

2023 International Forum on Legal Aid

National Report: The Netherlands

1. Please provide up-to-date information about your country and its legal aid organizations.

Information about your country

Country	: <i>The Netherlands</i>
Population (by the end of 2022)	: <i>17,811,291 inhabitants¹</i>
GDP (by the end of 2022)	: <i>\$991,114,635.53, \$55,985.4 per capita²</i>
Poverty line & population living in poverty	: <i>The percentage of households living below the poverty line was 6,8 in 2022.³</i>
Total no. of practicing lawyers ⁴	: <i>18.218⁵</i>

Information about the legal aid organization

Name of legal aid organization	: <i>Dutch Legal Aid Board</i>
Date of establishment	: <i>1994⁶</i>
Total no. of applications received in 2022	: <i>± 371,000 received applications⁷</i>
Total no. of applications approved in 2022	: <i>± 348,000 approved applications⁸</i>
Total no. of applications rejected in 2022	: <i>± 24,000 rejected applications^{9 10}</i>
Total no. of employees	: <i>300 employees</i>
Total no. of Legal Aid Lawyers	: <i>6.125 legal aid lawyers and 768 registered mediators</i>
Government funding for the legal aid organization in 2022	: <i>€ 24,100,000</i>
Total legal aid expenses in 2022	: <i>€540,000,000 (open end provision)</i>
Proportion of government funding to the total legal aid expenses	: <i>Legal aid is primarily subsidised by the government. A very small part is recovered through an income-related contribution of individual clients as an incentive to let clients carefully consider the pros and cons of taking a matter to a lawyer.</i>

¹ Source: cbs.nl

² Source: data.worldbank.org

³ Source: cbs.nl

⁴ In The Netherlands, the term "lawyers" can refer to both people studying law, people with a law degree as well as registered lawyers. In this report, we use the term to refer to the latter.

⁵ Source: advocatenorde.nl/over-de-nova/publicaties

⁶ Prior to this time there were various initiatives, whether financed by the government or not, that provided legal aid to citizens. In 1994, one central organisation was established.

⁷ Source: jaarverslag.raadvoorrechtsbijstand.org/kerncijfers-wrb

⁸ Source: jaarverslag.raadvoorrechtsbijstand.org/kerncijfers-wrb

⁹ Source: jaarverslag.raadvoorrechtsbijstand.org/kerncijfers-wrb

¹⁰ All figures have been rounded off (to the nearest 1000). Totals may therefore deviate.

Please note that several questions are out of scope of the activities of the Legal Aid Board. Consequently, the Legal Aid Board does not consider itself to be well-positioned to answer them in-depth. Factual and general information is provided as much as possible.

2. What are the impacts of the COVID-19 pandemic on democracy, human rights, and the judicial system in your country? Please include, but do not limit your answers to, the following aspects:

(1) What were the COVID-19 restrictions (such as lockdowns, isolation, etc.) at different phases of the pandemic in your country? How did those restrictions affect individual rights and society?

Several measures were taken in the Netherlands, including (partial, and targeted) lockdowns, a social distancing norm, a public curfew, obligation to wear face masks, restrictions on alcohol sales, proof of vaccination as requirement for access, mandatory quarantine in case of (risk of) infection.

(2) Do you have any concerns that the COVID-19 measures (e.g., quarantine, isolation, digital contact tracing, etc.) taken in your country might have violated human rights?

The measures that the government took to contain Covid and to protect its citizens restricted the citizens in their movement and a such restricted ordinary personal freedoms

(3) How were the judicial system (such as courts, prosecutors' offices, public defenders, etc.) and the correctional system (such as prisons, detention centers, etc.) in your country impacted at different phases of the COVID-19 pandemic? Were there short-term or long-term changes? How did they affect democracy, human rights, and access to justice in your country? How did you deal with the impacts?

Legal Aid

The Netherlands legal aid system works with private legal aid lawyers. The Dutch Legal Aid Board provides subsidies to them after a citizen is found to be eligible. During the pandemic, an arrangement was made for providing financial support to legal aid lawyers in situations where their annual revenue decreased with 20% or more. No law firms experiencing such decrease applied for this financial compensation.

Judicial system

The judiciary is part of the vital infrastructure of the Netherlands. Therefore, not all restrictive measures applied to the judiciary. At the start of the pandemic in the Netherlands (March 2020), courts were temporarily closed. Several measures were taken to cope with the backlogs that resulted from this: temporary increase of the number of judges (retired judges re-joined), digital court cases and hearings became more prevalent.

Correctional system

During the pandemic, the correctional system had a high absenteeism of staff. The number places for detainees decreased. In response, influx was pro-actively reduced, e.g. by postponing certain arrests.

3. Beside the impact of the pandemic, have there been other crises endangering democracy and violating human rights in your country in the past five years (i.e., since the last Forum)? If yes, please describe the events, explain their causes, their impacts on society and legal aid services, and how the legal aid organization or legal aid attorneys in your country have dealt with them.

From 2005 to 2019, parents who exceeded income thresholds during a limited period, whose administration had (minor) flaws, or who – in hindsight: wrongfully – accused of fraud or misuse - had to repay all the childcare benefits they received in that year due to a strict interpretation of the law. This had a big impact on their lives (debts, mental and physical health problems, loss of home and loss of job).¹¹ One estimation is that approximately 24.000 households were affected.

In 2021, a restoration programme was introduced. This programme included state-funded legal aid for affected parents and their children. Affected parents can apply for legal aid at the Dutch Legal Aid Board. The Legal Aid Board assigns a lawyer to these affected parents. Thus far, approximately 8.000 parents applied for a lawyer under the program.

The Knowledge Centre of the Dutch Legal Aid Board monitors and evaluates the implementation and proceedings of the recovery program. This longitudinal study includes interviews and surveys among lawyers, and affected parents, and a close monitoring of internal data of the Legal Aid board. This enables the Knowledge Centre to evaluate the proceedings, and to indicate bottlenecks.

4. How has the organization you work for or the legal aid organization in your country changed or been affected since the COVID-19 outbreak? What has been adjusted accordingly? Please include, but do not limit your answers to, the following aspects:

(1) Daily operations and working methods of the legal aid organization or legal aid service providers (such as suspension of external services, work from home, etc.)

During the COVID-19 pandemic, employees of the Legal Aid Board exclusively worked from home for a period of more than two years. The Legal Aid Board effectively continued its activities during COVID-19 and was able to adapt rapidly to the situation.

(2) Procedures, review criteria, or requirements for application documents for the public to apply for legal aid

N/A

(3) Ways to provide legal advice to the public

Legal aid services were provided digitally, per telephone and otherwise remotely.

(4) Development in the rule of law through education and outreach services

The Legal Aid Board, additionally, has its own online and automated information and diagnosis platform (Rechtwijzer – also see below). This platform continued to serve the public.

(5) Caseload and case types for each type of service

The activities of the Legal Aid Board could largely continue during COVID-19. Consequently, no significant backlogs occurred.

¹¹ Source: raadvoorrechtsbijstand.org/kenniscentrum/projecten/hkt

(6) Were the above short-term changes during the severe pandemic phase, or did they persist despite the pandemic subsiding?

No significant changes were needed. People currently are no longer required to work from home.

(7) What positive or negative impacts do you think the COVID-19 pandemic has had on the operations of the organization you work for or the legal aid organization in your country, and on the organization's aim to safeguard democracy, human rights, and access to justice?

N/A

5. Beside the impacts of the pandemic, has the organization you work for or the legal aid organization in your country undergone other major changes in the following areas in the past five years (i.e., since the last Forum)? If yes, please describe what the changes are and explain why they occurred and what the impacts are.

- (1) Form of organization (including organizational framework, supervisory authority, and organizational structure)
- (2) Development strategies and primary focus of the organization
- (3) Budget, financial sources, and expenses for legal aid
- (4) Procedures or financial eligibility requirements for legal aid application
- (5) Service delivery model (such as services provided by staff attorneys or external lawyers; if both, please indicate the ratio between them)
- (6) Salary of legal aid staff attorneys or remuneration of external legal aid lawyers
- (7) Management of quality assurance for legal aid services
- (8) Rule of law through education and outreach services
- (9) New services and businesses (technology-related services or businesses can be detailed in the following two questions).

In 2020, the Legal Aid Board started the groundwork for a Knowledge Centre for the Legal Aid System, which was officially launched in 2023. Goal of the Knowledge Centre is to provide a solid empirical basis for legal aid policies, legal aid services, and to inform a broader audience about access to justice and legal aid as a public good. The Knowledge Centre is commissioned by the Legal Aid Board to (among other things) develop a feedback loop that systematically collects data and generates knowledge about how the services of the Legal Aid Board, legal aid lawyers and the broader legal aid system function for citizens and professionals. The feedback loop focuses on experiences of citizens and lawyers, quality of legal aid services, and time spent on legal aid provision. The Knowledge Centre, additionally, conducts research related to the legal aid system (within its research programme). The Knowledge Centre thus contributes to a learning legal aid system and an evidence-based practice. It collects, generates, and combines data, experiences from practice and scientifically developed knowledge.

6. Does the organization you work for or the legal aid organization in your country employ modern information and communications technology (ICT) in providing legal aid services to the general public, or provide modern ICT to the users of legal aid services? If yes, please share your experiences, including, but not limited to, the following:

- (1) Technology tools, or the systems and functions (such as online application, chatbots, online mediation, etc.); and how the technology-based services work
- (2) When and why the technology-based services were launched
- (3) Pros and cons of using technology tools to provide legal aid services

- (4) Challenges of using technology tools to provide legal aid services, and the ways to overcome the challenges
- (5) How to bridge the gaps in users' technological capabilities to tackle digital exclusion
- (6) Have you observed any changes in people's technological capabilities or any behavioral changes in using technology tools following the COVID-19 pandemic?

Rechtwijzer (founded by the LAB in 2006) is a preliminary provision that helps people find solutions for their legal problems in an interactive manner. In this way, citizens are empowered to navigate easy-to-use processes to solve their problems. In their own time, at their own pace, against low or no cost, and with assistance when needed. In 2022, Rechtwijzer registered more than 712,000 unique visitors. Rechtwijzer combines publicly run guided pathways for common legal problems with online products and services from private service providers meeting Rechtwijzer's rigorous quality standards (including an online divorce platform with public legal aid available for low-income clients; and a wide range of tools for assessing the legal merits of a dismissal case and information for work related problems). The platform further offers a quick scan for multi-problems that maps out people's legal and psychosocial problems; tools for drafting objection or complaint letters against a government agency; and support for debt issues. Rechtwijzer is continuously improved through feedback from users and service providers. The Legal Aid Board remains committed to the development of innovative web-based applications for citizens.

7. Is modern ICT used in the organization you work for or the legal aid organization in your country, or used by this organization to communicate with its legal aid providers (i.e., in the broad sense, legal aid professionals including external lawyers)? In doing so, have information exchange and administrative processing been speeded up? What is the effectiveness and efficiency of daily operations? Has the quality of management been improved? Please share your experience, including, but not limited to, the following:

- (1) Technology tools or systems and functions, and how they work
- (2) How much annual budget is allocated to ICT utilization and development? How is the ICT workforce allocation in this organization each year?
- (3) Pros and cons of promoting digital transformation for legal aid organizations and professionals
- (4) Challenges in promoting digital transformation and how to overcome them
- (5) Impacts of the COVID-19 pandemic on the promotion of digital transformation for legal aid organizations and professionals.

The Legal Aid Board is in the process of renewing its ICT systems. In parallel to this, the Legal Aid Board takes this opportunity to explore modernisation of its services and processes. This includes the development of more modernised interfaces and processes for citizens and legal aid lawyers. Large focus is on improved user experiences, enhancing access to justice and access to a suitable legal aid lawyer, information provision to citizens about their legal aid, monitoring quality, and integrating a feedback loop for learning.

8. Does the organization you work for or the legal aid organization in your country provide legal aid for specific vulnerable groups, or provide services concerning specific legal issues?

Target clients may include women, children and juveniles, indigenous peoples, laborers, migrants, migrant workers, refugees and stateless persons, social welfare dependents, people with disabilities, people in debt, victims of crime, victims of disasters and environmental hazards. Please present not more than three targeted legal services for specific vulnerable groups, with attention to the following:

- (1) Background: the reason why this group/issue is selected, and why the service was launched.
- (2) Scope of services: promotion of rule of law through education, legal information, legal representation, strategic litigation or class actions, advocacy and reform.
- (3) Are the financial eligibility requirements that these aid recipients need to meet the same as the requirements for general legal aid?
- (4) Do you collaborate with other legal/non-legal aid organizations? How do you work together?
- (5) How to achieve service optimization within a limited budget.
- (6) Service challenges and how to overcome them.
- (7) Achievements.

Legal aid restoration childcare benefits

See question 3.

Arrangement Advice Certificate Self-Efficacy

In 2021, signals emerged that indicated that the assumption of self-efficacy in the Dutch Legal Aid Law may have been an impediment for accessing subsidised legal aid for citizens affected by the childcare benefits situation. The Minister for Legal Protection, in response, gave the assignment for a study into the role of the concept of self-efficacy. The LAB together with the Legal Services Counters and the Dutch Bar Association took action to fix this potential flaw by initiating a temporary Arrangement.

The goal of this temporary Arrangement Advice Certificate Self-Efficacy is to, under specified conditions, provide legal aid to people who otherwise would not have been eligible for legal aid due to the concept of self-efficacy in laws or policies. Legal aid under this arrangement consists of three hours of legal advice services. In principle eligibility for legal aid is based on both the client's annual income and his assets. Depending on their income and assets an income-related contribution must be paid by the client. Given the nature and cause of the Arrangement, the income and asset-related contribution is not applied.

Legal aid restoration gas extraction

Gas extraction in the province of Groningen since 1991 has caused earthquakes, which led to damaged houses and buildings in the region. It additionally led to unsafe situations for people and had an otherwise large impact on people's lives. The number of earthquakes increased during the past decades. In 2018 the government announced that by 2030 the gas extraction had to be reduced to zero to guarantee safety in the area against the risk of earthquakes.

Since July 2023, building and homeowners can apply to a scheme for legal aid provided by the Legal Aid Board. The legal aid is granted for compensation and/or repairs to the building or home. Given the nature and cause of this scheme, the income and asset-related conditions and contribution are not applied.

9. Does the organization you work for or the legal aid organization in your country engage in strategic litigation or class actions on specific issues? If that is the case, please provide examples and explain how it was done.

N/A

10. Is there a system of citizen participation in trials in your country? If that is the case, please explain how the system works, the system structure, and the role of the organization you work for or the legal aid organization in your country in the system and in cases involving citizen participation.

N/A

11. What specific measures has the organization you work for or the legal aid organization in your country taken to protect victims? What is its role in implementing protective measures? Does it collaborate with other groups or professionals (such as social workers, counselors, or healthcare professionals) to provide holistic services?

As described at question 8, legal aid is available for all people affected by the childcare benefits situation and the gas extraction in Groningen.

Additionally, victims of violent crimes and sexual offences are eligible to receive subsidised legal aid from a (specialized victims) lawyer during a trial. Victims are exempted from paying an individual contribution. Furthermore, a pilot that started in 2021, aims to ensure active and early access to legal aid for victims of violent crimes and sexual offences. This pilot is a collaboration between de Dutch National Police, Victim Support Netherlands, LANGZS (a network of lawyers for victims of violence and sex), the Legal Aid Board, and the Ministry of Justice and Security. The pilot currently is partially (regarding victims of sexual offences) implemented nationally.

12. In the past five years, has the organization you work for or the legal aid organization in your country ever conducted surveys on the legal needs of the public or specific vulnerable groups and their behavioral patterns in seeking legal services, or has it conducted studies on the historical service data? If yes, please provide files or links to the studies.

The Knowledge Centre ongoingly conducts surveys and studies, which can be found [here](#). The Knowledge Centre also provides a [knowledge database](#) which includes studies, policies, scientific papers, reports and analysis all of which touch on access to justice or the system for subsidized legal aid.¹²

13. How does your country fulfill the requirements to provide specific legal aid to specific vulnerable groups in line with the international human rights instruments (e.g., Convention on the Elimination of all Forms of Discrimination Against Women, International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Rights of the Child, Convention on the Rights of Persons with Disabilities, etc.)? What is the progress in the implementation of these requirements?

As described at question 8, the LAB provides subsidised legal aid for specific (vulnerable) groups. In order to further provide specific legal aid to vulnerable groups, the Knowledge Centre Legal Aid System currently works on designing and implementing a feedback loop: a detailed, systematic and structural monitoring of the experiences of recipients of legal aid, lawyers, mediators and the LAB employees. With this data, more evidence-based changes in the law and policy can be made to fix potential gaps in legal aid.

¹² Dhe database is not yet available in English.