

ACCESSIBILITY OF STATE GUARANTEED LEGAL AID: PRIMARY AND SECONDARY LEGAL AID

REPORT CONCLUSIONS AND RECOMMENDATIONS

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Conclusions and Recommendations

1. Dissemination of Information

- One of the main sources of information about SGLA are the websites of the relevant institutions. In 2010, two municipalities out of 60 did not provide any information about SGLA on their websites; and just one SGLA office out of five had a separate website running. **Recommendation:** ensure that every institution which provides SGLA runs a website providing detailed information about SGLA.
- Municipalities do not allocate sufficient funds for information dissemination. **Recommendations:** allocate for dissemination of information at least 3% of overall budget for SGLA; introduce mandatory reporting by SGLA offices on dissemination of information.
- Although Lithuanian residents have become more aware of the SGLA over the past years, a significant part of Lithuanian population has still never heard of opportunities to receive a free legal aid. One-third of Lithuanian residents are not aware of possibilities to get primary legal aid, and more than half of Lithuanian residents (59%) are not aware of possibilities to get secondary legal aid. **Recommendation:** identify the most effective information channels for specific target groups and disseminate information accordingly.
- Dissemination of information is not ensured for persons who do not speak the Lithuanian language, who have visual impairments and who are imprisoned. **Recommendation:** take appropriate measures to guarantee that information reaches these vulnerable groups.

2. Accessibility of State Guaranteed Legal Aid

- Though not explicitly, the *Law on SGLA* provides for the possibility for a person who has not declared his/her place of residence to apply to the municipality where the person actually lives; however in practice the person is required to provide proof of his/her declared place of residence. This consequently restricts access to primary legal aid. **Recommendation:** amend the provision of the *Law on SGLA* to explicitly establish possibility to apply for the legal aid without the declared place of residence. Had the Law not been amended, the proof of declared place of residence should be collected from relevant institutions by the SGLA providers themselves.
- The *Law on SGLA* provides that when persons apply to the municipality complaining about the actions or decisions of that municipality, they should be directed to a private lawyer or public institution contracted by municipality. However, in practice, a number of municipalities have contracted neither private lawyers nor public institutions and, therefore, provide primary legal aid themselves. **Recommendation:** in cases of disputes with municipal organs, ensure provision of legal aid by either independent private lawyers or public institutions in order to avoid conflict of interests.
- Persons applying for secondary legal aid have to fill in an application form. The application form is complex document and, therefore, applicants have frequently to

apply for primary legal aid to receive assistance for filling it in. **Recommendation:** simplify the application form and provide clear instructions for its completion.

- Due to a complexity of calculations, it is difficult to ascertain before applying for the state guaranteed legal aid whether they an applicant is eligible for the free or partly-free secondary legal aid. **Recommendation:** introduce a consumer-friendly electronic program which would allow automatic estimation of eligibility under the criteria of applicants' level of income and assets; establish a procedure under which SGLA institutions would collect information and data on personal income and assets directly from the relevant state institutions.
- The *Law on SGLA* establishes an exhaustive list of persons entitled to secondary legal aid irrespective of their assets and income. The exhaustive list, however, does not correspond to the principle of interest of justice. **Recommendation:** establish the principle of interest of justice in the *Law on SGLA*, enabling the SGLA offices to decide about the provision of legal aid on case-by-case basis, i.e. after evaluating significant circumstances of a case and considering each individual situation.
- In order to maximize accessibility of SGLA, the *Law on Public Administration* establishes an obligation for municipalities and SGLA offices to work additional 2 hours per week. More than half of the municipalities do not provide primary legal aid after their official working hours. Two out of five SGLA offices do not work an additional 2 hours per week, at all. **Recommendation:** ensure that all municipalities and the SGLA offices work additional 2 hours per week; consider provision of primary legal aid on the phone.
- SGLA is not adequately guaranteed to persons who do not know the Lithuanian language; who have physical disabilities; and who have hearing impairment. **Recommendation:** take appropriate measures to guarantee SGLA for these vulnerable groups.