

Host Country Report

Legal Aid in Taiwan: Current Status and Future Prospects



Chief Executive Officer
Han-Wei Chou
Nov, 1, 2018



Background Information

Country Information - Taiwan's Figures in 2017

- ◆ **Population: 23,571,227**
- ◆ **GDP: USD\$ 572,767 mil.**
≈ USD\$ 24,299 / person
- ◆ **Poverty Line (the Lowest Living Index)**
 - ✦ USD\$ 365~530/per person, per month, varying by cities/counties
 - ✦ Using household (rather than the individual) for calculation; applying the rule of 'assumed income'
 - ✦ No. of people living in low-income households:
300,800 ≈ 1.3% of population
 - ✦ If the middle-to-low-income households are also included
(under 1.5 times of the poverty line, also considered as eligible for legal aid):
≐ 630,000 people ≈ 2.67% of population
 - ✦ Limitation of the lowest living standard → The real figure of poverty is still unknown
- ◆ **Practicing Lawyers: ≐ 8,500**



A Brief History of Legal Aid in Taiwan (1)

◆ Before 2004: Fragmented Publicly-funded Legal Services with Limited Scope

✦ Legal representation assistance –limited and mostly for serious crimes



Since 1950

Legal Representation

- A small-scaled salaried public defender system



1970s-80s

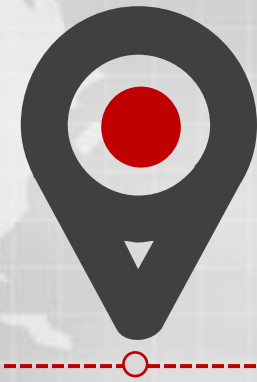
Legal Advice

Taipei, Taichung, Tainan
Legal Services Centers
(ceased in 1980s)



Since the late 1970s

University legal clinics



1980s

Free legal advice services
set up by local bar
associations and local
authorities

A Brief History of Legal Aid in Taiwan (2)

◆ Legal Aid Act 2004



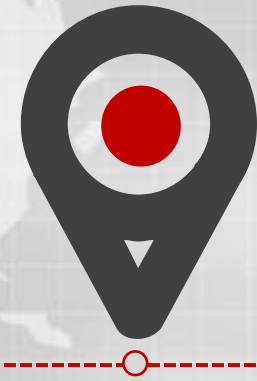
Late 1990s

- Pressure group organized by CSOs
- Judicial Reform Foundation, Taipei Bar Association, and Taiwan Association for Human Right



National Judicial Reform
Conference 1999

Consensus achieved among the
CSOs, Judicial Yuan and Ministry
of Justice



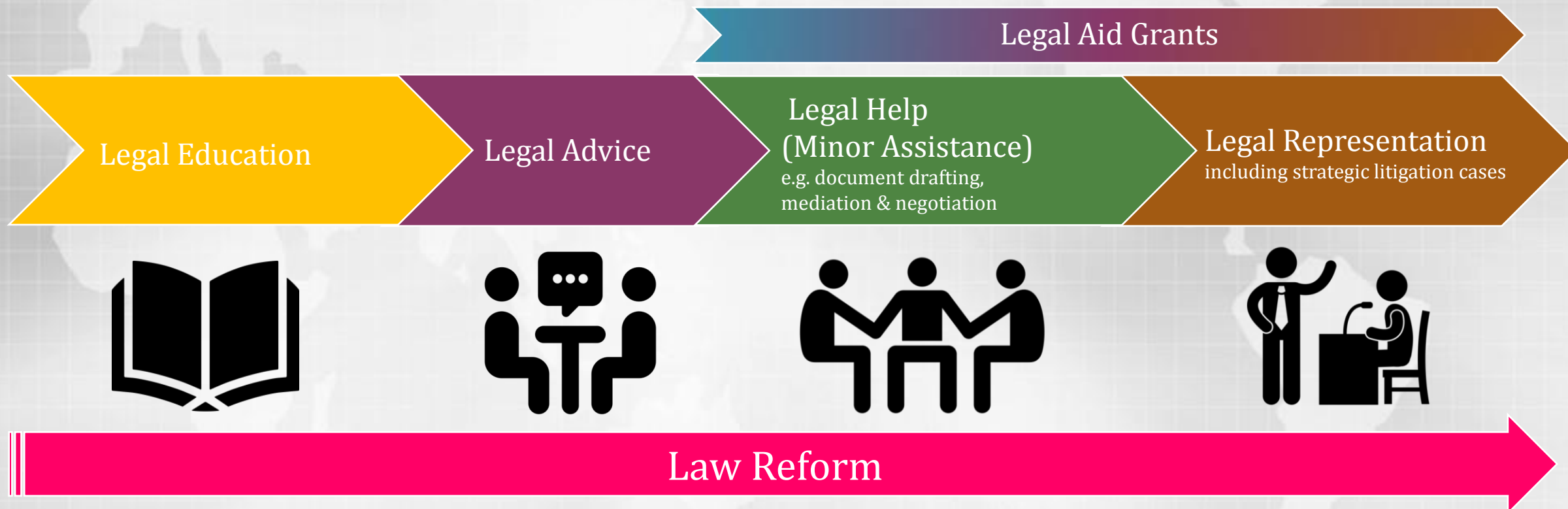
2003~2004

Legal Aid Act passed in
December 2003 and
promulgated in January 2004

Legal Aid Foundation & Its Services

- ◆ **Legal Aid Foundation (LAF) est. July 2004**

- ✦ The only statutory legal aid organization with an endowment from Taiwan's Judicial Yuan
- ✦ A comprehensive range of legal aid services for the disadvantaged in Taiwan
- ✦ Specifically to fill the gap in legal representation assistance



LAF's Figures in 2017

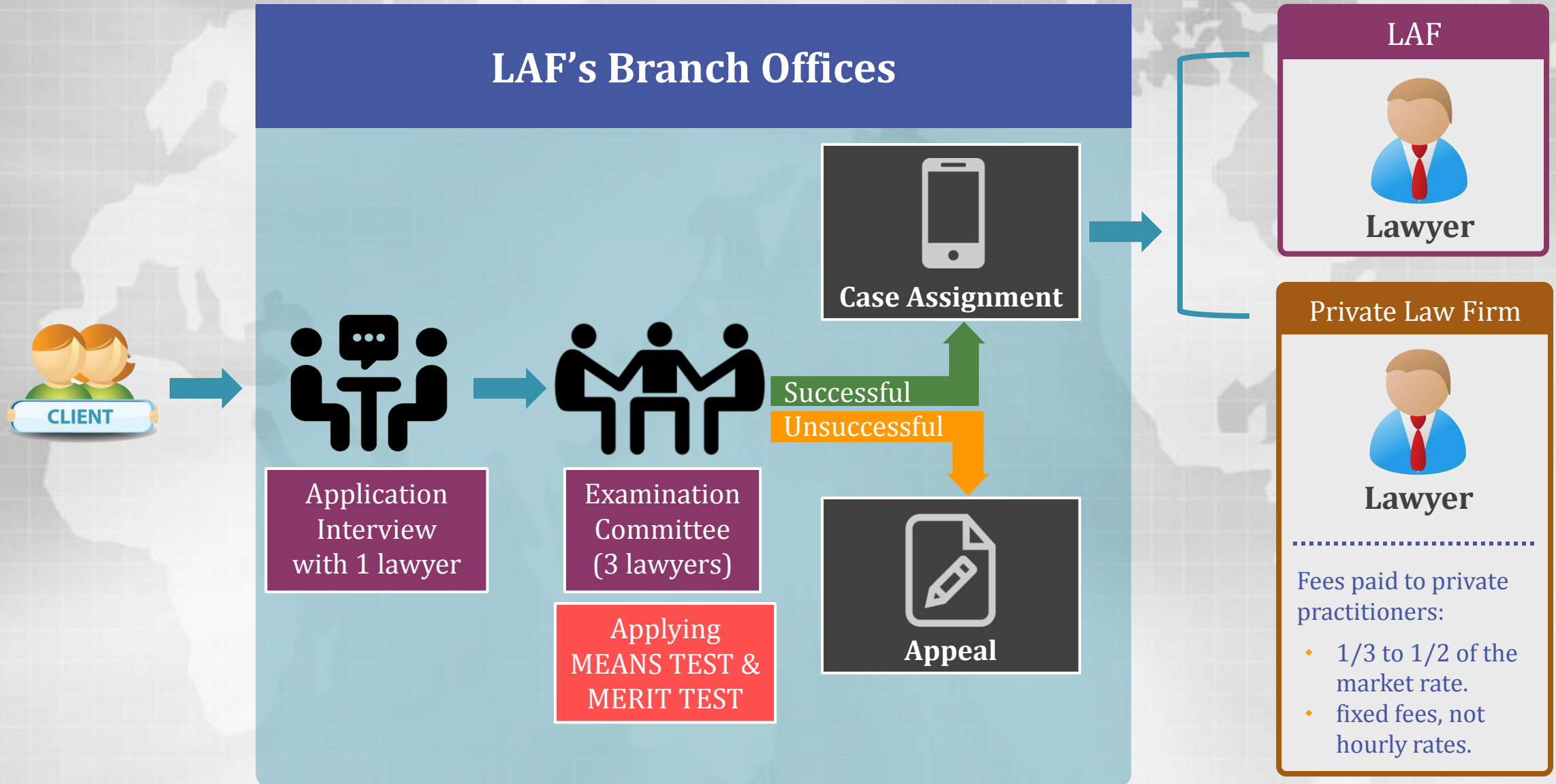
- ◆ **22 Branch offices across TW**
 - ✦ including 3 off-shore islands
- ◆ **272 staff members, including:**
 - ✦ 22 Lawyers for management and policy research
 - ✦ 17 staff lawyers for casework (→ 20 in 2018)
 - ✦ paralegals
 - ✦ non-legal workers for administrative support (e.g. IT, accounting, HR...)
- ◆ **3,810 private lawyers joined**
 - ✦ out of Approx. 8,500 practicing lawyers in TW

Mixed Service Model

22 branches across Taiwan to serve you |

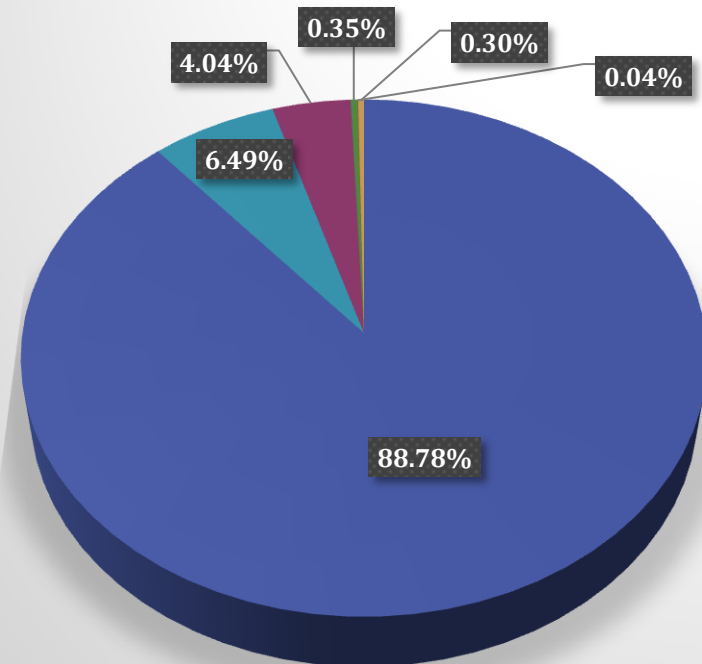


LAF's Service Model for Legal Aid Grants



Sources of Funding

- ◆ LAF's operating income is subsidized mainly by the Judicial Yuan, and then other government commissioned projects.
- ◆ Funding in 2017:
 - ✦ TWD \$ 1,383,477,868 ≈ USD \$45,459,445 (≈ 0.008% of GDP)

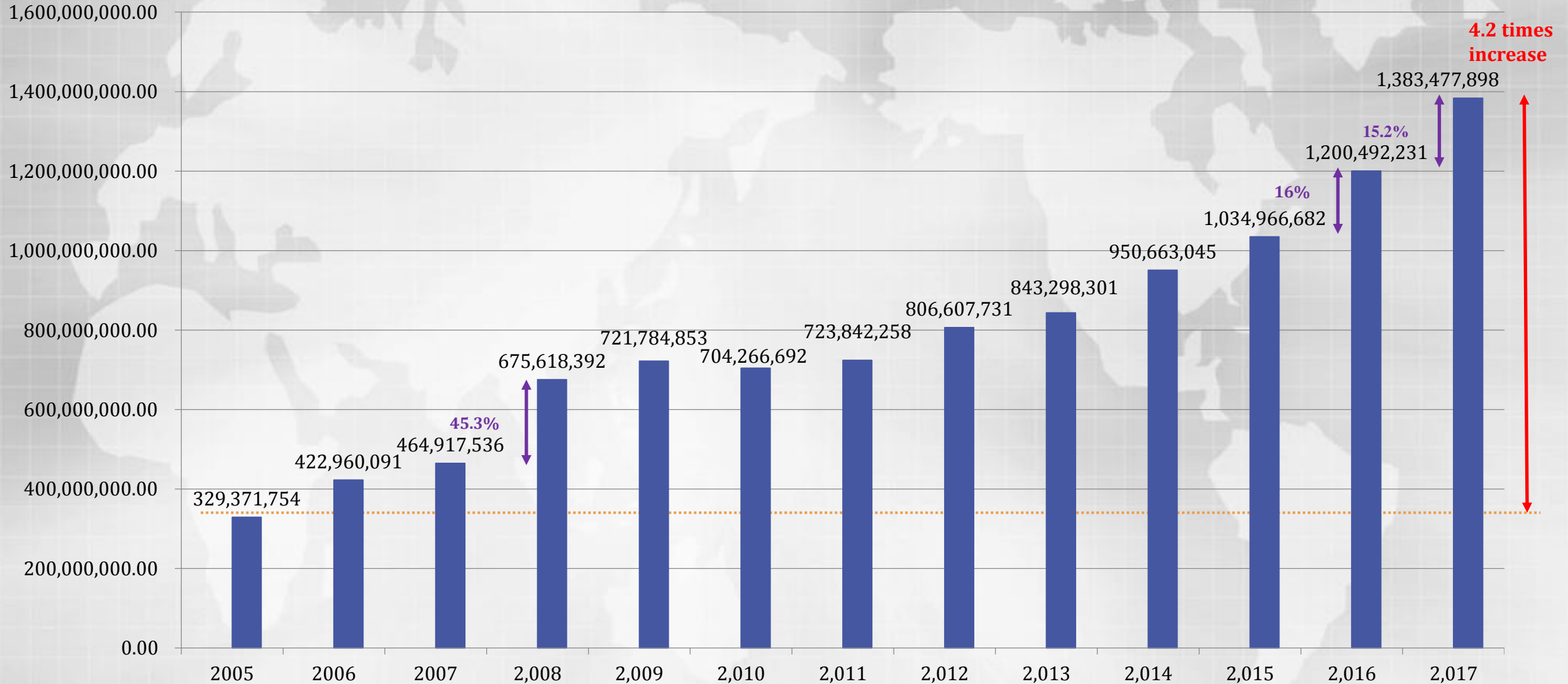


Funding Sources of LAF

- Judicial Yuan (the Highest Judicial Authority)
- Other Government Project Funds
- Interest Revenues
- Legal Aid Contributions
- Non-government Project Funds or Donations
- Others

Legal Aid Funding in the Past 14 Years

◆ Unit: TWD





Recent Advances

Recent Development & Advances

- ◆ The Legal Aid (Amendment) Act 2015
- ◆ Strategic Litigation & Law Reform
- ◆ Legal Center of Indigenous Peoples
- ◆ Legal Aid Hotline
- ◆ Big Data Analysis Projects → Evidence-based Policymaking



I • The Legal Aid (Amendment) Act 2015

◆ 2015 Amendments

Timely Response to Needs of the Disadvantaged

Quality Assurance of Legal Aid Service

Strengthening Law Reform & Advocacy

Ensuring LAF's autonomy in a range of business

Expanding access to legal assistance, esp. to foreigners



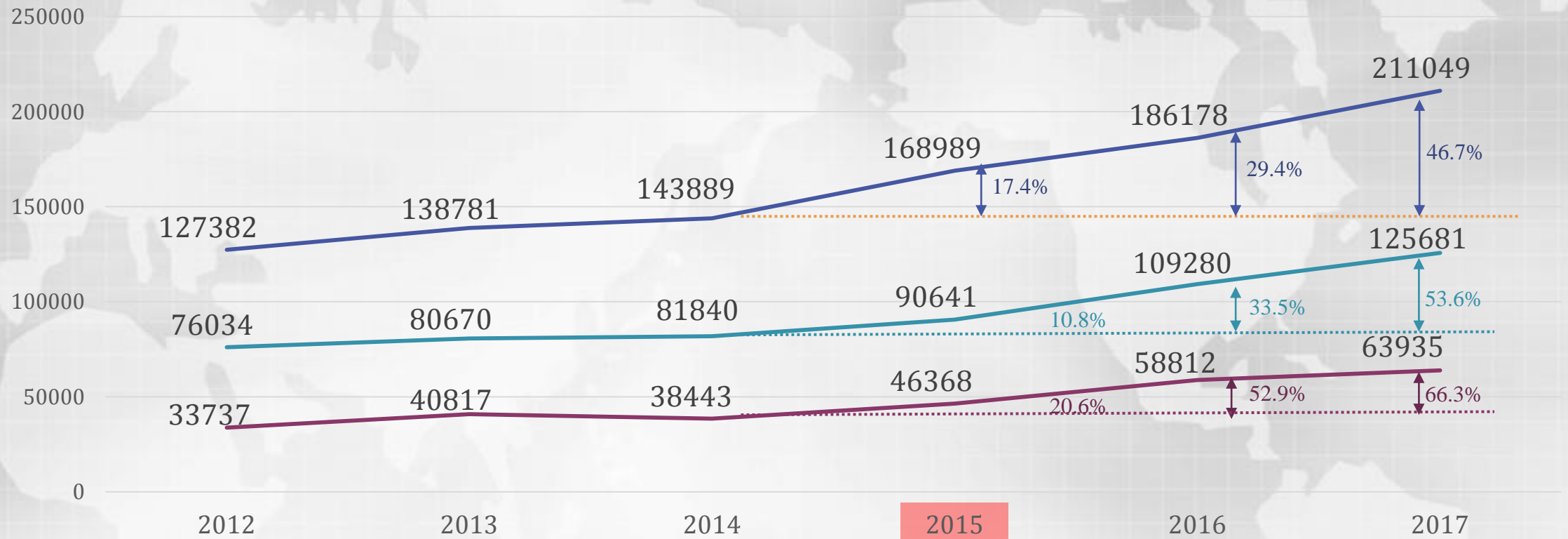
Expanding/Facilitating Access to Legal Aid

- ◆ Enlarged the definition and scope of “**indigent person**”
- ◆ Specified “**the people who are unable to receive proper legal protections for other reasons**” in the Act
- ◆ Expanded the passport scheme – cases types or persons that are exempt from means test
- ◆ Stipulated that **non-citizens** can be granted legal aid when they meet certain conditions
- ◆ Strengthened the defense for defendants of serious crimes, juveniles, indigenous peoples, persons that are unable to make full statements due to physical or mental disabilities, and death penalty cases



After the Amendment: Increasing Case Numbers

◆ Numbers of Applications, Advice and Grants Approved



— Total No. of Applications

— Total No. of Legal Advice Cases

— Total No. of Legal Aid Grants Approved Cases
(including general legal aid cases and caes of the commissioned projects)

II • Strategic Litigation & Law Reform (1)

- ◆ LAF has been deeply involved in and/or has coordinated several class actions or specialist cases for strategic advocacy objectives, e.g. :
 - ✦ environmental pollution cases
 - ✦ cultural conflict cases for indigenous peoples
 - ✦ migrant workers' human rights cases
 - ✦ state compensation cases
 - ✦ human rights cases for clients with disabilities ...



II • Strategic Litigation & Law Reform (2)

- ◆ These cases are usually handled by a team of lawyers, including LAF staff attorneys and external private lawyers. Sometimes non-legal professionals of NGOs and scholars also participate in the team.
- ◆ The teams of lawyers (and other non-legal professionals) usually have regular meetings to discuss litigation/advocacy strategies and work on the legal documents.
- ◆ Some of these strategic litigation cases lead to law reform.



RCA Case: The Success of a 13-Year Fight

- ◆ **Multidisciplinary Collaboration (lawyers, social activists, sociology scholars, doctors, public health experts, toxicologists, etc.)**
- ◆ **Publications**
- ◆ **From strategic litigation to law reform (e.g. Soil and Groundwater Pollution Remediation Act, Occupational Safety and Health Act)**



III • Legal Center of Indigenous Peoples (1)

- ◆ Established in Hualien on 12 March, 2018
- ◆ Decisions made by an indigenous community-controlled committee
- ◆ To provide more culturally-sensitive legal aid services for indigenous peoples
- ◆ Focus on indigenous culture-specific legal matters, especially when conflicting with modern legal systems, such as issues of:
 - ✦ land
 - ✦ hunting culture
 - ✦ traditional ceremonies/rituals
 - ✦ aboriginal art



III • Legal Center of Indigenous Peoples (2)

- ◆ Involved in a wide range of services and activities:
 - ✦ strategic litigation
 - ✦ research and law reform
 - ✦ community legal education and legal advice
 - especially outreach clinics delivered by the “Mobile Legal Aid Service Vehicle”
 - ✦ cultural awareness training for lawyers



IV • Legal Aid Hotline (1)

- ◆ **For the general public**
 - ✦ launched in May 2015
 - ✦ no means test applied
 - ✦ telephone advice only for the following 4 areas:
 - employment, debt, family and indigenous peoples
 - ✦ telephone advice for 20 minutes per person
- ◆ **Now the hotline has integrated the following functions:**
 - ✦ Telephone advice
 - ✦ Booking appointments for face-to-face advice/ legal aid applications
 - For the cases out of the above 4 areas AND/OR complicated cases
 - ✦ Making complaints



IV • Legal Aid Hotline (2)

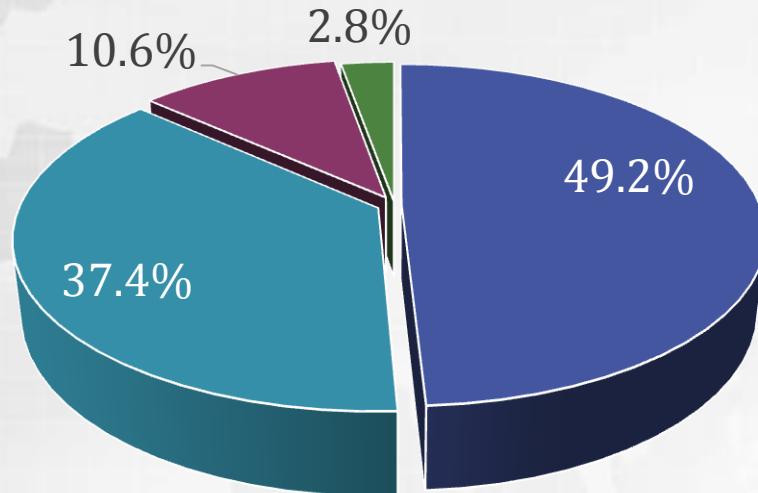
- ◆ **For non-legal professionals (community supporters)**
 - ✦ launched in May 2018
 - ✦ second-tier support for non-legal professionals
 - ✦ in order to achieve greater impact, early intervention and better connection with other services
 - ✦ general telephone advice on a wider range of areas
 - ✦ complicated cases → appointment booking for face-to-face advice/ legal aid applications



Hotline for Community Supporters

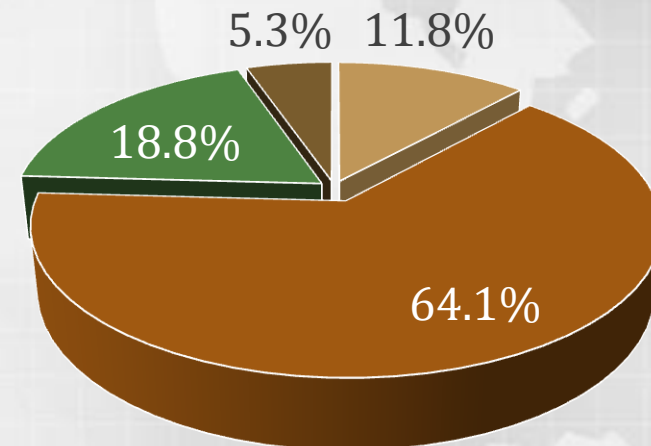
- ◆ 179 calls received in the first month, May 2018

Callers' Organisations:



- Gov. Agencies (e.g. social service)
- Non-Government Organisations
- Hospitals/Health Agencies
- Schools

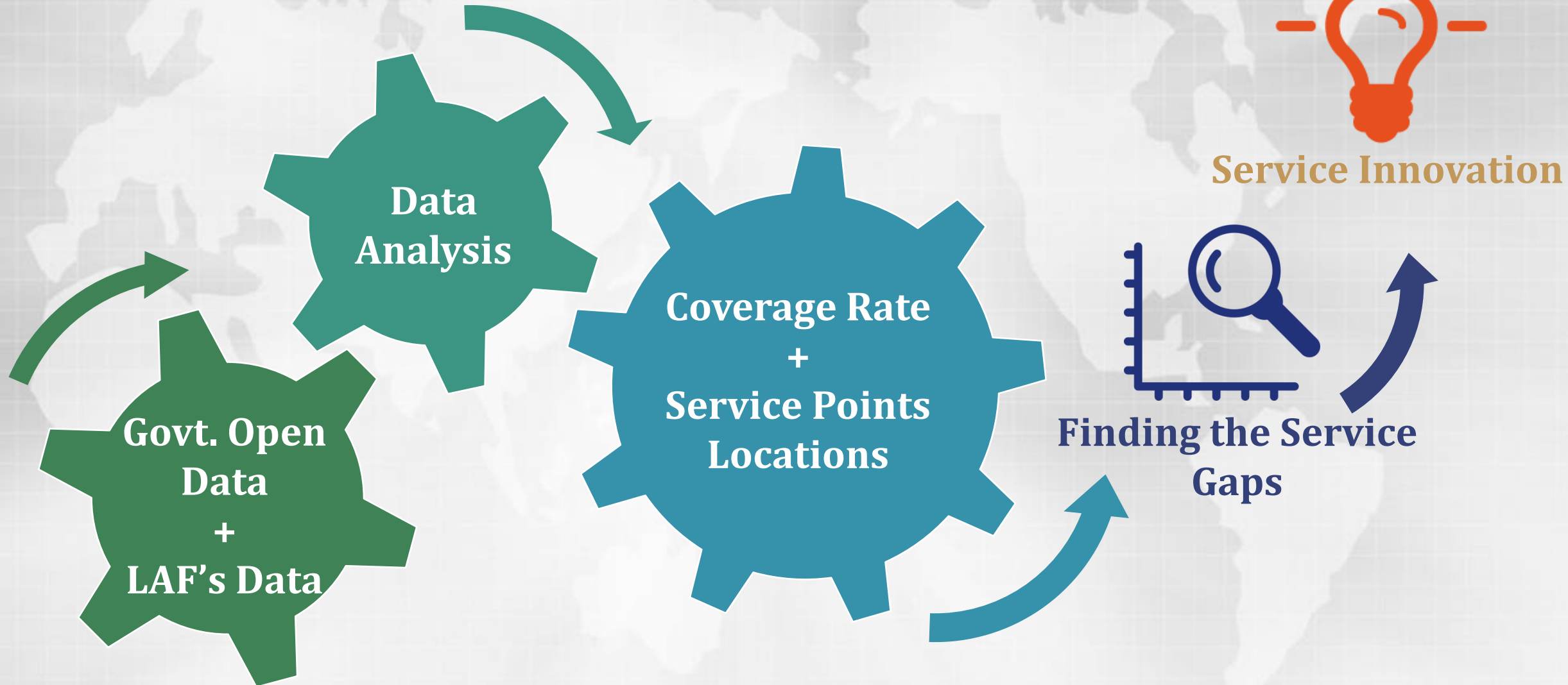
Case Types



- Civil
- Family
- Criminal
- Administrative & Public Law

V • Data Analysis Leads to Evidence-based Policymaking

- ◆ E.g. Legal Aid Plus



VI • Innovative Public Engagement Approaches

◆ Public Legal Education

Public Legal Education+

法治教育新視野－台灣法扶的法治教育新嘗試

Expanding the Horizons of Legal Education – Taiwan Legal Aid Foundation's New Attempt at Legal Education

除了實際的公益專業服務外，法律扶助的另一個重要目標，是希望透過教育提高公民人權法治意識的普及程度。 (法律扶助法 § 10 (10))

為了觸及更多潛在服務對象，台灣法律扶助基金會除了積極提供專業外，更以提供全國之青少年以上之法律扶助服務，促進全民法治意識與權利保障為其重要任務。不僅透過公益活動、權利意識講座、公益影片、戶外公益巡迴文宣活動等，亦積極運用多媒體與新興的傳播媒體，透過具體故事的建構，多方位呈現，提高青少年大眾的法治意識，達成普及法治教育新嘗試的願景與目標。

In addition to providing practical professional legal assistance, another important purpose of legal aid is to raise people's awareness regarding their rights, making the legal concept of human rights universal, and performing related enlightenment measures (Item 4, Article 10, Chapter 1 of the Legal Aid Act).

In order to reach out to more potential recipients of legal aid, Taiwan Legal Aid Foundation has been proactively led through its media, and providing common services across multicultural and coastal areas with 22 office branches throughout the country. In recent years, the foundation has also attempted to use interdisciplinary media and materials to offer educational promotion in schools, hoping to establish fundamental legal concepts and awareness of human rights in people's minds from a young age. Additionally, education involving scientific popularization and relevant knowledge are turned into story scenarios, which are then presented through diversified techniques in the forms of cultural performances and exhibitions. It is hoped that these methods will generate more understanding and cooperation from the public. This is the vision and intention of the "Expanding the Horizons of Legal Education" Exhibition.

校園多元觸媒－影片

藉由貼近青少年高中生活的影片，結合法律師的講解，讓校園宣導更動人有趣！

Multifaceted Catalysts for Change on Campuses - Film

With integration between films closely related to the lives of middle and high school students, and explanations from Legal Aid Foundation's attorneys, legal education on campuses has become more lively and fun!

多媒體的時代，對於宣導法律概念得更有創意。透過拍攝影片文字圖的專業製作，在宣傳影片、讓青少年的法治觀念，進入校園傳播文字，再由該專業引導進行思考討論。

In the multimedia age, school education on legal concepts has to be delivered in fun ways. Films are short to fit stories of appeals, themes, and are presented to children in parts. Then, students are not only conversational enough themselves before the speaker begins to guide discussions and reflections.

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掃描QR碼影片
Scan to see the full file

《中級學校偵探》 Middle school student detective	《平凡女孩》 Ordinary girl	《青春方程式》 Youth equation

法治教育紮根－桌遊

大人小孩都愛玩的桌遊，也可以作為法治教育的媒介！

Planting Legal Concepts in People's Minds – Board Game

Board games, enjoyed by both adults and children, can serve as a medium to promote legal education too!

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權利意識覺醒－戲劇

法律是什麼？
布袋戲、京劇、舞台劇，讓我們演給你！

Awakening the Awareness of Rights – Drama

What is "law"?
Let us show you through puppet shows, Beijing opera, and stage plays!

法律是人人所共有的約定與規範，舉凡這中文術語沒有差別。透過戲劇表演，讓青少年大眾對法律有更深刻的認識。透過製作人與表演者，讓青少年大眾對法律有更深刻的認識。

Law consists of agreements and rules for interpersonal interaction. It can appeal all when viewed in the form of operations. But through stage plays, law can be portrayed in a lively way, and through repeating stage art facts, audiences are motivated, learn more, and think about the content of the selected topics.

同理弱勢處境－書籍

特殊弱勢族群的困境，讓我們一字一句，為你娓娓道來

Empathizing with Disadvantaged Groups – Books

In written words, let us tell you all about the difficult situations faced by socially disadvantaged groups.

《讓他們的故事，讓我們改變》
這本非小說類書籍，以目前社會最弱勢的社會邊緣人為主題，透過作者與受訪者的親身經歷，以第一手資料，呈現出社會邊緣人的真實生活。透過文字，讓讀者能感同身受，進而產生同理心，進而產生改變。

《世界上的漂流者》
這本非小說類書籍，以目前社會最弱勢的社會邊緣人為主題，透過作者與受訪者的親身經歷，以第一手資料，呈現出社會邊緣人的真實生活。透過文字，讓讀者能感同身受，進而產生同理心，進而產生改變。

"Their Story"
The number of migrants in Taiwan is increasing, and the migrant population is often neglected, exploited, and discriminated against in households or other society. This book incorporates images, self-reports, and interviews to present the presentation of perceptions, needs, and help spoken by the encounter between "us" (attorneys, social workers, or other staff) and "their" migrants.

"Border Drifters"
Through interviews and photography, we attempted to record the stories of migrants and vulnerable people, whose presence in Taiwan is ignored by most people. This was done with the hope of presenting the genuine memories, identities, and many other characteristics of people living under the cloud of "otherness".

世界各國法治教育資源分享

Public Legal Education Worldwide



Challenges



Challenges

- ◆ **Heavy workload and stressed staff**
- ◆ **Brain drain crisis**
- ◆ **Need to constantly improvement of service quality**
- ◆ **Changing relationships and tension with legal professionals**
- ◆ **Urgent need to meet the requirements of International Human Rights Conventions and resolutions of the National Judicial Reform Conference 2017**
- ◆ **Prioritize the needs requiring legal aid for better resource allocation**



OBSTACLE

Future Prospects & Action Plans



LAF's Development Strategy



Expanding Access to Legal Aid

International Human Rights Instruments

- ICCPR + ICESCR (2009)
- CEDAW (2011)
- CRC (2014)
- CRPD (2014)



Resolutions of the National Judicial Reform Conference 2017

Legal Aid Service Interpretation

- 7 Southeast Asian languages
- More to come: indigenous languages, sign language, etc.
- Providing professional training
- Setting up a nationwide resource database

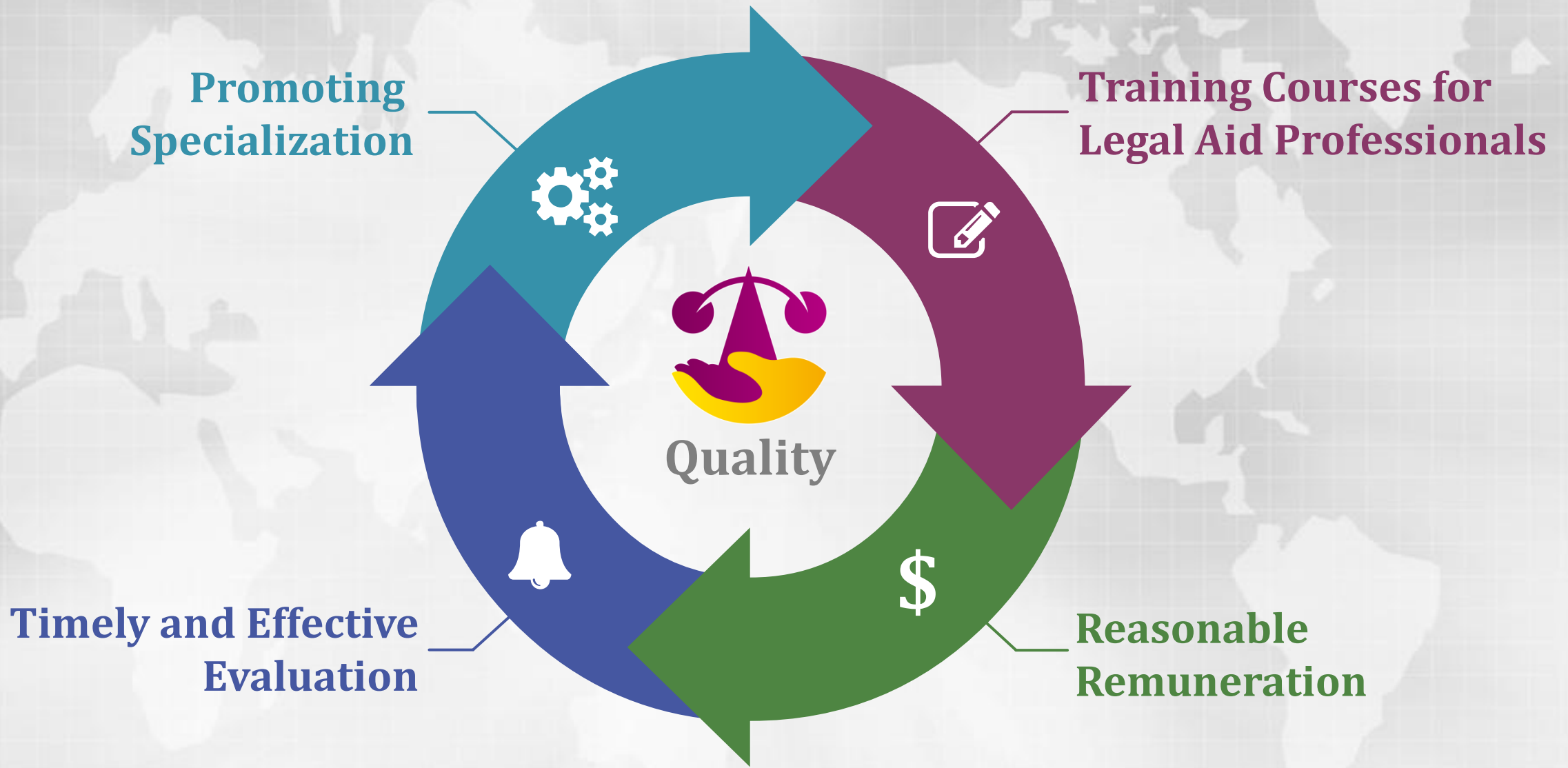
Translation for Application Documents

CRPD Project commissioned by the Ministry of Health and Welfare

- Launched on Oct 2018
- For persons with disabilities
- Year 1: Face to face / Telephone Legal advice

Nationwide Video-Conferencing Advice

Ensuring Quality of Legal Aid



Increasing Operation Efficiency

◆ e-Strategy of LAF

★ Completed:

- Integrating various appointment booking access points/interfaces
- 'Mail to' System: automatic email reminders to lawyers (for case assignment, critical time limits)

2018

- Upgrading the Accounting & Property Management System

2019

- Upgrading the Human Resources System
- Introducing the Electronic Official Document Exchange System
- Introducing the Case Management & Reporting System
- Digitalizing the application process at branch offices

2015

◆ Key Concepts:

- Streamlining the process
- Removing unnecessary steps
- Integrating diverse functions
- Recording for better internal control

Strengthening Connections with External Partners

Make the Connection

Local Social Service
Cross-Referral Network

Second-Tier
Professional Support

Outreach @
Non-Legal Service Points

Strategic Litigation and Law Reform
Projects with CSOs

Conclusion: Expanding the Horizons of Legal Aid



Traditional
Litigation Casework

Law Reform:
for Better Access
to Justice
& Human Rights
Protection

Legal Aid as an integral part of social protection

Legal Aid—An Integral Part of Social Protection



Thank You

**Thank you for listening.
Any comments and suggestions are welcome.**



Chief Executive Officer
Han-Wei Chou
Nov, 1, 2018