

## **International Forum on Legal Aid Taiwan 2018**

### **Legal aid for women and children in the Netherlands**

**Herman Schilperoort  
Head of Staff Legal Aid Board**



# Statistics on users legal aid

- Legal aid covers 38 % of the Dutch population
- Users of legal aid:
  - female 55 %, male 45 %
  - young people < 15: 1 %, < 25: 15 %
  - Users of legal aid are more often divorced people, singles (with children) and widows
  - Married couples use legal aid less frequently (26%)
  - Users of subsidized mediation are more often females (62%) than males
- Conclusion: system seems to serve women quite well

# Statistics on providers legal aid

- lawyers providing legal aid: 7260
- 48 % female, 52 % male
  
- Mediators providing legal aid: 1035
- 73 % female, 27 % male
  
- Conclusion: females are represented well in the legal aid profession. Enough choice. Important in relation to the aspect of free choice of a lawyer

# Special measurements in the system related to women

- in cases where there is a conflict of interest between a woman and her partner the income and capital of the partner is not taken into account in the means test
- thus many woman can qualify for legal aid or mediation in family related disputes
- in cases related to sexual crime and domestic violence legal aid is granted without costs, fully independent of income and capital of the client
- coöperation between Dutch Bar Association, Victim Care and Legal Aid Board regarding the referral of victims to specialised lawyers
- lawyers have to fullfil extra quality requirements to handle these cases

# Special measurements related to women

- in cases of domestic violence against women or children the perpetrator can be excluded from his home and neighbourhood for a period of 10 days
- decision is taken by the city-mayor, on proposal of the police
- the court can extend the exclusion period up to 4 weeks
- purpose exclusion: cooling down the tensions, initiate social assistance, avoid escalation
- legal aid concerning these matters is offered without costs

# Special measurements related to women

- Extra quality demands for lawyers in family-law and victim cases:
- Obligation for extra basic training and permanent education
- For family cases 3500 lawyers are listed at the LAB
- For victim cases 500 lawyers are listed

# Special measurements related to children

- juveniles can receive legal aid in all matters, labour, consumer cases etc.
- when juveniles ask for legal aid the income and capital of the parents is not taken into account when they have income by themselves
- when there is a conflict of interest between child and the parents the income and capital of the parents is not taken into account in the means test
- in family conflict cases where opposed interests within the family occur the judge can ask the legal aid board to appoint a special curator, without cost for the family
- this professional will investigate the case and will advise the court on what can be decided best in the interest of the child

# Special measurements related to children

- in criminal matters juveniles can receive legal aid without costs
- after arrest a solicitor is sent to the police station by the Legal Aid Board within two hours to give consultation and to attend police-interrogations
- extra quality demands for solicitors for juvenile cases: 1500 lawyers listed



# Findings

- LAB sees developments whereby the rights of women and children are better protected as positive
- it is important to pay special attention to their more dependent situation and weak financial position
- important issues: provide free choice of a legal aid provider and stimulate specialisation among legal aid providers on the special rights of women and children