



LA CHILD 
Enhancing legal aid for children in conflict with the law

LEGAL AID FOR CHILDREN IN CONFLICT WITH THE LAW

**National Report on Austria
May - July 2020**



The project is funded by the Justice program of
the European Union (2014 -2020)



This research report has been written in the context of the project "Legal aid for children in criminal proceedings: developing and sharing best practices (LA CHILD)", financed by the Justice program of the European Commission. The content of this report does not necessarily reflect the position of the European Commission and thus does not imply in any way its endorsement of the views expressed in this report. If inaccuracies or mistakes are to be found in this document, they can only be attributed to the authors of this report.

© 2020-2021, «LA CHILD » project

INTRODUCTION TO THE PROJECT AND THE QUESTIONNAIRE.....	2
KEY DEFINITIONS:	3
PART 1: AUTHORS AND GENERAL INFORMATION	4
PART 2: NATIONAL LEGAL AID SYSTEM	5
Regulation of legal aid	5
Management and administration of legal aid	9
Funding of legal aid	9
PART 3. RIGHTS OF BENEFICIARIES OF LEGAL AID.....	11
Access to legal aid	11
Access to information about legal aid.....	13
Protection of child interests	15
PART 4. LEGAL AID PROVIDERS (LAWYERS).....	17
General requirements for legal aid providers.....	17
Education and qualification of legal aid providers (requirements for becoming legal aid providers).....	18
Continuous training	18
Specialisation of legal aid providers	19
PART 5. QUALITY AND ASSESSMENT OF LEGAL AID.....	20
Legal aid quality standards (guidelines)	20
Complaints	20
Assessment of legal aid quality.....	20
PART 6. STATISTICS	22

INTRODUCTION TO THE PROJECT AND THE QUESTIONNAIRE

This national research questionnaire was prepared when implementing the EU co-funded project *Legal aid for children in criminal proceedings: developing and sharing best practices (LA CHILD)*. The Project is implemented by the consortium consisting of *Law Institute of Lithuania (LIL)*, *Defence for Children International (DCI) - Belgium* and *Center of Integrated Legal Services and Practices (CILSP, Albania)*. It started in February 2020 and will end in December 2021.

The Project' s overall objective is to contribute to enhancing protection of procedural rights of children in conflict with the law and to foster coherent implementation of Directive 2016/800 in the EU Member States as regards legal aid to children. For this purpose, the Project will develop common standards, showcase best practices and innovative approaches that can be replicated across the EU as well as organize capacity building activities.

The Project' s activities started with the evaluation of regulation and practices in European States when providing legal aid for children in conflict with the law. This questionnaire is the basis of this research. After having collected the responses, these responses will be analysed by the project researchers and a summarising report will be drafted. The prepared report will identify the main challenges encountered as well as the best approaches to achieving effective and efficient legal aid for children.

Later on, the Project team will draft Guidelines on providing legal aid to children in conflict with the law as well as a 'child friendly' version. In addition, in the end of 2020, an international conference is planned in Vilnius, where experts from different states will share their knowledge and insights. In 2021, tailored practical trainings to lawyers, judges, legal aid board members and social workers will take place in Lithuania, Belgium and Albania. The final stage of this Project will be a roundtable discussion in Brussels where key Project outcomes and best practices will be presented and discussed.

KEY DEFINITIONS:

Legal aid means the provision of legal advice, assistance and representation at the expense of the State on the conditions and in accordance with the procedures established under the national law for persons detained, arrested or imprisoned; for persons suspected or accused of, charged with or convicted of a criminal offence; and for victims and witnesses in the criminal justice process. Legal aid includes legal education, access to legal information and other services provided through alternative dispute resolution mechanisms and restorative justice processes.¹

Child is a human being under the age of 18.

A child in conflict with the law is a person who has reached the age of criminal responsibility but not the age of majority (under 18 years old), who is suspected or accused of having committed an offence under his national criminal law.² The age that needs to be taken into consideration to determine whether a child is in conflict with the law is the age at the time of committing the offence, not later than that.

Legal aid provider means any person who is providing legal aid pursuant to national law.

Legal aid authority means the authority established under the national law for the purpose of managing, coordinating and monitoring the provision of legal aid.³

¹ Model Law on Legal Aid in Criminal Justice Systems. United Nations. Vienna, 2017.: www.unodc.org/documents/justice-and-prison-reform/LegalAid/Model_Law_on_Legal_Aid.pdf

² <https://www2.ohchr.org/english/bodies/crc/docs/CRC.C.GC.10.pdf>

³ *Ibid.*

PART 1: AUTHORS AND GENERAL INFORMATION

1.1. Please list all the names of experts and lawyers who worked on this report.

Kristina Mirtchev, Armin Redl

1.2. Please name the country which this report applies to.

Austria

1.3. Please provide a full list of acronyms used in your report, if any.

No

1.4. Please explain the methodology used to complete this report and sources that were used (such as internet research, legal database research, case law research) and any limitations that were experienced when undertaking this research (such as lack of enough data, resources, directives, etc.)

Internet research, legal database research, case law research, legal texts.

1.5. Please keep a list of the most useful materials that you find during your research that are applicable to your country. We are mainly looking for research studies, analyses, reports, tools, etc. relevant to the rights of access to legal aid for children in conflict with the law at the local/national level.

Only legal texts and the websites of Austrian Bar Association and organisations were used.

PART 2: NATIONAL LEGAL AID SYSTEM

Regulation of legal aid

2.1. Please shortly describe the legal framework regulating the legal aid system in your country. (this description should not be longer than half of a page).

In principle, the right to legal aid is the corollary of the rule of law. And thus is enshrined in the constitution.

Legal aid may be considered for proceedings before the civil, administrative, labour, social, and criminal courts if a party to the proceedings is unable to meet the legal fees or costs of experts or interpreters for the proceedings without endangering himself or his family with regard to the maintenance of a simple life.

In criminal proceedings, the accused or the defendant generally bears their own costs. However, if the accused cannot afford a lawyer for their defence, there is also the possibility that a lawyer will be provided free of charge as legal aid within the framework of legal aid under certain circumstances, e.g. in cases of necessary defence, difficult factual or legal situations, when raising an objection against the bill of indictment, the execution of registered appeal.

A crime victim can also apply for legal aid to conduct a civil case. Private parties in criminal proceedings may be granted legal aid under certain circumstances.

2.2. Which laws or/and policy documents regulate legal aid? Please describe briefly the objectives and content of regulation of each legal act or policy document.

As mentioned above, procedural assistance is regulated by the relevant laws, depending on the procedure. For example, in civil proceedings, the provisions of the Code of Civil Procedure (ZPO) are to be applied, namely Article 63, whereas, in criminal proceedings, Article 61 and following of the Code of Criminal Procedure (StpO) are applied.

Furthermore, there are applicable provisions in the Lawyers' Act (Rechtsanwaltsordnung, RAO) and in the laws on proceedings under public law (Administrative Procedure Act and Constitutional Court Act).

2.3. Do those general laws or/and policy documents on legal aid refer to specifics of legal aid to children? Please describe briefly and present the relevant extracts from those documents.

In principle, the above-mentioned regulations apply to everyone. The Juvenile Courts Act (JGG) also contains specific provisions, namely Article 39 and Article 50. There are no major differences in the JGG compared to regular legal aid; these provisions are virtually only supplements to the provisions in the laws of criminal procedure. There is also a juvenile court assistance service. The juvenile court assistance is entitled to invite and question persons who could provide information about a juvenile's circumstances and to establish direct contact with the juvenile. The juvenile court assistance supports the public prosecutor's offices and courts.

2.4. Are there any laws or policy documents specifically addressing legal aid for children adopted in your country? If yes, please describe objectives and content of regulation of these laws or policy documents and provide their texts (if the texts are long, no translation for the texts is requested).

See as described above. Provisions (in German):

The Juvenile Courts Act (JGG)

Notwendige Verteidigung

§ 39. (1) In folgenden Fällen muss ein jugendlicher Beschuldigter durch einen Verteidiger vertreten sein:

1. im gesamten Verfahren wegen eines Verbrechens (§ 17 Abs. 1 StGB) ab dem Zeitpunkt, zu dem er über das gegen ihn geführte Ermittlungsverfahren, den Tatverdacht und seine Rechte zu informieren ist (§ 50 Abs. 1 StPO),

2. in Verfahren wegen eines Vergehens, wenn in einem Ermittlungsverfahren nach Einlangen eines Berichts (§ 100 StPO) weitere Ermittlungen in Auftrag gegeben oder durchgeführt werden,
3. bei einer Gegenüberstellung (§ 163 StPO),
4. in der Hauptverhandlung bei sonstiger Nichtigkeit,
5. für das Rechtsmittelverfahren auf Grund einer Anmeldung einer Berufung oder einer Nichtigkeitsbeschwerde.

(2) Wenn für seine Verteidigung in den Fällen des Abs. 1 nicht anderweitig gesorgt ist, ist dem jugendlichen Beschuldigten von Amts wegen ein Verteidiger beizugeben, dessen Kosten er zu tragen hat (Amtsverteidiger – § 61 Abs. 3 zweiter Satz StPO); würde die Verpflichtung zur Zahlung der Verteidigungskosten sein Fortkommen erschweren oder liegen die Voraussetzungen des § 61 Abs. 2 erster Satz StPO vor, muss dem jugendlichen Beschuldigten von Amts wegen ein Verfahrenshilfeverteidiger beigegeben werden.

(3) Sofern der jugendliche Beschuldigte nach der Festnahme oder nach der Vorführung zur sofortigen Vernehmung nicht einen frei gewählten Verteidiger beizieht, ist ihm unverzüglich die Beiziehung eines Verteidigers in Bereitschaft (§ 59 Abs. 4 StPO) zu ermöglichen, auf welches Recht er nicht verzichten kann. Verweigert der jugendliche Beschuldigte diese Beiziehung, so hat die Kriminalpolizei den Verteidiger in Bereitschaft beizuziehen. Die Kosten der Beiziehung und der Beiziehung zu der nach § 174 Abs. 1 StPO durchzuführenden Vernehmung hat der jugendliche Beschuldigte unter den Voraussetzungen des Abs. 2 nicht zu tragen.

(4) Liegen in einem Ermittlungsverfahren die Voraussetzungen für eine notwendige Verteidigung vor, so hat die Kriminalpolizei oder die Staatsanwaltschaft den jugendlichen Beschuldigten und dessen gesetzlichen Vertreter mit der Aufforderung zur Vernehmung zu laden, binnen angemessener Frist einen Verteidiger zu bevollmächtigen oder die Beiziehung eines Verfahrenshilfeverteidigers zu beantragen. Wird kein Verteidiger bevollmächtigt, so hat die Kriminalpolizei der Staatsanwaltschaft darüber zu berichten (§

100 StPO). Die Staatsanwaltschaft hat die Akten dem Gericht zu übermitteln, das nach Abs. 2 vorzugehen hat.

(5) Überschreitet der Jugendliche im Laufe des Verfahrens das achtzehnte Lebensjahr, bleibt die Beibehaltung eines Verteidigers aufrecht.

Stellung der Jugendgerichtshilfe

§ 50. (1) Die Jugendgerichtshilfe ist berechtigt, Personen, die über die Lebensumstände eines Jugendlichen Auskünfte erteilen könnten, zu laden und zu befragen, sowie unmittelbaren Kontakt mit dem Jugendlichen herzustellen. Personen, in deren Obhut der Jugendliche steht, sind verpflichtet, einen solchen Kontakt zu dulden. Gegen Personen, die ihre Pflicht zur Mitwirkung an Erhebungen der Jugendgerichtshilfe verletzen, kann das Gericht die zwangsweise Vorführung oder sonst angemessene Zwangsgewalt und Beugemittel (§§ 93f StPO) anordnen.

(2) Kriminalpolizei, Staatsanwaltschaften, Gerichte sowie Einrichtungen zur Unterrichtung, Betreuung und Behandlung von Jugendlichen und in diesen Einrichtungen tätige Personen haben den bei der Jugendgerichtshilfe tätigen Personen die erforderlichen Auskünfte zu erteilen und Einsicht in die Akten und Aufzeichnungen zu gewähren; den Kinder- und Jugendhilfeträger trifft nur die Pflicht zur Auskunftserteilung.

(3) Bei Wahrnehmung ihrer Aufgaben stehen die in der Jugendgerichtshilfe tätigen Personen den Beamten im Sinne des § 74 Abs. 1 Z 4 StGB gleich. Die Jugendgerichtshilfe darf erhobene personenbezogene Daten den Pflsgerichtsgerichten, der Familiengerichtshilfe, dem Leiter einer Geschäftsstelle für Bewährungshilfe, dem Kinder- und Jugendhilfeträger, den Sicherheitsbehörden sowie den Behörden des Strafvollzuges übermitteln, soweit die Daten im Einzelfall eine wesentliche Voraussetzung dafür bilden, dass diese Einrichtungen die ihnen übertragenen Aufgaben wahrnehmen können. Im Übrigen sind sie jedermann gegenüber zur Verschwiegenheit über die in Ausübung ihrer Tätigkeit gemachten, im Interesse eines Beteiligten geheimzuhaltenden Wahrnehmungen verpflichtet. Die Verletzung dieser Pflicht ist als verbotene Veröffentlichung nach § 301 StGB zu ahnden.

2.4.bis. Does your country have a law that specifically regulates or limits access to legal aid for terrorist suspects or perpetrators? Does such a regulation also apply to minors and what does it provide for?

No, everyone has the right to a fair trial.

Management and administration of legal aid

2.5. How the legal aid system is organised nationally, regionally or locally? Who is in charge of the management and oversight? Please describe status and functions of the legal aid authority (legal aid board or similar body) institution.

Once granted by the court, legal aid is regionally organised by the Austrian Bar Association. There is no official legal aid institution.

2.6. Is there an institution who is working particularly with legal aid for children? Is there a department (division) within the main legal aid institution that is specialised in legal aid for children? If yes please describe in more detail.

There is no such institution.

Funding of legal aid

2.7. How is the legal aid system financed?

Primarily, the Federal State of Austria bears the cost of legal aid. The Federal State of Austria shall pay the Austrian Bar Association an appropriate flat-rate remuneration for the legal aid services provided by lawyers.

2.8. How are legal aid providers (including lawyers) paid? What are legal aid providers' (lawyers') fees for legal aid?

The lawyer shall not be remunerated for his work in the context of legal aid. However, a remuneration offered by a third party of his own free will or a remuneration offered by the party after completion of the representation is permissible. The lawyer is paid if he wins the civil proceedings and the costs are imposed on the opponent. This possibility does not exist in criminal proceedings.

Nevertheless, these services are not completely "free of charge," because the Federal Government has to pay an appropriate lump-sum remuneration to the Austrian Bar Association annually for all legal aid services. Lawyers providing legal aid services are then paid by the Austrian Bar Association.

2.9. Are there any differences between fees provided for legal aid for children compared with legal aid for adults? If yes please describe in more detail.

No.

2.10. Are there different fees for a representation of a child in criminal (juvenile justice) proceedings as compared to representation in civil or administrative cases?

The costs shall be in accordance with the fees of the Court and the applicable tariff. These fees vary depending on the court, instance, and case.

PART 3. RIGHTS OF BENEFICIARIES OF LEGAL AID

Access to legal aid

3.1. What are the general criteria for accessing legal aid? Who is entitled to legal aid?

Anyone who cannot pay the costs of legal proceedings without affecting necessary maintenance will be granted legal aid. On application, the competent court will grant procedural assistance, provided the conduct of the case is not wilful or futile.

If, within a period of three years following termination of the dispute, the financial situation changes in favour of the applicant, the legal aid may have to be repaid.

3.2. In which circumstances are children in conflict with the law entitled to legal aid?

Under the same circumstances as adults.

3.2.bis. Are foreign children entitled to legal aid in your country when they are in conflict with the law (is access to legal aid conditioned by nationality or residency status for children)?

Yes. Access to legal aid is not conditioned by nationality or residency status for anyone.

3.3. Is legal aid to children in conflict with the law always free or partial payment can be requested?

Partial payment can be requested if the child has enough of their own funds forthcoming and these funds are not in danger.

3.4. Can children victims of crime access free legal aid in your country?

Yes.

3.5. Is the representation of a lawyer mandatory for any alleged child offender? In which case and at what point in the proceedings?

For juveniles between the ages of 14 and 18 who are accused of a criminal offence, it is mandatory to have a defender present in the following cases:

in proceedings before the regional courts for the entire proceedings

in proceedings before the district courts, if this is necessary or expedient in the interests of the administration of justice, in particular to safeguard the rights of the juvenile,

in any event if no legal representative can assist the juvenile in the criminal proceedings or if no legal representative has appeared despite a proper summons.

3.5bis. Is there a mandatory lawyer participation for children who are suspected or accused of terrorism?

Yes. Pre-trial detention may only be imposed if there are no more menial means and if it is appropriate (Sections 35 et seq JGG)

3.6. Is there a mandatory lawyer participation for children victims of crime provided in your country? In which cases?

Yes. Lawyers will be provided if necessary, and there is also child welfare that will provide legal aid and support.

3.7. If a child benefits from legal aid, can he/she choose his/her lawyer? What is the legal role of the parents in this regard?

Yes, a child can apply for a certain lawyer. However, there's no guarantee that this application will be approved. The parents legally represent the child as long as they have custody and make decisions in the name of the child if the child is not able to do so themselves.

In general, legal aid is granted upon application by the competent court. A current statement of assets must be submitted. The selection of the legal aid provider is the responsibility of the bar association. Although it is not possible to choose a lawyer when applying for legal aid, it is possible to indicate a preferred lawyer. In this case, however, this lawyer should be contacted beforehand to clarify whether he or she is prepared to accept this legal aid role. Otherwise, a lawyer will be assigned.

3.8. If the child benefits from legal aid, can he/she change lawyer during the same proceedings? In which circumstances? What is the procedure? Please explain the answers in more detail.

One can change lawyers if one feels misrepresented or if the lawyer does not take any action in the case. An appeal may be lodged with the Austrian Bar Association and the client has to prove that the lawyer is misrepresenting them.

3.9. Does a child have the right to access free interpreter if he/she needs one when meeting with provided lawyer?

Yes. Legal aid also includes the right to an interpreter.

Access to information about legal aid

3.10. Does the State play a role in giving information to a child regarding legal aid system? Are there any initiatives (media or educational campaigns, etc.) to inform children about the legal aid system?

The state is indirectly involved in informing children about the legal aid system by financially supporting protection organisations. At the present time, there is no media campaign particularly aimed at educating children about legal aid. Information about legal aid is also provided on the websites of organisations and institutions for children.

3.11. Are there any organisations or associations that give information and facilitate a child's right to legal aid?

"Die Möwe" is a child protection organisation with 5 locations in Austria. Its services range from general counselling, crisis intervention after experiences of violence, and legal process support to the sustainable processing of traumatic experiences in psychotherapy.

Based on the UN Convention on the Rights of the Child, an independent Children and Youth Ombudsman's Office has been established in every federal province of Austria, the so-called "Kija", for the special protection of the interests of children and young adults.

Further there is child and youth welfare ("Jugendamt") when children and adolescents live in circumstances that are not okay or when children and adolescents are affected by violence in their families.

The Child and Youth Welfare Office is both an authority and a service of the federal states.

3.12. If a child is deprived of liberty in the context of a criminal proceedings (e.g. held on remand at a prison, held at the police station or a hospital etc.) how does he/she receive information on his/her right to legal aid?

In a legal briefing, every accused person is informed of his or her possibilities for defence against the measures imposed on him or her (Article 50.1 StPO).

3.13. Is there an obligation to provide the information in child-friendly language?

Legal advice shall be given in a language the defendant understands and in a comprehensible manner, taking into account specific personal needs (Article 50.2 StPO).

3.14. If a child cannot speak the official language of the country, is there an obligation to provide the information in the child's mother tongue or in a language spoken/understood by the child?

Yes.

3.15 If the information needs to be translated or an interpreter needs to be provided, who covers the costs for the interpretation/translation?

Suitable translators who are not entitled to a fee shall be appointed by the public prosecutor's office or the court by the Federal Ministry of Justice or, on its behalf, by the Judicial Support Agency, or, in the event that the criminal investigation department guarantees translation assistance, by the Federal Ministry of the Interior or, on its behalf, by a service provider.

In principle, the cost of an interpreter is covered by the legal aid.

Protection of child interests

3.16. Is there a legal mechanism or a rule to address a conflict of interests between the child and his parents (e.g. when a child is a suspect and a parent is a victim)? Is there a legal mechanism or a rule to address a conflict of interests between the child and his lawyer? If yes, please describe in more detail.

Relatives have the right to refuse to testify in court in order to not self-incriminate or participate in the prosecution of relatives. The same rule applies for someone's lawyer.

3.17. Is the child protection institution involved in criminal proceedings when a child is suspect or accused? In case, please describe in more detail.

The organization "Die Möwe" provides process support for children and young people. The aim is to support underage victims of a crime during criminal proceedings. This service, which is financed by the Federal Ministry of Justice, includes psychosocial and legal support. While the legal part is carried out by lawyers, the psychosocial process support is carried out by the staff of "Die Möwe."

3.18 Are experts such as psychologists, social workers, medical staff or others involved in criminal proceedings when a child is suspected or accused? In which cases? Are they paid by the State or by the child or his/her parents?

See 3.17.

PART 4. LEGAL AID PROVIDERS (LAWYERS)

General requirements for legal aid providers

4.1. What professionals are entitled to provide legal aid to children in conflict with the law in your country? Please describe the status and functions (duties) of legal aid providers.

Lawyers or trained professionals.

4.2. What are the requirements to be a legal aid provider in your country?

One must be member of the Austrian Bar Association or member of an organisation providing legal aid.

4.3. In the legal aid system, is there any type of registration requirement for lawyers who want to represent children in criminal proceedings (with bar association or another body)?

No.

4.4. In your country, are there any legal entities (any associations/organisations) who provide legal assistance to children in criminal proceedings? If yes, can you please provide some information on such legal entity' s activities.

The organization "Die Möwe" provides process support for children and young people. The aim is to support underage victims of a crime during criminal proceedings. This service, which is financed by the Federal Ministry of Justice, includes psychosocial and legal support. While the legal part is carried out by lawyers, the psychosocial process support is carried out by the staff of "Die Möwe" .

Education and qualification of legal aid providers (requirements for becoming legal aid providers)

4.5. What are education requirements for legal aid providers?

They must be lawyers or trained professionals.

4.6. Are there any specific requirements for legal aid providers who provide legal aid for children? Are they required to undergo specific trainings (e.g. on juvenile justice, children' s rights, psychology, communication with children, etc.)?

No.

Continuous training

4.7. Is there a continuous training on juvenile justice offered/mandated throughout a legal aid provider' s (lawyer's) career?

When answering those questions, please cover the following:

- Is the training mandatory?
- Is the training accessible, affordable and/or free?
- Does the training meet a common set of requirements all over the country?
- Who offers the training? (e.g. university, bar association, legal aid administrator, NGOs or other associations, etc.)?
- What is the form of the training? (e.g. day sessions, evening classes, online, self-training, etc.)
- What is the content of the training?
- What is the length of the training offered?
- Is it theoretical and/or practical?
- Is it exclusively legal? Or is it a multidisciplinary training (psycho-socio aspects, how to communicate with children, does the training include a dimension of child support/assistance, etc.)? Are other professionals involved in the training?
- Do children participate in the lawyers' training (e.g. to share their experiences with the lawyers)? How?

- Are there practical exercises on how to interview or represent children?
- Are specific trainings available for legal aid providers on the rights and needs of some specific categories of children when in conflict with the law (including migrant children, children at risk of trafficking, children accused or suspected of terrorism)?

No.

4.8. Are there any materials (e.g. manuals, self-training tools, reports) that exist at the national level on the role and mission of lawyers who represent children in criminal proceedings?

/

Specialisation of legal aid providers

4.9. Is specialisation on children cases for legal aid providers established in your country? If yes, is the specialisation mandatory? Please describe in more detail.

No.

4.10. Is there a network or a list of specialised legal aid providers (lawyers) available to beneficiaries? Please describe in more detail.

No.

4.11. If the specialisation exists, what is the role of these lawyers at the different stages of the criminal proceeding? Where is it defined? How does it differ from the role of a lawyer who is not specialised to represent children in criminal proceedings?

/

PART 5. QUALITY AND ASSESSMENT OF LEGAL AID

Legal aid quality standards (guidelines)

1.1. Are legal aid standards (or guidelines) for legal aid (in general) established in your country?

The general rules of the legal profession and the ordinary representation of the client must be complied with. If the client feels poorly represented, he can lodge an appeal with the Austrian Bar Association.

1.2. Are there special standards on providing legal aid for children (guidelines on child-friendly legal aid) established in your country? If yes, please describe in more detail and present the text if possible (no translation of the text is required).

No. However, there is the so-called juvenile court assistance and family court assistance, which have a supporting role.

Complaints

1.3. What is the procedure for a child/parent/guardian to present complaints about the lawyer's actions in your country (complaints to the bar, legal aid authority, etc.)?

An appeal may be lodged with the Austrian Bar Association.

1.4. Can a child make a complaint about his/her lawyer? How?

An appeal may be lodged with the Austrian Bar Association.

Assessment of legal aid quality

1.5. How is lawyers work quality assessed in your country?

There is no official assessment or ranking.

1.6. Are there any legal aid quality assessment measures (e. g. peer review) established and implemented in your country? Please describe in more detail (e .g. who are responsible for assessment, what are the procedures and criteria of assessment etc.).

There are no official quality assessment measures.

1.7. Does such assessment include children cases in criminal proceedings? Are there special rules of procedures for assessment of children cases? Please describe in more details.

/

PART 6. STATISTICS

6.1. Please provide the following statistics of the year 2019 (or data of the last year available)

- The number of persons who benefited from legal aid.
- The number of children who benefited from legal aid and the number of cases.
- The number of legal aid providers (lawyers) in general.
- The number of legal aid providers (lawyers) who provided legal aid to children (if available).
- Number of complaints about legal aid per year (total, including cases not related to children).
- Number of complaints where the beneficiary of legal aid was a child (if available).
- If you have data, please provide statistics representing backgrounds of complaint?

In 2019, 20,556 lawyers were appointed as legal aid throughout Austria (14,420 in criminal cases / 5,548 in civil cases / 164 before the Constitutional Court / 424 before the Administrative Court). In 2019, the value of legal aid services amounted to over 39 million euros.

No further accurate statistics available.

LA CHILD

Enhancing legal aid for children in conflict with the law



The project is funded by the Justice Programme of the European Union (2014-2020)

Coordination of the project



Project partners



QENDRA E SHËRBIMEVE
DHE PRAKTIKAVE LIGJORE TË INTEGRUARA
CENTRE OF INTEGRATED LEGAL SERVICES AND PRACTICES

