the same grounds and had been dismissed, and thus the principle of *ne bis in idem* is violated. Thereupon, the original ruling is revoked and the recipient's motion of objection is dismissed.

The recipient disagreed with the ruling and filed a reappeal. After a review, the collegiate court of the Supreme Court held that the judgment-based legal opinion to be adopted is deemed dissenting with the antecedent legal opinion of the Supreme Court, and a consensus through the consultation process is not reached. Thereupon, in accordance with Article 51-2(1.2) of Court Organization Act, this case was submitted to a Criminal Grand Chamber for adjudication, and a letter requesting LAF to assign legal aid attorneys for the defendant was issued.

#### LAF Assistance Progress

After receiving the letter from the Supreme Court, a team of LAF staff attorneys and non-LAF legal aid lawyers was set up. They applied for expert testimony and oral argument in accordance with Article 58-1(4) of Court Organization Act. The case was heard for preliminary proceeding on 23 November 2021, and an oral argument was scheduled on 19 January 2022.

### The Case of Judicial Interpretation (Regarding Compulsory Labor)

#### Case Brief

The justices heard 39 petitions filed by 36 judges and citizens (case number: 2018 Xian-San No. 36), concerning the judicial interpretation of Article 90 of Criminal Code, Article 3(1) of Rehabilitative Measures for Burglar and Fence Criminals Act, and Article 3(3) of Organized Crime Prevention Act. Since the provisions concerned all involve the disputes over constitutional interpretation of compulsory labor imposed on offenders, the joint hearing shall be held. An oral argument was held on 12 October 2021. The controversies included whether the aforementioned provisions (involving compulsory labor) violate human dignity, personal



freedom, and the principle of *ne bis in idem*, and whether the judgement proceeding for compulsory labor constitutes a violation of due process principle embedded in the Constitution. A letter was issued to LAF, requesting LAF to assign legal aid attorneys to represent 26 citizens (of the 36 petitioners) in 28 (of the 39) petitions and to conduct oral arguments for them.

#### **LAF Assistance Progress**

In this case, LAF staff attorneys and non-LAF legal aid lawyers teamed up to work out the controversies, submitted their debate pleadings in writing, and participated in an oral argument on 12 October 2021. Thereafter, they supplemented written opinions on the arguments made by relevant authorities and the questions raised by the justices.

#### **The Results and The Implications**

Regarding the petitions for judicial interpretation of compulsory labor provided in Article 90 of Criminal Code, Articles 3(1) and 5(1) of Rehabilitative Measures for Burglar and Fence Criminals Act and Article 3(3) of Organized Crime Prevention Act, the justices made Interpretation No. 812 on 10 December 2021. Interpretation No. 812 declares that with respect to the restriction of personal freedom of the person to be punished, the aforementioned provisions violate the principle of proportionality embedded in Article 23 of the Constitution and the principle of distinction in the Constitution; and that the related matters provided in Interpretation No. 528 shall be amended. The grounds for the interpretation are also provided in Interpretation No. 812. The legislators impose, in addition to the penalty, security measures to restrain the personal freedom of criminals committing crimes which seriously endanger the society. Nonetheless, no matter what terms are used to address the security measures, the imposition and execution should meet the principle of distinction laid down in the Constitution, except those which are deemed to be executed. In the context that the society commonly demands severe punishment, such interpretation demonstrates that the judiciary is determined to safeguard the constitutional protection of human rights. This provides a very important guidance for future legislation involving the security measures and for how a balance between human rights protection and social protection can be achieved.

## **Other High-Profile Cases**

### **The case of Vessel MIDAS**

#### **Case Brief**

Catholic Taichung Diocese of Apostleship of the Sea acted as the representative to make an application to LAF. Five Burmese seafarers and one Indonesian seafarer entered Taiwan on 7 June 2019 and since then had worked on the cargo ship MIDAS. However, no salary was paid to them from March 2020 to the time when they disembarked in October 2020. The ship is managed by its owner, JIH LUNG INTERNATIONAL TRADING CO., LTD. (later renamed EVERLUCK SHIPPING (HK) LIMITED), and shipping agency Xingdasheng. Vessel MIDAS was registered in Sierra Leone; later it was renamed Xingfu (IMO: 8879055) and registered in Mongolia. When the ship passed through the Taiwan Strait on 6 December

2019, it ran aground at the mouth of Zhuoshui River due to strong wind and waves. The shipowner and the shipping agency then ordered the aforementioned foreign crew members not to leave the ship, but to stay on board to guard the cargo and assist in towing the stranded ship. However, the shipowner and the shipping agency did not provide sufficient food and daily necessities to the crew members, and neither were wages paid to the crew members. As a result, the crew members lived in inhuman conditions – without water and electricity. In October 2020, they disembarked to ask for help. This not only violates basic human rights, but also seriously damages Taiwan's international reputation. LAF serves as the agent *ad litem* to file a civil lawsuit concerning the salary payment.

According to the dynamic vessel location information, this ship was moved to Kaohsiung Port for repair on 17 June 2021. It is expected to leave the Port after the repair is done. In order to prevent the counterparty from maliciously disposing their properties, it is necessary to initiate provisional remedies proceeding – such as to apply for provisional attachment.

LAF assigned a staff attorney to undertake this case, taking into account of the following: the crew members are not of Taiwanese nationality; the ship is not registered in Taiwan; the shipowner is of foreign nationality; there are several crew members; the court of competent jurisdiction is in Kaohsiung, where the ship is berthed; the proceedings for provisional attachment involve expertise, and are challenging and complicated; and LAF needs to learn from other similar cases.

#### **LAF Assistance Progress**

In mid-December 2020, after completing their tasks, the foreign crew members left Taiwan and returned to their home countries. In late March 2021, LAF filed a civil litigation with Taiwan Kaohsiung District Court, requesting payment of wages and confirmation of maritime lien. In early July 2021, the mediation court of Taiwan Kaohsiung District Court for labor disputes settlement failed because of the counterparty's refusal. In mid-July 2021, LAF applied to Taiwan Kaohsiung District Court for a provisional attachment of the ship, but the application was rejected. In late July 2021, LAF appealed to Taiwan High Court Kaohsiung Branch Court against the rejection. In early August 2021, Taiwan High Court Kaohsiung Branch Court reversed the original ruling and granted the provisional attachment. In late August 2021, LAF initiated the ship seizure procedure. In end-August 2021, the counterparty provided a counter-guarantee for revocation of the seizure order. In mid-October 2021, the first hearing was held in the civil court of Taiwan Kaohsiung District Court. After that, the attorneys of the respective parties discussed the likelihood of reconciliation. In mid-November 2021, the counterparty called up to express their willingness to reconcile. Upon the aid recipients' agreements, the settlement was concluded in the civil court of Taiwan Kaohsiung District Court and the wage amount payable to the recipients was accepted by the latter





## Major Achievements of Legal Center of Indigenous Peoples

LAF established the Legal Center of Indigenous Peoples in Hualien on 12 March 2018. The staff attorneys of the Center provide legal services which require expertise and cultural awareness, so as to deal with cases involving indigenous culture, traditions, customs and territories. The West Office of the Center was established in Hsinchu on 1 January 2021. The major achievements of the Center are as follows:

### The Case of Constitutional Interpretation Concerning Tama Talum's Hunting



7 May 2021, the declaration of constitutional interpretation concerning indigenous hunting rights

#### LAF Assistance Progress

The Council of Grand Justices held the oral argument before the Constitutional Court on 9 March 2021 and issued Interpretation No. 803 on 7 May of the same year. In the Interpretation, certain particulars are declared unconstitutional, and thereupon are either voided immediately or will lapse after a given time period; the constitutionality of both Controlling Guns, Ammunition and Knives Act and Wildlife Conservation Act is upheld. The constitutional interpretation is not in the petitioner's favor.

On 20 May 2021, the President pardoned Tama Talum from execution of his sentence. After the presidential pardon, the contingent of lawyers continues to make statements favoring Tama Talum in the extraordinary appeal to the Supreme Court. They not only endeavor to obtain an acquittal for Tama Talum, but also continue to strive for lawful hunting areas for indigenous hunters within the framework of judicial interpretation. The Supreme Court dismissed the extraordinary appeal on 29 December 2021. The contingent of lawyers will contemplate the possibility to petition again for judicial interpretation after receiving the judgment.

### A Case of Land Disputes: "No to Asia Cement! Give Truku Back Their Land!"

#### LAF Assistance Progress

Asia Cement appealed against the original judgment of Taipei High Administrative Court made in 2019, which revoked the administrative disposition extending Asia Cement's mining permit for 20 years. On 16 September 2021, the administrative litigation of revocation appealed by Asia Cement was dismissed by Supreme Administrative Court in the court of second instance (case number: 2019 Shang No. 894). The revocation of the original administrative disposition approved by the Ministry of Economic Affairs – which extends Asia Cement's mining permit for 20 years – is final and binding.

In June 2020, Asia Cement announced its readiness to perform the consultation and participation procedure. LAF visited the Truku tribes and held information sessions on rights to consultation and informed consent as provided in Article 21 of The Indigenous Peoples Basic Law. Concrete instances were demonstrated to help the Truku people to understand the connotation of rights to consultation and informed consent, their roles in the participation process and what they are entitled to claim. In doing so, Truku people's legal knowledge could be enriched, and in turn fairness in negotiation could be achieved in the participation process. It is also hoped that the Truku people will become more aware of their rights.

### Katratripulr Photoelectric Plant Case

#### LAF Assistance Progress

On 29 January 2021, the Supreme Administrative Court reversed the ruling which granted the suspension of enforcement. Regarding the validity of the tribal meeting resolution, Taiwan Taitung District Court ruled on 30 September 2021 that the case shall be transferred to Kaohsiung High Administrative Court (case number: 2020 Yuan-Su No. 4). However, deeming that the territorial jurisdiction remains in doubt, LAF contingent of lawyers appealed against the ruling of jurisdiction transfer. This case is currently pending before Taiwan



High Court Hualien Branch Court. As to the litigation of revocation for revoking the permit to build the electricity enterprise, it is currently pending before Taipei High Administrative Court. Although the Taitung County Government announced on 24 November 2021 the termination of contract with the energy company, the aforementioned disputes have not yet been resolved. LAF will continue to be at Katratripulr Tribe's side and provide legal aid to the tribal people for settling disputes over the validity of the tribal meeting resolution and the consent procedures.

### Taiwan Cement's Garbage Burning Case



24 September 2021, court hearing on the Taiwan Cement Case

### LAF Assistance Progress

On 21 January 2020, LAF assisted the tribal people to file a petition with the Environmental Protection Administration against the approval of the comparative study of environmental impacts. On 25 January 2021, a written notification was submitted to the competent authority. Both the petition and the written notification were dismissed by the competent authorities. On 28 May 2021, LAF represented the tribal people to file a lawsuit with Taipei High Administrative Court, requesting the Court to revoke the approval of the comparative study of environmental impacts and to order that the competent authorities should request Taiwan Cement to complete a comprehensive assessment of environmental impacts. The case is currently pending before the court of first instance.

### The Case to Reclaim Indigenous Traditional Names

#### Case Brief

Before the war, the indigenous peoples in Taiwan used their names in Japanese katakana for the household registration. After the war, their names were all treated as Japanese names, regardless of

whether they took names in Japanese. At that time, staff from the competent administrative authority visited the indigenous peoples from house to house, randomly selecting Chinese names for the indigenous peoples. In several cases, members of the same family were given two or three different surnames. Thereafter, dialects were banned by the government. Consequently, the indigenous naming practices were interrupted for a long time.

Following the campaign initiated by a nongovernmental association for promoting indigenous rights in the 1970s and 1980s, the Legislative Yuan has made several amendments to the Name Act since 1995, admitting indigenous traditional name to be registered in phonetic Chinese, phonetic Chinese listed together with Roman alphabet, or Chinese name listed together with Roman alphabet. Since the approval of Development of National Languages Act by the Legislative Yuan in January 2019, the languages of all ethnic groups (in Roman alphabet) have been the national languages. However, Ministry of the Interior, the authority governing the Name Act, holds that "our people are not acquaint with Roman alphabet", and thus makes no progress to revise the regulations regarding the registration of indigenous names only in Roman alphabet.

#### LAF Assistance Progress

Beginning in April 2021, several indigenous youths have gone to their local household registration offices to apply for name registration in Roman alphabet only, but were all rejected. The indigenous youths teamed up to hold a press conference and appeal to the competent administrative authorities. In June of the same year, LAF staff attorneys from Legal Center of Indigenous Peoples and the west office of the Center began to provide legal aid concerning the administrative appeals, and they respectively submitted supplementary grounds for the appeals. By August 2021, the appeals were rejected by respective administrative appeal review authorities. In September 2021, the Legal Center of Indigenous Peoples filed an administrative litigation before Taipei High Administrative Court, petitioning the court to grant the indigenous peoples' request in line with the spirit of the Constitution, which protects indigenous languages, indigenous cultures and multiculturalism. The case is currently pending before the court of first instance.

### The Case of Shih Fong Hydropower Project

#### Case Brief

Shih Fong Power, in its Fengping River Hydropower Project, planned to build river barrages in the upper course of Fengping River, from where water would be diverted through a roughly 3000-meter water tunnel to an open-air power plant located around Taiping



Bridge area. The environmental impact assessment of the power plant was conditionally approved by the Environmental Protection Administration in August 1999. The construction project was scheduled in 2002, but has been delayed. Twenty years have passed, and the development project is yet to be completed. Nonetheless, the Ministry of Economic Affairs continues to issue construction permit to Shih Fong. This power company is thus permitted to continue the construction, which constantly endangers the lives and properties of the tribal people.

### LAF Assistance Progress

Tausa and Tavila tribes then applied to LAF for legal assistance. They filed an appeal to the Executive Yuan against the construction permit issued by the Ministry of Economic Affairs. The appeal is currently under review in the Executive Yuan. They also petitioned Taipei High Administrative Court for suspension of the construction project and submitted a written notification pursuant to Environmental Impact Assessment Act. The written notification is current pending before Taipei High Administrative Court.

Regarding the petition for project suspension, Taipei High Administrative Court (in case number: 2021 Ting No. 79) cites Supreme Administrative Court's judgement regarding the case of Asia Cement (case number: 2019 Shang No. 894) and rules that the consultation and consent procedure stipulated in Article 21 of The Indigenous Peoples Basic Law shall apply. Taipei High Administrative Court holds that the petitioner has provided the winning probability and execution of the original directive will infringe upon the cultural rights and self-determination rights of the petitioner. The infringement is difficult to be remediated with money, and it is pressing and irreversible. Therefore, it is ruled that execution of the original directive shall be suspended until the administrative litigation is concluded. The Ministry of Economic Affairs and Shih Fong appealed against this ruling. This case is currently pending before the Supreme Administrative Court.



The case of Shih Fong Power's hydropower project

Wanli river is utilized for hydropower. The disputed project site is located in the traditional territory of Taroko people.

Many flaws are found in the consultation process to obtain consent from the indigenous peoples, ranging from the identification of relevant tribes to the resolution adopted in the tribe meeting on 22 February 2020. The flaws include the following: (1) whether it is appropriate to treat Murisaka tribe (the largest and most affected tribe) the same as another three tribes (small and less/not affected tribes, such as Minli tribe), and to obtain the consent on the development project as a whole; (2) whether Article 21 of The Indigenous Peoples Basic Law is violated, since the competent authority holds that the majority approval (three tribes to one tribe) is regarded as the consent given by the indigenous tribes; (3) Taiwan Power Company did not make clear, in an appropriate manner, about the matters requiring the consent, the content of joint participation and benefit-sharing mechanism, and the relevant advantages as well as disadvantages in accordance with Article 16 of the Regulations for Obtaining Consent from the Indigenous Tribes Through Consultation; (4) there are disputes over the letter of authorization and suspected voting fraud. The aforesaid is clearly in violation of Article 21 of The Indigenous Peoples Basic Law. In this case, Murisaka's rights to land and natural resources, consent and participation rights, and tribal autonomy are violated.

### LAF Assistance Progress

For protecting the rights and interests of his tribe and tribal people, Yang, a Murisakan, applied to LAF for legal assistance. LAF assists them in filing an appeal and a litigation for revoking the identification of relevant tribes, and a litigation against the validity of the tribal meeting resolution. Regarding the identification of relevant tribes, the case is currently pending before Taipei High Administrative Court. As to the validity of the tribal meeting resolution, it is currently pending before Taiwan High Court Hualien Branch Court.

## The Case of Wanli Hydropower Project

### Case Brief

The Wanli Hydropower Project initiated by Taiwan Power Company is to be implemented in Wanrong Township, Hualien County, where



# Regulatory Amendments

In 2021, the making or amending of LAF regulations mainly concerned three aspects: improvement of lawyers' service quality, process simplification of cost recovery, and advancement of organizational governance.

## 1. Improvement of Lawyers' Service Quality

### (1) Reasonable remuneration for case handling

- On 26 January 2021, the Board of Directors passed the resolution to amend Article 9 and Attachment 3 (listing the complex cases) of the Regulations for Legal Aid Remuneration. Article 9 stipulates that the discretionary increase in remuneration for complex cases is capped at 20 basis points, and the types of complex cases are listed in Attachment 3. These amendments were approved by the Judicial Yuan in Yuan-Tai-Ting-Si IV No. 11100010333 on 6 April 2021.
- On 26 November 2021, the Board of Directors passed the resolution to amend the Regulations for Legal Aid Remuneration. For the case in which citizens participate in the trial of first instance in accordance with the Citizen Judge Act, Article 2 was amended, stipulating that one basis point equates NT\$1,500. For the aforesaid case which is beyond the competence of a single lawyer due to its seriousness and complexity, Article 4 was amended, stipulating that with the consent of the Branch Office Director or LAF CEO, more than one lawyers may be assigned to jointly handle this case. For the legal aid attorneys handling the aforementioned cases, Attachment 4 was added, providing that the discretionary increase in remuneration may be applied for. These amendments were approved by the Judicial Yuan in Yuan-Tai-Ting-Si IV No. 1100037506 on 29 December 2021.

### (2) Refining the professional legal services

- On 28 May 2021, the Board of Directors passed the resolution to lay down the Directions for LAF Attorney Specialization and to abolish the trial program of attorney specialization, codifying LAF's attorney specialization system.

### (3) Optimizing the mechanism for service quality control

- On 30 July 2021, the Board of Directors passed the resolution to amend the Directions for Complaints Handling, refining the handling procedure and resolving the ambiguities arising from the practice in recent years.
- On 24 September, the Board of Directors passed the resolution to amend the Regulations for Evaluating Performance of Legal Aid Attorneys, and the title was amended as "Regulations for Evaluating Performance of Legal Aid Attorneys and Improving the Service Quality".

## 2. Process Simplification of Cost Recovery

- On 24 December 2021, the Board of Directors passed the resolution to establish LAF Standards for Verifying Futile Compulsory Execution to comply with Article 35 of Legal Aid Act that the standards shall be prescribed by LAF.

## 3. Implementation of Internal Audit and Internal Control Mechanisms

### (1) Establishing LAF Internal Control and Audit System

- On 30 July 2021, the Board of Directors passed the resolution to establish LAF Internal Control and Audit System. The resolution also provides that upon the launch of this system, LAF Disposal Directions for Establishing Internal Control System and Internal Audit Manual shall cease to apply.

### (2) Establishing LAF Norms for Integrity Management

- On 27 August 2021, the Board of Directors passed the resolution to establish LAF Norms for Integrity Management.

### (3) Laying down LAF Management Directions for Full-Time Employees Taking Other Part-Time Works

- On 24 September 2021, the Board of Directors passed the resolution to lay down LAF Management Directions for Full-Time Employees Taking Other Part-Time Works.



# Continuous Improvement of Service Quality

## 01 Improving the Customer Service

### Mystery Audits

Since 2018, LAF has conducted mystery audits on a yearly basis, which include on-site service audit and telephone service audit. The audits in 2021 revealed that the quality of on-site service had improved significantly, scoring 86 out of 100 points; the performance of telephone service was also much better than the previous years, scoring 85 points in average.

### Satisfaction Survey on Branch Service Quality

Currently, LAF branches respectively conduct satisfaction survey on service quality on a monthly basis. For telephone survey, the interview questions include: whether the clients are clearly told of needed documents when making appointments; how the clients are received upon arrival at LAF offices; service attitude of the staff; notification of review decisions; and processing efficiency. Moreover, the satisfaction survey has been available online from 2019 onwards. After the clients visit LAF branch offices to complete the application procedure, they could finish the survey online before leaving the branch offices. This allows questionnaires to be collected in real time, and in turn increases survey reliability.

In 2021, all LAF branches were scored over 90.00% satisfaction in all survey items.

### Foreign Language Services and Multilingual Documents

LAF launched Foreign Language Services in 2018, in which interpreters will provide assistance in communication and translation in the

application, review and evaluation process. The services are sponsored by LAF. Communication access real-time translation is also available to applicants with hearing or speech disabilities. As of the end of 2021, LAF's list of interpreters covers 128 interpreters working in Southeast Asian languages, 22 in the languages of indigenous peoples, 53 in sign language and 34 in communication access real-time translation.

Among the legal aid cases involving foreign nationals, a large number of them are Burmese, Filipinos, Indonesian and Vietnamese. With the intention to give further support to foreign nationals, LAF also provides many documents in these languages, such as the application form for legal aid and notification forms for various review decisions.

### Evaluating Branch Performance and Promoting Knowledge Sharing

LAF promotes knowledge sharing within and among the branches. Currently, this is achieved through the evaluation of branch performance, quarterly meeting of the executive secretaries and year-end meeting for knowledge sharing among the executive secretaries. In addition, LAF held two roundtable discussions among members of the review committee in 2021. The meeting agendas encompassed: lawyers with less than two years of practice to serve as LAF legal aid attorneys in issues regarding their legal writing; financial eligibility criteria; and grounds for discretionary increase of remuneration. The decisions reached in the meetings were circulated to all branches, review committee members and evaluation committee members, so as to unify the review standards and in turn to improve the review quality.

## 02 Improving the Case Management Process

### Business Communication and Integration Between the Head Office and Branch Offices

In order to minimize errors or divergences in business processing among branches and to speed up problem solving process, information service and business supervision of branches are served by administrators based at the head office. An internal information platform has been built to facilitate branches' online data reading and checking. Furthermore, the head office regularly releases all kinds of business listings, business data and performance statistics, so as to assist the branches in case management.

### Assigning Attorneys Promptly

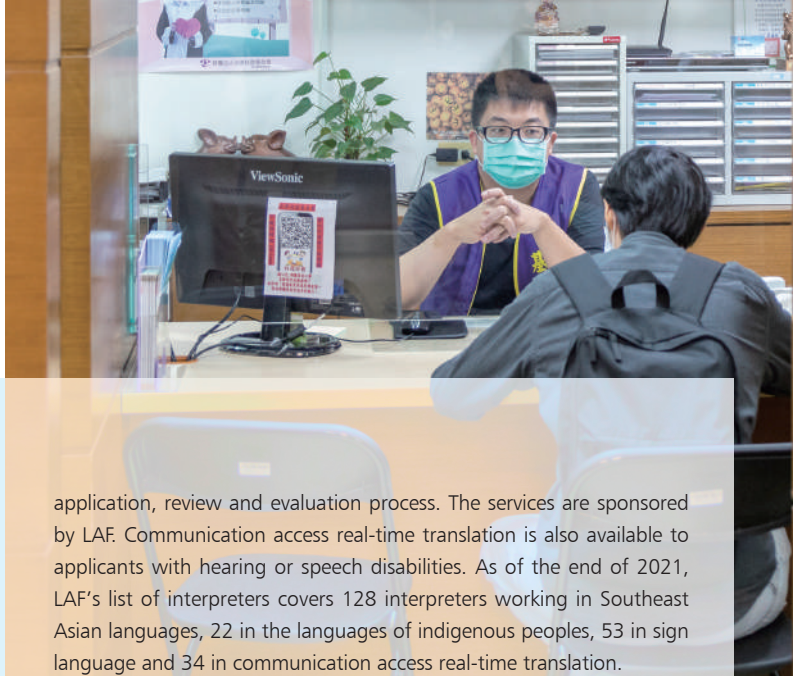
For protecting a recipient's rights and interests, Article 12 of LAF Guidelines for the Selection and Appointment of Legal Aid Attorneys provides that a LAF branch shall, in principle, appoint a legal aid attorney within three working days after the application approval; exceptions shall be within one working day.

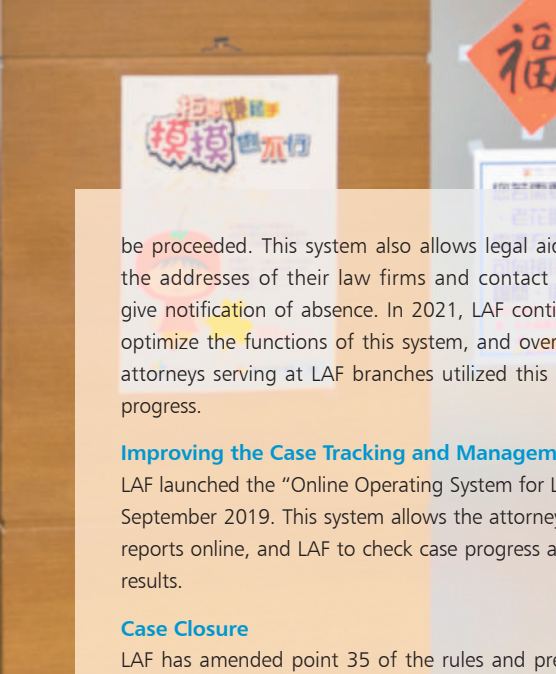
### Simplifying the Operation Procedure

Since 2016, LAF has introduced a number of measures to simplify

various stages of the operation procedure, including: legal consultation, appointment-making and application process (the posting of legal consultation cases and the simplification of applicant's signature requirements), the review process (the process adjustment for overdue cases), case tracking and inspection process (launching the confirmation procedure and automatic inventory function of business software system), simplification of case closure process, the way to transfer business between LAF branches replaced with the MAILTO function, and revision of business management system regarding review and remuneration review.

The online operating system for legal aid attorneys was launched in September 2019. Since then, the attorneys can log in to the system to fill in, upload and report various matters, such as recipient's withdrawal of legal aid, the situation that miscommunication with the recipient leads to the demand to change the attorney or notification to terminate the legal aid, payment application for required fees, and report of case closure. Based on the content of attorney's report, LAF staff can then update the case status, or close the case, online; and subsequently, submission to the review committee or supervisor can





be proceeded. This system also allows legal aid attorneys to update the addresses of their law firms and contact phone numbers, and give notification of absence. In 2021, LAF continued to promote and optimize the functions of this system, and over 98% of the legal aid attorneys serving at LAF branches utilized this system to report case progress.

#### Improving the Case Tracking and Management Mechanism

LAF launched the “Online Operating System for Legal Aid Attorneys” in September 2019. This system allows the attorneys to fill in and upload reports online, and LAF to check case progress and track management results.

#### Case Closure

LAF has amended point 35 of the rules and precautions for legal aid attorneys in handling cases. The amendment sets the time limit for legal aid attorney to report case closure and requires the attorney to submit all legal writings and case closure documents (e.g., the mediation transcripts, judgments or rulings). In the case that the submitted documents are incomplete, the LAF branch would notify the attorney to make corrections and resubmission within a time limit through the online operating system. If this attorney fails to make corrections or does not report case closure after a long time, the LAF branch may refer the case to the review committee for discretionary

reduction of remuneration or reassessment of remuneration.

#### Utilizing Data to Efficiently Allocate Resources

Since 2020, LAF has been using data analysis software to build a foundation for long-term research and data analysis. Several training sessions and workshops for learning how to use the software have been held. In 2021, the data of business management routine was used to build visual analysis modules.

#### Building an Information Security Environment That Complies with the National Cyber Security Policy

LAF approved the Directions for Cyber Security Management in September 2019, setting out its internal rules for information security. Since then, major LAF information and communication systems (e.g., online appointment system for legal aid, business management system, billing system for lawyers, and online operating system for attorneys) have been successively certified in compliance with ISO 27001 Information Security Management System. Currently, this impartial third-party certification remains valid.

## 03 Mechanism to Control Service Quality of Legal Aid Attorneys

### Policies and Planning to Maintain Service Quality of Legal Aid Attorneys

#### Eligibility

LAF legal aid attorney is a tenure-track position. In the case that a lawyer has less than two years of practice and would like to apply for LAF legal aid attorney, he/she is required to submit his/her legal writing to LAF Evaluation Committee for qualification review. In 2021, a total of 26 lawyers satisfied such qualification requirements and their applications were approved by the Evaluation Committee.

As to the cases of consumer debt clearance and attorney attendance at interrogation, there is a shortage of lawyers serving in these fields. Therefore, the aforementioned requirement of two-year practice was relaxed. A lawyer who completes LAF education and training program shall also be allowed to apply for the position of specialist lawyer.

#### Promoting the Optimization of Attorney Assignment Policy

In order to ensure good service quality, and to avoid negative impacts on the quality due to legal aid attorneys being overloaded with too many cases, LAF has been promoting a policy of fair case assignment since 2012. In principle, an attorney shall not take more than 24 cases in a year.

In 2018, LAF approved the Guidelines for the Selection and Appointment of Legal Aid Attorneys. The guidelines identify the conditions for exceptions when the limit is allowed to exceed 24 cases, and specifies the conditions when the upper limit can reach 48 cases. From 2019 to 2020, in line with regulation revision, assignment function of the business management system was amended. The assignment principles were amended to reflect the needs, so as to

ensure good service quality and also the fairness of assignment. This enhanced function of the system was launched on 1st January 2021.

In order to better understand the practice of case assignment in each branch, LAF collaborated with professors from the Department of Statistics of Taipei University in 2019 to analyse LAF's assignment data during 2015 and 2017. The quantitative study, “The Practice of LAF-designated Legal Aid Attorney: Analysis One”, has been completed; interviews on the practice have also been conducted in the branches. In 2021, the second analysis, which is a qualitative study, was completed. In the follow-up, the impacts of updated assignment function of the business management system will be tracked based on the findings and suggestions of the aforementioned empirical study.

#### Attorney Specialization System

In 2015, LAF implemented a trial program of attorney specialization in family, labor and consumer debt clearance affairs.

During the trial period, the number of requests from recipients for changing lawyers and filing grievances or complaints against lawyers decreased significantly. Apparently, this specialization system does help improving LAF's service quality and protecting the rights and interests of recipients. In addition, there is good level of specialist lawyer engagement, and the percentage of attorney specialization is fairly high. These clearly indicate that the attorney specialization system is feasible. Consequently, the LAF Directions for Attorney Specialization came into force on 11 June 2021, marking the end of the trial program.

In comparison with the data since 2019, the numbers of attorneys specializing in different fields have all increased significantly as of end-2021.

Numbers of specialist lawyers	2019	2020	2021
labor affairs	300	321	337
family affairs	753	852	943
consumer debt clearance	684	744	762

With increase in the number of specialist lawyers, the percentage of attorney specialization (namely, specialist lawyers to serve for the fields in which they specialize) also increased in 2021 in comparison with the data in 2020.

percentage of attorney specialization	2019	2020	2021
labor cases	89.89%	95.03%	96.16%
family cases	92.18%	94.28%	94.10%
consumer debt clearance	99.98%	99.98%	100%

### Complaint System

In 2021, LAF processed 248 complaints, among which 32 complaints are still under investigation; investigation of 216 complaints have been completed and closed.

Among the closed cases, 12 complaints were not entertained (for being withdrawn, merged with another case, or not meeting the criteria).

As to the remaining 204 complaints, the decisions taken following the investigation are as follows:

Disciplinary Action	Case Number
Yes	106
No	98
Total	204

Among the 106 cases where disciplinary action shall be taken, review committee members are the subjects of complaints in 1 case, LAF staff (including staff attorneys) in 7 cases, and other personnel (e.g., volunteers) in 5 cases. For these 13 cases, the disciplinary measures imposed are to give guidance notices, to mediate, or to request improvement. In the remaining 93 cases, legal aid attorneys (including those who provide consulting services) are the subjects of complaints; and the measures imposed are as follows:

Disciplinary Measures	Case Number
suspending the assignment and referring to the disciplinary committee	9
suspending the assignment	47
giving guidance notices, mediating or requesting improvement	37

### Legal Aid Case Notification Form (for Courts and Prosecutors only)

LAF designed the Legal Aid Case Notification Form (for Courts and Prosecutors only) for reviewing performance of legal aid attorneys in legal process. Where a court or prosecutor is of the view that a legal aid attorney, in handling a legal aid case, is suspected of contravening

the Attorney Regulation Act or that his/her litigation services cause concern, the court or prosecutor can download the Notification Form from LAF website (under "Legal Aid – Document Download" in Chinese webpage), fill in the details, and send it to LAF.

In 2021, there was no positive comment, but 5 negative comments, made to LAF using the Notification Form. The investigation of all negative comments has been closed. In three of the five cases, court misunderstanding of LAF administrative regulations was recognized, and the handling process has been clarified to the court. As a result, the complaint procedures were not initiated. The remaining two cases were investigated according to LAF Directions for Complaints Handling. One case was found of no error or negligence on part of LAF lawyer. As to the remaining case, the court notified that the matter is true (poor service quality in dealing with the family case). Therefore, this lawyer was suspended for 2 years.

### Attorney Performance Appraisal

#### The Appraisal Results

LAF has been conducting attorney performance appraisal in accordance with the Regulations for Evaluating Performance of Legal Aid Attorneys since 2007. In the past three years, the number of lawyers upon whom disciplinary measures were imposed by the Attorney Evaluation Committee and the Attorney Evaluation Review Committee is as follows:

Year	2019	2020	2021
Written notice requesting improvement	1	6	4
Reducing case assignment	0	0	0
Suspending case assignment	7	10 two of them are also referred to the Attorney Disciplinary Board	20 one of them are also referred to the Attorney Disciplinary Board
Dismissal from legal aid service	1 who was also referred to the Attorney Disciplinary Board	9 four of them are also referred to the Attorney Disciplinary Board	6 five of them are also referred to the Attorney Disciplinary Board

As far as attorney performance appraisal is concerned, the acts punishable include: lesser service quality, such as failure to submit needed legal documents, submitting oversimplified legal documents, absent from court hearing, and bad attitude leading to ineffective communication; contravening attorneys' code of ethics, such as failure to observe the period for appeal, failure to provide the grounds for appeal, and failure to observe the designated time period; violation of the rules and precautions for LAF legal aid attorneys in handling cases, such as sub-delegating his/her power to a person who is not an attorney, failure to interview his/her clients, and failure to inform the provisional remedies proceeding; and failure to provide dossiers for attorney performance appraisal

### The Appraisal in the Course of Case Review

LAF revised the Guidelines for Evaluating Performance of Legal Aid Attorneys in 2018. New provisions were added: in the course of case review, if violations of lawyers' ethics or LAF regulations were found, where the review committee was of the view that it is attributable to the lawyer concerned, the disciplinary measure can take the form of discretionary reduction of remuneration; if the violations reach a certain percentage and number of times, LAF may refer the lawyer concerned to the Attorney Evaluation Committee in accordance with the aforementioned Guidelines.

LAF collects cases of the second half of the previous year in every March, and cases of the first half of the year in every September. Among the cases closed in the first half of 2021, a few lawyers were found in violation of the aforementioned rules. They were subject to the discretionary reduction of remuneration, but the violations did not reach the degree of seriousness for LAF to refer them to the Attorney Evaluation Committee. LAF has sent notice letter to 21 lawyers, requesting them to make improvements. Should those lawyers violate Article 12 of the Regulations for Legal Aid Remuneration, LAF may refer them to the Attorney Evaluation Committee.

## 04 Staff Attorneys

For dealing with issues that general practice attorneys less often encounter in their daily practices – often the cases involving specialized expertise and/or public interest, or of major significance, such as environmental litigation, death penalty defense and class action cases – LAF employs staff attorneys and establishes a staff attorney center.

LAF currently employs 19 staff attorneys, who are stationed at:

Taipei Branch	2
New Taipei Branch	3
Tainan Branch	3
North Center of Staff Attorneys	6
Legal Center of Indigenous Peoples	5

## 05 Training on Legal Expertise

### Staff Development

To support LAF staff in providing legal aid services, maintaining good service quality and further improving the quality, LAF actively offers professional and service training courses for our colleagues. A total of 48 course sessions were held at the head office and branches in 2021. The training courses encompassed four categories: professional competence (e.g., approval, bidding, contract, and procurement), laws and regulations (e.g., information security, occupational safety and health education, and environmental education), general study (e.g., personal information, the practice of victim participation, the practice of financial inability and taxation, restorative justice, Labor Incident Act, and The Compulsory Enforcement Act), and indigenous cultural awareness and sensitivity training (e.g., dialogue and understanding).

### Attorney Training

In 2021, LAF organized 31 online sessions of attorney training courses. The topics included:

CEDAW and the practice of law	5 sessions
rights of people with disabilities	9 sessions
the dilemma of fishermen, factory workers and caregivers	3 sessions
communication skills	2 sessions
restorative justice	4 sessions
decoding the Consumer Debt Clearance Act	2 sessions
Citizen Judge Act	1 session
the Grand Chamber and Constitutional Court Procedure Act	3 sessions
defending against drug offenses – the case study	2 sessions

LAF also ran course series in cooperation with Tainan Bar Association and Kaohsiung Bar Association:

family affairs	24 sessions
labor affairs	14 sessions
Citizen Judge Act	5 sessions
indigenous cultural awareness and sensitivity training	9 sessions

Furthermore, to give legal aid attorneys a better understanding of indigenous traditions and customs, LAF organized a learning session, "A Classroom in the Tribe", at Qalang Cinsbu tribe.



① a business workshop for review committee members and legal aid attorneys, Taichung Branch, 27 November 2021

② a legal workshop for legal aid attorneys, Yilan Branch, 11 March 2021





# Campaign Activities and Seminars

## Organizing and Co-hosting Campaign Activities

In 2021, a total of 1,153 events (including prison outreach events) were either organized by LAF branches or co-hosted by LAF and partner organizations. The reduction in the number of events is attributed to the pandemic.



❶ On 27 September 2021, Tainan Branch organized a legal education session at Guanmiao Junior High School.

❷ 27 November 2021, presence of Tainan Branch at the event for 2021 International Day of Persons with Disabilities in Tainan

❸ 6 October 2021, a session of family and parenting education at Tannan Elementary School

❹ On 30 September 2021, Hualien Branch held a lecture on gender equality at Hualien & Taitung Defence Command.

❺ 17 March 2021, the event of "The Beelzebub Island" (a board game for the purpose of legal education) hosted by Taoyuan Branch

❻ 2 October 2021, the booth of Hualien Branch at the outdoor Music Festival organized by The Garden of Hope Foundation

❼ 27 April 2021, the legal advice booth set up by Taoyuan Branch and the parent-child center of the Social Affairs Bureau



## Legal Education and Information Sessions at Prison

During the COVID-19 outbreak, controls on visiting prisons are stricter than many other places, so as to reduce risks to health at mass gathering. Consequently, very limited visits to detention centers and prisons were allowed in 2021. A total of 350 sessions on legal education, campaign of legal aid services and legal consultations were held in detention centers and prisons in 2021.



On 29 October 2021, LAF Hualien Branch held a session of legal education at a prison



On 8 January 2021, LAF Branch held a session of legal education at Kaohsiung Women's Prison



On 12 March 2021, LAF Branch held a session of legal education at Kaohsiung Women's Prison

## A Symposium at LAF's 17th Anniversary: "The Moment of Constitutional Rights of the Indigenous Peoples and Efforts to Be Continued"

LAF celebrated its 17<sup>th</sup> anniversary in 2021. In May 2021, the justices of Judicial Yuan issued Interpretation No. 803 concerning the case of the Bunun hunter Tama Talum. On 20 May 2021, President Tsai Ing-wen pardoned Tama Talum. It is the first time that the issue of indigenous peoples' collective rights is debated before the Constitutional Court. Interpretation No. 803, grounded in the constitution, anchors indigenous peoples' collective rights. It not only recognizes that indigenous hunting rights shall be protected by the constitution, but also



highlights that Taiwan's respect for human rights is embedded in its constitution. Therefore, LAF decided to hold a symposium on Tama Talum case on 10 December, the Human Rights Day.



## Interdisciplinary Seminar Series: "Beyond the Law"

In the face of a pandemic, lectures 58 to 74 of the "Beyond the Law" seminar series were held in 2021, making a total of 17 sessions. Ten of the seventeen sessions were given as podcasts rather than live lectures. The remaining live sessions were also recorded as podcasts, entitled "FAFU – Beyond the Law", and uploaded to popular podcast hosting sites to reach a wider audience. In average, about 400 downloads were reached for every podcast episode.



❶ 13 January 2021, Lecture 50 on "The Weight of the Death Penalty: Confessions of a Murderer's Defense Lawyer"

❷ 25 March 2021, Lecture 61 on "Planning for Senior Life: The Housing Challenges and Solutions in Taiwan"



## Hope Is Just Around the Corner: A Video Exhibition of Legal Aid Cases

At the invitation of Taiwan Tainan District Court, LAF has held a video exhibition of its legal aid cases, "Hope Is Just Around the Corner", at Tainan Judicial Museum from 16 January 2020 onwards. This exhibition continued in 2021, whereas some exhibition items were updated – such as discrimination against disability in the workplace, and indigenous people's fight for land rights. It is hoped that learning from various case stories, people encountering legal issues could get courage to face them. Various services offered by LAF also continued to be promoted at the exhibition.

## 2021 Legal Aid Day

The theme of 2021 Legal Aid Day is "LAF – The Shield to Further Protect You! An Awareness Event for The Protection of The Rights of Crime Victims". The aim was to help crime victims to better understand their rights through seminars or events held by LAF branches. Given the pandemic, not all 22 branches, but 16, held the activities.



The Legal Aid Week at New Taipei Branch



14 September 2021, the event for 2021 Legal Aid Day co-organized by Hualien Branch and Legal Center of Indigenous Peoples



# Films, Internet and Publications



## Media Relations

In 2021, the ways taken by LAF to get media exposure include media interviews and press releases. The total of LAF appearance on national news reached 104 times.



- ❶ 6 May 2021, the interview of LAF CEO at Good News Broadcasting
- ❷ 10 November 2021, Qiaotou Branch lawyer invited to a radio program at Kaohsiung Broadcasting Station to discuss the matters of divorce and fight for child custody
- ❸ 19 July 2021, LAF lawyer invited to a radio program at Kaohsiung Broadcasting Station to discuss telephone scams and internet frauds
- ❹ 8 October 2021, Qiaotou Branch lawyer invited to a radio program at Kaohsiung Broadcasting Station to discuss the partition of inheritance



## Documentary Film

The documentary film presents the high-profile case concerning indigenous hunting. Through the story of Tama Talum, the public may learn about the issue of indigenous hunting. Other stories include Consumer Debt Clearance Act cases and administrative litigation cases. These documentary films will be advertised on social medias and YouTube.



## 2020 Annual Report

The works of LAF in 2020 are recorded in the annual report. The report is issued in Chinese and English, whereas the English version is only available in electronic form, which can be downloaded online.

## Academic Journal: *Legal Aid And Society Review*

LAF publishes half-yearly academic journal *Legal Aid And Society Review*. The aims are to raise academia awareness of the rights and interests of the disadvantaged, and to provide academic reference for optimization of LAF services and decision-making. This journal, attaching great importance to both theory and practice, embraces not only the study of law but also interdisciplinary research on law, social science and ethnology (especially related indigenous peoples). In 2021, the issues of No. 6 and No. 7 were published.



## LAF Comics

The plan and production of LAF webcomics started in 2020, and the webcomics was published in early 2021. The first comic story is about the first prosecutor/police interrogation. It illustrates the procedures of attorney attendance, and common legal issues involved, at interrogation.



In addition to being published on LAF's official website, Facebook page and Instagram, the webcomics is also uploaded to WEBTOON, a digital comics platform, and has attracted 2,723 views. LAF also collaborates with two major textbook publishers, Kang Hsuan Educational Publishing Group and Han Lin Publishing Co., Ltd., and authorizes them to adapt the comics to supplementary materials for civics education in junior high school. Teaching civics through comics help students to learn about legal issues like the first prosecutor/police interrogation and attorney attendance at the interrogation.

## e-Newsletter: *Give You a Hug*

Any person can subscribe LAF e-Newsletter. The content includes special reports, LAF news and event news. Thirty-two articles were published in 2021. Currently, there are 2,902 active subscribers (excluding the subscribers who changed their e-mail addresses, unsubscribed and are inactive).

## Official Website: [www.LAF.org.tw](http://www.LAF.org.tw)

According to Google Analytics, LAF official website received 772,408 visits and 4,495,552 pageviews in 2021.

## Facebook Page

As of the end of 2021, LAF's Facebook page has received 62,016 "likes", attracted 65,190 followers, and received 535,127 visits. Among them, 58.3% were female and 41.7% were male.

## LAF on Instagram

LAF's Instagram account was created on 16 October 2020. It is hoped that through popular social media sites in Taiwan, LAF can get closer to the public. As of end-2021, LAF had 1,312 Instagram followers and attracted 9,859 views. Among them, 50.6% were female and 49.4% were male.





# International Affairs



## International Events

Due to the pandemic, all conferences were held online. In 2021, LAF participated in four international conferences: the ancillary meetings of 14th United Nations Congress on Crime Prevention and Criminal Justice on 7-12 March 2021 (postponed from 2020), International Conference on Globalization of Professional Legal Education: Constitutional Conspectus on 3 April, 2021 Biennial Conference of International Legal Aid Group (ILAG) on 21-24 June, and 2021 International Forum on Consumer Debts in East Asia and Meeting of the Victims hosted by Taiwan on 4 December.



### Participating in the ancillary meetings of 14th United Nations Congress on Crime Prevention and Criminal Justice

The 14th Crime Congress was originally scheduled to take place in Kyoto in April 2020, but was postponed 2021. Since Taiwan is not a member of the United Nations, LAF is not entitled to attend the formal proceedings of the Congress. Nevertheless, given its good long-term relationship with Japan Legal Support Center, LAF was invited to the ancillary meetings. The ancillary meetings were held online from 7 to 12 March, encompassing 19 speeches, seminars, etc.



### Participating in International Conference on Globalization of Professional Legal Education: Constitutional Conspectus

LAF was invited by Indian scholar Dr. Garima Tiwari to participate in an online conference, "International Conference on Globalization of Professional Legal Education: Constitutional Conspectus", on 3 April 2021. The Director of New Taipei Branch, Wei-Chun Hsu, and a researcher from the Department of Legal Research and Legal Affairs of the head office, Yu-Shan Chang, represented LAF to attend the conference. Director Wei-Chun Hsu, also an associate professor at the Department of Financial and Economic Law of Chung Yuan University, was invited to speak at Panel One, "Globalisation of Legal Education: Pedagogy and Practice". He shared his many years of experience in clinical legal education and gave a speech at the concluding session of the conference.



### Participating in 2021 ILAG Biennial Conference

2021 ILAG Biennial Conference was held online from 21 to 24 in June. The theme of this conference is: "Access to Justice and the Challenge of COVID-19". The conference consists of six sessions, focusing on topics like the COVID pandemic, technological innovation, and access to justice. LAF CEO Han-Wei Chou and members from the International Affairs Committee, the Department of Legal Research and Legal Affairs, and the Department of Public Promotion and International Affairs attended the conference and had online discussion with participants from all over the world.

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### Hosting 2021 International Forum on Consumer Debts in East Asia and Meeting of the Victims

The International Forum on Consumer Debts in East Asia and Meeting of the Victims is held annually in rotation among Japan, Taiwan and South Korea. Due to the pandemic, the forum was postponed to 4 December 2021 and was held online. The theme of this conference is: "Debt and Poverty in COVID-19 Pandemic". The conference started with the reports of Japan, Taiwan and South Korea on impacts of the pandemic and debt situation in the respective countries, followed by a discussion on poverty of specific groups, and finally story sharing among victims. All country representatives to the forum actively participated in the meeting. Every wished the pandemic to end soon and they can meet at the physical meeting in South Korea in the following year.



## Analysis of Recipients

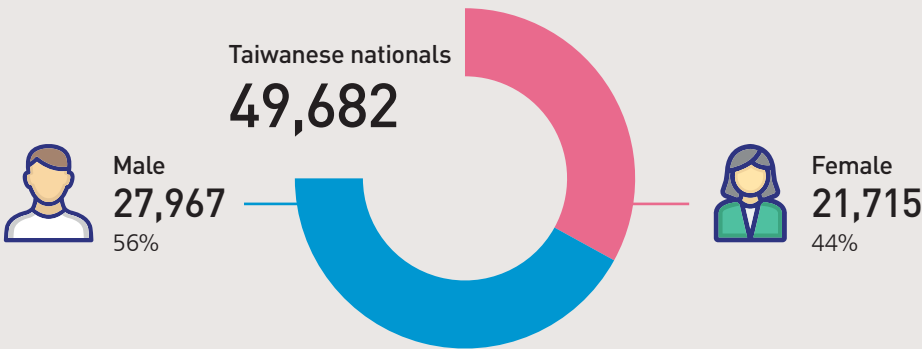
### Analysis of Identity of Recipients

Presented as a percentage of the number of assisted persons in 51,424 general cases in 2021:



### Analysis of Legal Aid to Taiwanese Nationals

Among the four types of general cases – criminal, civil, family and administrative:  
in family cases, female recipients account for 64%, whereas male recipients only 36%;  
in criminal cases, male recipients account for 68%, whereas female recipients only 32%.



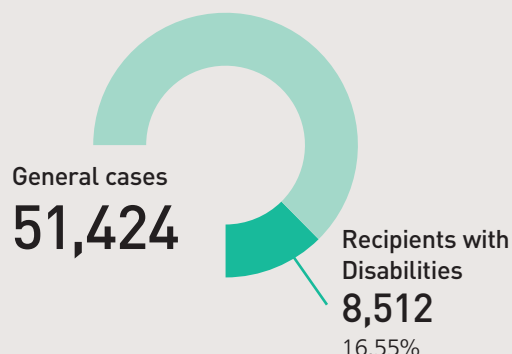
The Ranking of Top Five Case Grounds

	Male	Female
1	Civil – Consumer Debt Clearance Act	Civil – Consumer Debt Clearance Act
2	Criminal – Narcotics Hazard Prevention Act	Civil – tort
3	Criminal – assault causing bodily harm	Criminal – fraudulence, breach of trust, taking and usury
4	Criminal – fraudulence, breach of trust, taking and usury	Family – maintenance payments
5	Civil – tort	Criminal – assault causing bodily harm

### Analysis of Legal Aid to Recipients with Disabilities

In 2021, among the general cases (excluding legal consultation, attorney attendance at interrogation and commissioned cases), 8,512 cases involved recipients with disabilities, accounting for 16.55%.

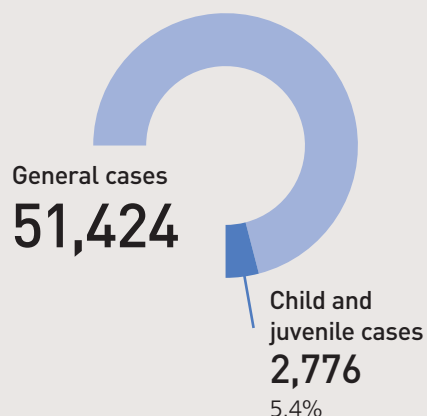
Top five types of cases involved recipients with disabilities	
1	Criminal – fraudulence, breach of trust, taking and usury
2	Criminal – theft
3	Criminal – assault causing bodily harm
4	Civil – tort
5	Family – maintenance payments



### Analysis of Legal Aid to Children and Juveniles

In 2021, among the general cases, 2,776 cases involved child or juvenile recipients, accounting for 5.4%.

Top five types of cases involved child and juvenile	
1	Family – maintenance payments
2	Criminal – offenses against sexual autonomy
3	Civil – tort
4	Criminal – assault causing bodily harm
5	Criminal – Narcotics Hazard Prevention Act

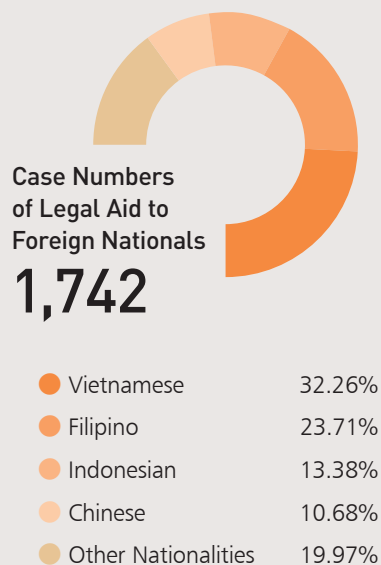


### Analysis of Legal Aid to Foreign Nationals

Among the general cases in 2021, 1,742 applications made by foreign nationals were granted for legal representation.

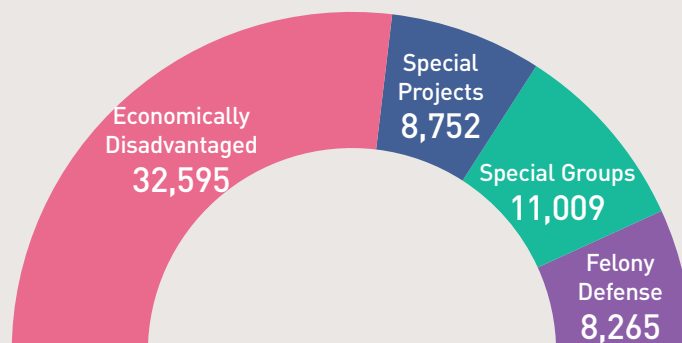
In terms of nationality, the majority were Vietnamese (32.26%), Filipino (23.71%), Indonesian (13.38%) and Chinese (10.68%), accounting for 80.03% of the foreign nationals assisted by LAF.

Top five types of cases involved foreign nationals granted for legal representation	
1	Civil – tort
2	Criminal – assault causing bodily harm
3	Civil – salary dispute
4	Criminal – human trafficking
5	Criminal – fraudulence, breach of trust, taking and usury





## Analysis of Financial Eligibility in the General Cases



Note: since more than one ground listed in the table can be selected, the sum in the table may exceed the actual total cases (which is 51,424).

### Economically Disadvantaged

cases reviewed under LAF criteria of financial ineligibility	17,630
lawfully obtained disadvantaged group certificate issued by the government – low-income household	7,898
lawfully obtained disadvantaged group certificate issued by the government – lower-middle income household	5,516
lawfully obtained disadvantaged group certificate issued by the government – families with special circumstances	583
lawfully obtained disadvantaged group certificate issued by the government – migrant workers	824
lawfully obtained disadvantaged group certificate issued by the government – disadvantaged foreign spouses	144

### Special Projects

lawfully obtained disadvantaged group certificate issued by the government – consumer debt clearance	8,459
under statutory conditions which cannot be properly protected by law – cases of high social profile	293

### Special Groups

under statutory conditions which cannot be properly protected by law – mandated representation for people with disabilities	3,847
under statutory conditions which cannot be properly protected by law – mandated representation for indigenous peoples	4,888
under statutory conditions which cannot be properly protected by law – mandated assistance for juveniles	899
under statutory conditions which cannot be properly protected by law – referred by presiding judge	1,375

### Felony Defense

under statutory conditions which cannot be properly protected by law – mandated representation for felony	8,265
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## Analysis of Providers

A total of 4,560 lawyers nationwide have served as LAF legal aid attorneys by 31 December 2021.

**2019** 3,340 legal aid attorneys who have taken cases

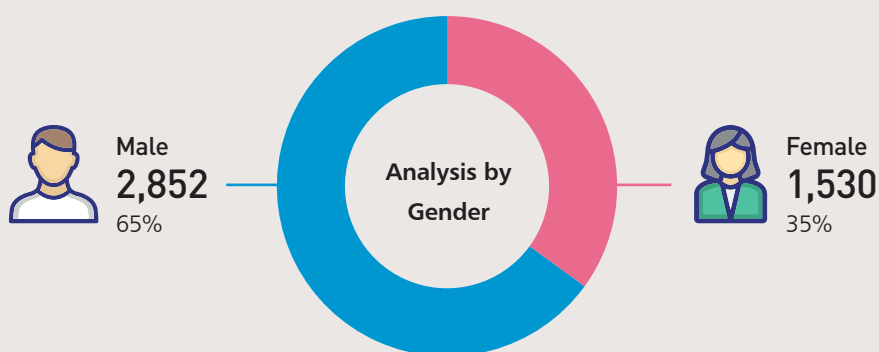
4,352 legal aid attorneys

**2020** 3,614 legal aid attorneys who have taken cases

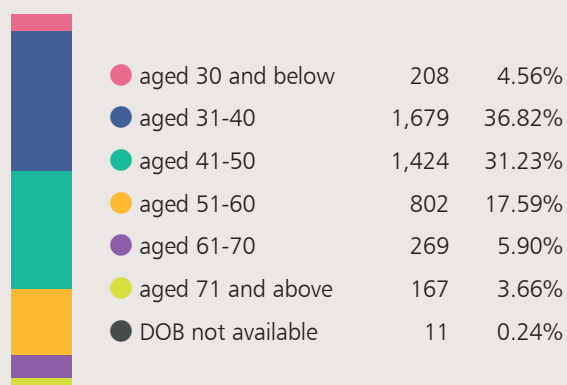
4,382 legal aid attorneys

**2021** 3,709 legal aid attorneys who have taken cases

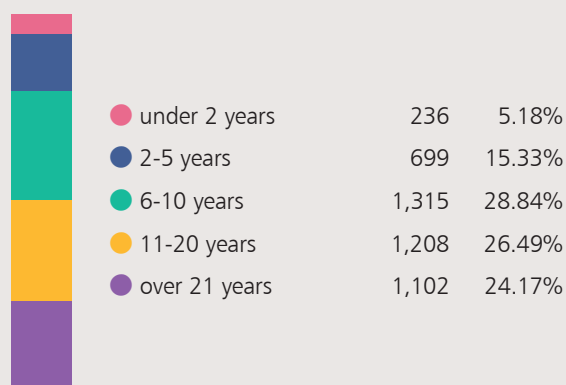
4,560 legal aid attorneys



### Analysis by Age

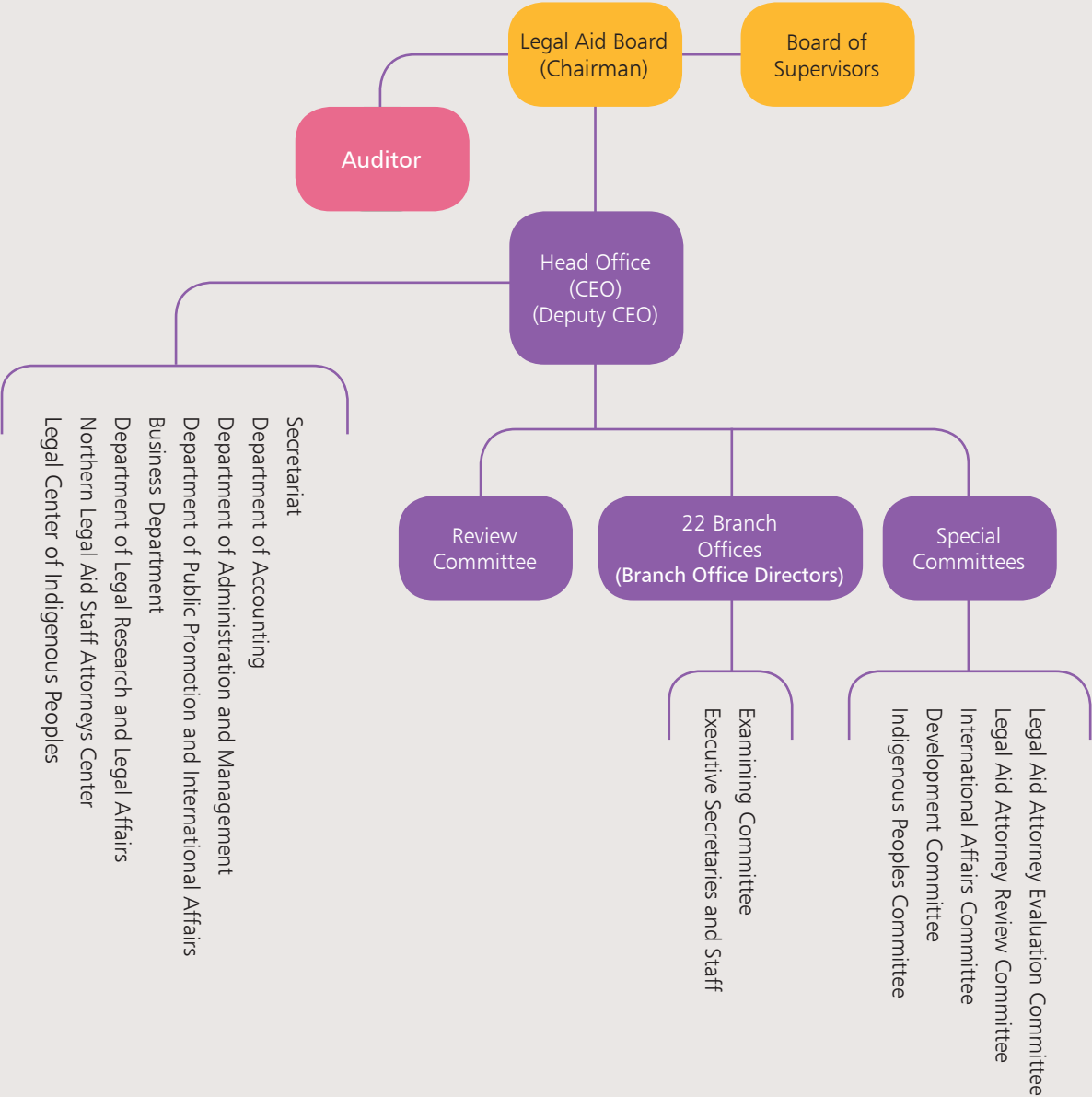


### Analysis by Years of Practice



# Organization Structure

As of 31 December 2021, LAF employs 288 staff members (including 19 staff attorneys), 33 project personnel, 8 hourly project personnel and 539 volunteers.



2 August 2021, the handover of Kaohsiung Branch Director



29 April 2021, colleagues from Taoyuan Branch went to Alibang for environmental education



11 April 2021, law courses for volunteers run by Yilan Branch

## LAF Team

### Board of Directors

Kuang-Chun Fan (Chairman)  
Wun-Hua Syu  
Siou-Mei Lyu  
Zhao-Ru Su  
Jia-Han Lin  
Da-Wei Guan  
Yi-Sin Sun  
Mei-Nu You  
Yi-Cheng Chen  
Yu-Yuan Huang  
Sung-Li Huang  
Jing-Yi Liou  
Kuo-Hsun Chang

### Board of Supervisors

Shin-Yi Fu (Managing Supervisors)  
Chung-Yueh Chang  
Shun-Cheng Yang  
You-Bin Su  
Shih-Chin Lu

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Ciou-Lan Wang  
Mei-Lan Jhu  
Yu-Hua Li  
Wun-Syong Ruan  
Da-Yao Jhou  
Zih-Lin Lin  
Jyun-Jie Lin  
Yi-Huei Lin  
Wei-Ting Lin  
Yi-Siang Shih  
Yi-Ting Hu  
You-Lian Sun  
Ze-Fang Sun  
Yu-Chia Chang  
Yapasuyongu Akuyana  
Jing-Ning Chen  
Yi-Ling Huang  
Si-Hua Teng  
Siou-Ling Siao  
Shih-Siang Luo

### International Affairs Committee

Chih-Kuang Wu  
Xiao-Qing Gao  
Bo Tedards  
Chu-Cheng Huang  
Anthony Carlisle  
Awi Mona  
Fu-Te Liao  
Wei-Hsiang Chen  
I-Ku Chen  
Chuang-Yueh Chen  
Li-Chuan Liu Huang  
Ching-Yi Liu  
Wen-Lung Chen  
Ze-Fang Sun

### Legal Aid Attorneys Review Committee

Song-He Jiang  
Han-Wei Chou  
Ruei-Hua Fan  
Ming-Da Jhuang  
Ya-Fen Syu  
Yi-Cing Guo  
Ti-Sheng Jheng  
Ren-Shou Jheng  
Yu-Ru Dai

### Legal Aid Attorney Evaluation Committee

Min-Huei Wang  
Jin-Bi Song  
Yong-Yi Lin  
Yu-Shun Lin  
Chun-Rong Lin  
Bing-Huei Shih  
Jian-Hong Syu  
Jie-Ru Chen  
Chu-Cheng Huang  
Mei-Jyun Zhao  
De-Cian Cai

### Indigenous Peoples Committee

Apu'u Kaaviana  
Ciwang Teyra  
Langus Lavalian  
Malihan Lhkahihihan  
Sifo Lakaw  
Si Manhevek  
Yapit Tali  
Hong-Yu Rih  
Chang-Jhen Lin  
Jhen-Guang Ke  
Ting-Huei Hong Jian  
Jin-De Hu  
San-Yuan Lin  
Ze-Fang Sun  
Awi Mona  
Jheng-Cih Syu  
Cai-Yi Chen  
Jhih-Hang Yang  
Sa-Yun Du Gu  
Chao-Cheng Pan

### Branch Office Directors

Bang-Chao He (Miaoli Branch)  
Yuan-Pei Chou (Qiaotou Branch)  
Chun-Hung Lin (Taipei Branch, Kinmen Branch & Matsu Branch)  
Chung-Jen Lin (Yunlin Branch)  
Chung-Hung Lin (Keelung Branch)  
I-Hui Lin (Nantou Branch)  
Guo-Tai Lin (Hualien Branch)  
Te-Sheng Lin (Chiayi Branch)  
Fen-Ling Chiu (Pingtung Branch)  
Wei-Chun Hsu (New Taipei Branch)  
Wen-Chia Chang (Tainan Branch)  
Ren-Hao Xu (Taitung Branch)  
En-Min Chen (Hsinchu Branch)  
Te-Hai Yang (Yilan Branch)  
Jian-Xing Chao (Taichung Branch)  
Chung-Cheng Liu (Shilin Branch)  
Wen-Chieh Cheng (Taoyuan Branch)  
\* the Executive Secretary acting as the Director  
Ying-Chi Hsieh (Changhua Branch)  
Chun-Cheng Su (Kaohsiung Branch & Penghu Branch)

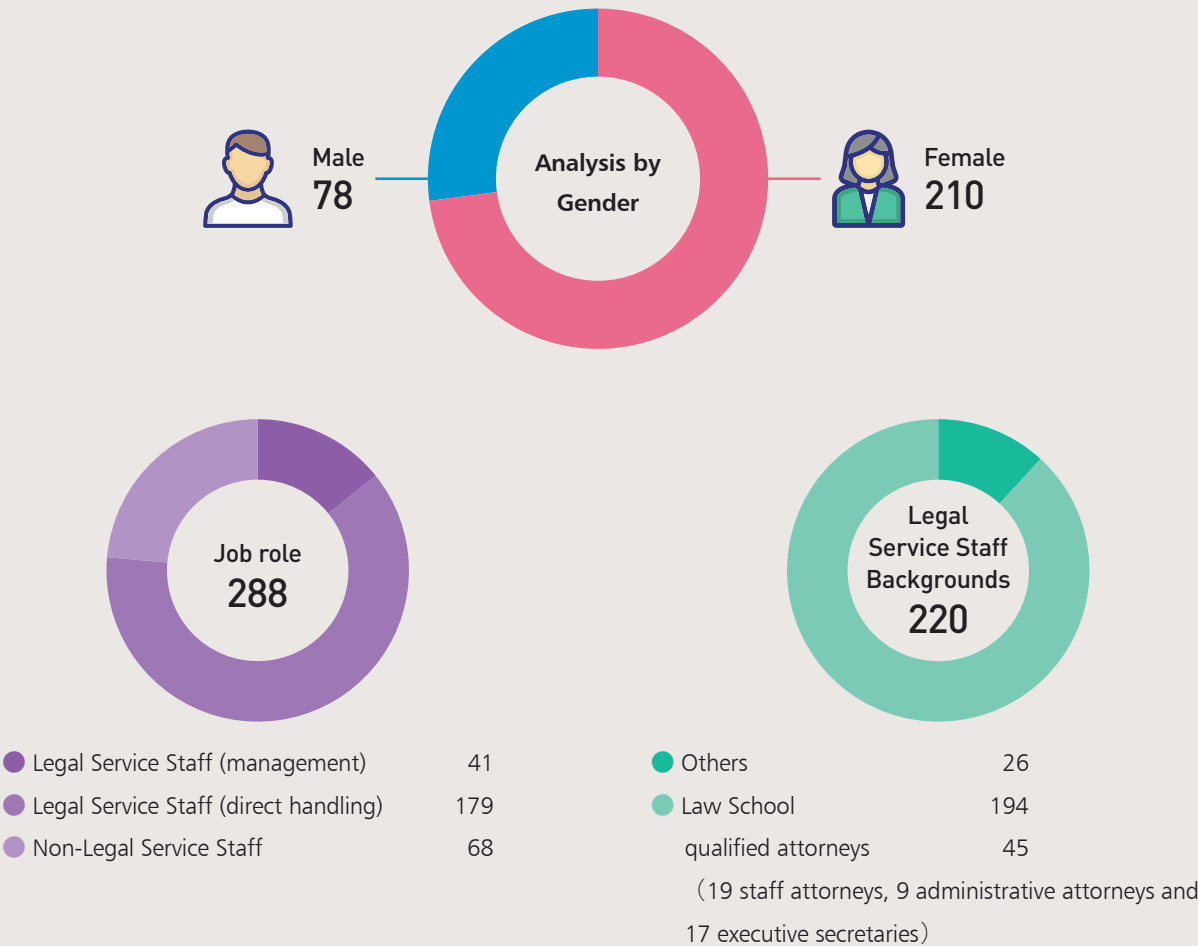
### Director of Legal Center of Indigenous Peoples

Awi Mona

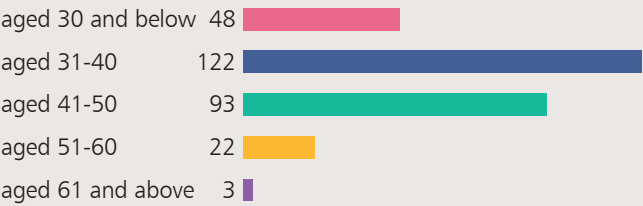


LAF Staff

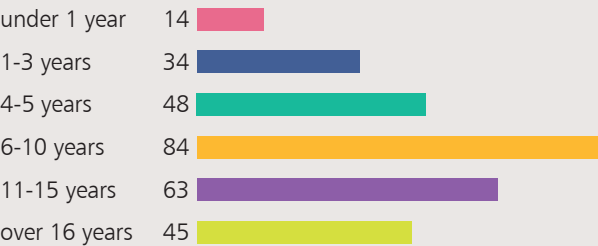
As of 31 December 2021, LAF employs 288 staff members (including staff attorneys).



Age distribution 288



Length of service 288



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Keelung Branch	11F, No. 14, Zhong 1st Road, Ren'ai District, Keelung City 200001, Taiwan, R.O.C.	Tel.: (02) 2423-1631 / Fax: (02) 2423-1632 E-mail: keelung@laf.org.tw
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Legal Centers of Indigenous Peoples	Address	Tel. / Fax / E-mail
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Legal Center of Indigenous Peoples West Office	1F., No. 105, Xianzheng 2nd Road, Zhubei City, Hsinchu County 302099, Taiwan, R.O.C.	Tel.: (03) 525-9882 / Fax: (03) 525-9897 E-mail: hsinchu@laf.org.tw



## 2021 Annual Report

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