

Legal Aid for Taiwanese Indigenous Peoples



財團法人法律扶助基金會
原住民族法律服務中心
Legal Center of Indigenous Peoples, Legal Aid Foundation

CHIEF STAFF ATTORNEY
ATTORNEY HANK HSIEH

Preface

- ❧ The rights and interests of indigenous peoples, protected by the Constitution: Addition and amendments made to Article 10, Items 11 and 12 of the Constitution (Oct., 2006)
- ❧ In September 2017, the Office of the President released the Report of National Conference on Judicial Reform
To establish effective measures that safeguard the rights and interests of indigenous peoples; elevate the cultural sensitivity of professionals in the judicial system; and improve legal knowledge related to indigenous peoples.
- ❧ As a front-line legal aid provider, the Legal Aid Foundation has the responsibility to realize and advocate for the judicial rights and basic rights of indigenous peoples.

(鄒族語-你好!)
Aveovoeyta!

原住民法律扶助
專家代言人 高慧君

一起守護 原住民族 法律權益!

來自鄒族的高慧君，常常看到族人因為法律問題不知要去那裡尋求協助感到憂心。現在原住民族委員會委託法律扶助基金會，提供原住民朋友最專業可靠的法律協助，只要通過審查，即可獲得免費律師協助。高慧君想要告訴所有的族人，有法律問題，就找法律扶助基金會。

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主辦單位： 原住民族委員會
COUNCIL OF INDIGENOUS PEOPLES

承辦單位： 財團法人法律扶助基金會
Legal Aid Foundation



財團法人法律扶助基金會
Legal Aid Foundation

Legal Aid Foundation's Implementation and Outcomes of the Policy on Provision of Legal Aid to Indigenous Peoples

Implementation of the Policy on Provision of Legal Aid to Indigenous Peoples

Establishment of **Interrogation Attorney Accompaniment for Indigenous Peoples Program**: In cases where “the indigenous defendant or suspect in the investigation without a defense attorney”, an attorney may be appointed to accompany the person at the interrogation.

Commissioned by Council of Indigenous Peoples to operate **the Legal Aid for Indigenous Peoples Program**: If the applicant has an indigenous identity at the time of the legal aid application, the application is only required to pass merit test. No means test is required.

- Establishment of the **Legal Center of Indigenous Peoples** in March of this year:
- A. Staff attorneys to be in charge of handling special cases of Indigenous peoples.
 - B. Legal Aid Right Away: Community-based legal service
 - C. Training Workshops for Legal Aid Attorneys
 - D. Community-Based Walking Workshops of Legal Aid Attorneys and Staff
 - E. Academic Forums and Seminars



Indigenous Peoples Program vs. General Legal Aid

Item	<u>Legal Aid for Indigenous Peoples Program</u>	General Legal Aid
Source of Funding	Council of Indigenous Peoples	Judicial Yuan
Identity of Applicant	Applicants who hold an Indigenous identity	people who reside legally within the border of Taiwan
Eligibility	<ol style="list-style-type: none"> 1) No means test required 2) Merit test: legal aid granted if legal remedy can be given 	<ol style="list-style-type: none"> 1) Means test required 2) Merit test: legal aid granted if the case is meritorious
Documentation Needed	<ol style="list-style-type: none"> 1) Applicant' s national ID 2) Household register 3) Applicant' s financial resource list (applicant' s personal property list, list of income sources covered by individual income tax for the most recent year) 	<ol style="list-style-type: none"> 1) Applicant' s national ID 2) Household registers or household certificates of all household members (applicant, parents, children, and other relatives who share and live in the property together) 3) List of all household members' personal property, list of income sources covered by the individual income tax of the most recent year
Expenses covered by Legal Aid	Attorney's fees	Attorney's fees, court costs, litigation costs (application, execution, review, registration fees, etc.) covered by legal aid, procedural relief, issuing of affidavits, litigation costs for case closure

LAF's Service Outcome – Number of Cases

From 2004 to Jun 2018,

The Legal Aid Foundation provided legal aid in a total of 43,112 cases of indigenous recipients.

In addition, since the launch of the **Legal Aid Program for Indigenous Peoples** in 2013, the approval rate of legal aid has sufficiently grown.

Up to 2017 the Statistic shows that the grow rate of case approval maintain at 25% or more.



Year	Number of Cases Granted Approvals
2004(July-December)	70
2005	303
2006	580
2007	646
2008	626
2009	900
2010	1,156
2011	1,099
2012	1,144
2013	3,370
2014	4,920
2015	6,182
2016	7,890
2017	9,597
2018(January-June)	4,629
Total	<u>43,112</u>

※ Total Approvals:

Refers to cases with “complete grant of legal aid” and cases with “partial grant of legal aid”, and includes “general cases from the foundation” and “cases commissioned by the Council of Indigenous People”

LAF's Service Outcome - Number of People receiving Legal Aid

From 2004 to Jun 2018,

the Legal Aid Foundation provided legal aid to 20,293 indigenous people.

Among these, Hualien County had the highest number of legal aid recipients, with 3,480 people;

Taoyuan City had the second highest number, with 2,742 people;

followed by New Taipei City, with 2,636 people.



LAF's Service Outcomes-Interrogation Attorney Accompaniment for Indigenous Peoples Program

- Since the launch of the of **Interrogation Attorney Accompaniment for Indigenous Peoples Program** on July 15th, 2012, the Legal Aid Foundation have provided legal aid to 6,627 cases. The actual number of cases in which an attorney was appointed to the interrogation was 6,081. The success rate of appointment was about 90%.
- The number of cases in which the applicant withdrew the application or the person involved stated that they didn't want to file an application reached up to 53,647. This far exceeded the number of cases granted legal aid.



檢警 訊問 律師免費 陪訊服務

24HR 全年無休

申請專線 (02) 2559-2119

The graphic advertisement features a dark background with yellow and white text and icons. On the left, the characters '檢警' (Police) and '訊問' (Interrogation) are stacked vertically. To the right, '律師免費' (Lawyer free) and '陪訊服務' (Accompaniment service) are stacked vertically. Below this, there are three stylized icons: a police officer, a person with a question mark, and another person. In the top right corner, a yellow circle contains the text '24HR 全年無休' (24HR All-year no rest). At the bottom, a yellow banner contains the text '申請專線 (02) 2559-2119'.

Year	Attorney Needed to be Appointed (a+b)			Cases with no Attorneys Appointed due to Reasons such as Application Withdrawal		Unqualified and Rejected Cases
	Cases with Attorney Appointed (a)	Cases with No Attorney Appointed (b)	Success rate of appointment (a/(a+b))	Application Withdrawn by the Applicant	Person Involved Did Not Want to Apply	
101	177	16	91.70%	32		6
102	1,255	66	95.00%	2700		4
103	1,074	91	92.19%	6130		0
104	1,235	125	90.81%	14	12,198	0
105	1,071	149	87.79%	15	15,758	3
106	1,269	99	92.76%	64	16,736	6
Total	<u>6,081</u>	546	91.76%	<u>53,647</u>		19

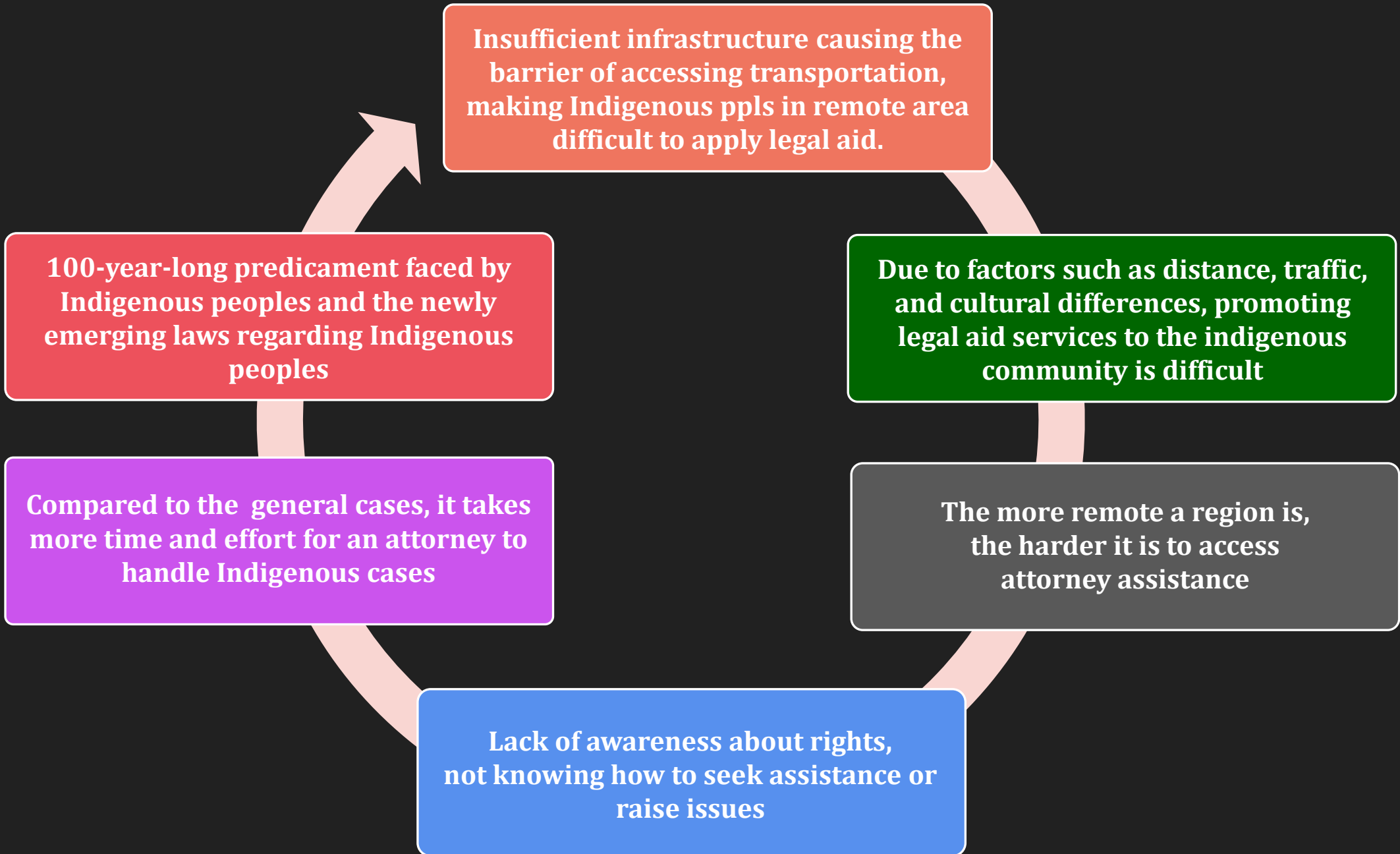
As of Jun 2018, the Legal Aid Foundation had **43,112** cases of Indigenous people who received legal aid. The numbers of various types of cases are shown in Table 5 below. **Criminal cases** had the highest number, accounting for 55% of the total number of cases in which legal aid was provided to Indigenous peoples. Civil cases had the second highest proportion - 29.03%. Other cases were family cases (14.12%) and administrative cases(1.73%).

Category	Number of Cases	Percentage
Criminal	23,713	55.00%
Civil	12,516	29.03%
Family	6,086	14.12%
Administrative	746	1.73%
Other	51	0.12%
Total:	43,112	100.00%

Criminal	Number of Cases	Civil	Number of Cases	Family	Number of Cases	Administrative	Number of Cases
Assault occasioning bodily harm	3,953	Tort	4,446	Maintenance	1,398	Road Traffic Management and Penalty Act	95
Fraud, Breach of Trust and Usury	3,355	Property	1,654	Divorce	1,187	Labor Insurance Act	69
Sexual Offenses	2,139	Employment	1,168	Child Custody	898	The Indigenous Peoples Basic Law	45
Public Safety	1,991	Consumer Debt Clearance Act	1,061	Parental Rights	394	Land Act	31
Larceny	1,780	Loans	896	Succession	391	Regulations on Development and Management of Lands Reserved for Indigenous People	15
Narcotics Hazard Prevention Act	1,713	State Compensation	588	Parental Disavowal of Parent-Child Relationship	239	Regulations Of The Land Registration	15
Homicide	1,248	Contracts	476	Confirmation of Parent-Child Relationship	223	Act Of Military Service System	14
The Forestry Act	878	Unjust Enrichment	350	Domestic Violence Prevention Act	168	Farmland Readjustment Act	13
Forging Instruments or Seals	795	Sale	344	Guardian or Assistantship Declaration	141	Water Act	11
Offenses Against Personal Liberty	617	Negotiable Instruments Act	180	Child Acknowledgment	107	Labor Pension Act	10



Difficulties and Challenges of Legal Aid for Indigenous Peoples



Insufficient infrastructure causing the barrier of accessing transportation, making Indigenous ppl in remote area difficult to apply legal aid.

100-year-long predicament faced by Indigenous peoples and the newly emerging laws regarding Indigenous peoples

Due to factors such as distance, traffic, and cultural differences, promoting legal aid services to the indigenous community is difficult

The more remote a region is, the harder it is to access attorney assistance

Lack of awareness about rights, not knowing how to seek assistance or raise issues

Compared to the general cases, it takes more time and effort for an attorney to handle Indigenous cases

Conclusions

The Legal Aid Foundation Is Wherever It Is Needed



Thank You

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



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