

## National Facts-Report on Legal Aid in the Netherlands 2007

### 1. *The organization of the legal aid system.*

Since 1994 the provision of public funded legal aid in the Netherlands is a responsibility of 5 legal aid boards, each covering a certain part of the country. The funding of the system of legal aid bases on this act is provided by the Ministry of Justice.

The legal aid boards are responsible for organizing and supervising legal aid, the control of supply and demand, the quality of legal aid, research, policydevelopment, and monitoring and control of the system.

In May 2006 the first steps were taken towards a merger of the 5 legal aid boards. The Minister of Justice asked the boards to prepare a businessplan for the new organization; the new Raad voor Rechtsbijstand (Legal Aid Board) will be operational at the end of 2008.

In their Coalition-Agreements the new government announced serious cutbacks on the legal aid budget (12,5 % of the total funding budget). The Dutch Parliament has to approve the coming proposals regarding these cutbacks.

### 2. *Legal aid scheme.*

The Legal Aid Act of 1994 offers a scheme for providing legal aid, which includes both legal representation and legal advice.

In april 2006 the scheme for the public funded aid was reformed. From that moment the decision regarding eligibility is based on the yearly tax related income. A online-connection with the tax-authorities provides the necessary tax-information.

At this moment the Dutch Parliament has to approve new legislation regarding the Juridisch Loket (Legal Services Counter) and mediation.

### 3. *Eligibility limits.*

About 53 % of the Dutch population is covered under the current Legal Aid Scheme.

Table yearly income and contributions since 1/1/2007 in US dollars.

<b>Married/ Single with child(ren)</b>		<b>Single</b>
<b>Tax relevant yearly income</b>	<b>Client's contribution</b>	<b>Tax relevant yearly income</b>
t/ \$ 29.931	\$ 125*	t/\$ 21.496
\$ 29.932 - \$ 31.019	\$ 197	\$ 21.497 - \$ 22.176
\$ 31.020 - \$ 32.788	\$ 339	\$ 22.177 - \$ 23.265
\$ 32.789 - \$ 36.325	\$ 597	\$ 23.266 - \$ 25.713
\$ 36.326 - \$ 43.128	\$ 939	\$ 25.714 - \$ 30.475

\* In criminal cases people don't have to pay a contribution. (first income-category)

#### **4. Statistics on numbers of public funded cases.**

	2003	2004	2005	2006
Employment	21.226	21.374	20.501	18.033
Administrative*	65.615	58.474	66.740	75.326
Housing landlord and tenant	6.545	8.101	8.869	10.014
Family	70.203	72.590	74.803	88.031
Contract/consumers	18.932	20754	22.393	27.023
Other civil cases	1.427	3384	4.106	4.831
Asylum	33.506	22.984	21.174	21.389
Criminal cases**	129.848	136.055	138.991	153.034
Total	347.302	343.716	357.577	397.681

\* Including social security, social benefits and immigration.

\*\* Including mental health-cases.

#### **Duty solicitor cases:**

2003	2004	2005	2006
74.858	88.771	91.308	88.898

#### **Mediation:**

Since April 2005 it is possible to grant public funding especially for mediation. In 2006 2509 cases were funded (92 % concerns family cases).

#### **5. Total budget public funded legal aid.**

in \$

2003	490.589.378
2004	535.339.393
2005	503.751.788
2006	543.983.648
2007	546.248.851*

\* Based on budget 2007 of the Ministry of Justice Incl. budget regarding the organization of the Legal Aid Boards and Legal Services Counters (Juridisch Loket).

Expenditure per capita of the population in 2007: \$ 32,90  
( in 2006 \$ 32,76)

Expenditure under scheme

	2005 In \$	2006 In \$	Expenditure per capita of the population in \$	
Civil	192.347.146	238.864.360	11,80 (2005)	14,39 (2006)
Criminal	191.268.523	186.704.438	11,73	11,25
Asylum	14.574.207	16.990.628	0,89	1,02

**6. About private lawyers and the Legal Services Counters.**

At the end of 2006 there were 14.274 private lawyers in the Netherlands; nearly 50 % of these lawyers are available for public funded legal aid.

The large scale reform of the organization of legal aid in 2005 led to the end of the Legal Advice and Assistance Centres (Bureaus voor Rechtshulp); at the same time the Legal Services Counter (Juridisch Loket) started as a new organization providing legal services and operating in the 30 main cities of the Netherlands.

In 2006 the Legal Services Counters provided (legal) assistance in 575.315 cases.

Mainly by telephone (60%), at the counter (22 %), consultation hours (15 %) and through email (3 %).

**7. Coverage of legal expenses insurance.**

The penetration of legal expenses insurance by age of prime wage earner:

	age < 35	age 35-49	age 50-64	age > 65	Total
1996	14.7	20.3	18.7	11.1	16.6
2002	32.8	36.4	36.5	20.2	32.0
2004	41,9	44,0	42,6	24,8	38,9

(definition legal expenses: separate policies, i.e. excluding parts of vehicle/motorbike insurance.

**Number of policies regarding legal expenses.**

2000=100	2001	2002	2003	2004	2005
family	112	132	153	176	193
motor vehicle	106	111	105	82	91
enterprises	109	112	114	122	125

**8. The Dutch population.**

2002	2004	2005	2007
16.105.000	16.292.000	16.300.500	16.603.000

Fjh/040507