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TOWARDS GREATER ACCESS TO JUSTICE TO THE PUBLIC AS AN AIM FOR REFORM

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1. INTRODUCTION

We are happy to present the results of a study we have performed during 4 years research funded by the Belgian Federal Government Belgian Science Policy Office (Brain : Belgian Research Action through interdisciplinary Networks) under the name of JAM Justice and Management: the stakes for the transition to a modernized judicial Contract - BR/132/A4/JAM).

We only present some topics of our workpackage that aimed at researching the frontline legal services and the consequences for a new policy.

Recently the Flemish government has promulgated a new act on frontline legal aid. In this act the government wants to connect social and legal approaches. This study reveals some of the necessary buildingstones for a social-legal practice.

2. STATE OF THE ART AND OBJECTIVES

2.1. Access to justice: definition

Access to justice is conceived internationally as a fundamental right and a necessary component of a democratic State organized according to the rule of law[25]. Access to justice has a very broad meaning (Cappelletti and Garth, 1978) and can be defined as access to just and fair solutions for judiciable problems of citizens whenever a legal need is perceived (Rhode, 2004; Rhode, 2012-2013). When defined in this manner, it is clear that the notion of access to justice reaches well beyond the scope of the justice system as it is traditionally defined. Access to justice necessarily includes aspects of social welfare: while judiciable problems include a legal component, they are not limited to this dimension, often also including a social component (Cappelletti and Garth, 1978; Galanter, 2004; Sandefur, 2009; Macdonald 2010; Dean, 2015).

It is the State"s responsibility to create the opportunity for all citizens to receive legal information and preliminary advice in the case of a conflict or problem. In recent years, the ever-increasing number of rules and regulations at different governance levels has put considerable pressure on the access to justice, especially for the most vulnerable groups in society, who are unaware of their legal position and their legal rights and/or obligations (Johnsen, 2009; Coumarelos et al., 2014). This only adds to the importance of frontline legal aid, which, at little or no cost, provides citizens with easy access to information which they can understand and which is specific enough to their situation. This frontline legal aid is not only an important fundamental right of citizens, but might also benefit the community in general by cutting government budget spending on second-line legal aid (Buckley, 2000; Cookson, 2011), with frontline legal aid serving as a filter and preventing the escalation of minor problems. For example, legal information and information about the consequences of certain situations, in particular, might persuade citizens to take a different course of action and thereby prevent a legal conflict. Moreover, early intervention could be seen as a form of frontline legal aid because it could prevent escalation and a court process (Pleasence et al., 2014).

Broadly speaking, access to justice can be provided in two ways, resulting in two different types of legal aid. The first type is traditional frontline legal aid provided by private lawyers and focused solely on legal assistance. While they provide information and preliminary advice or refer the applicant to a specialized body for further help, they do not offer any service themselves. The second type is socio-legal aid, which refers to a group of legal service providers who act as experts in dealing with problematic situations beyond the scope of traditional legal aid (Van Houtte, 1998). The essential characteristics of socio-legal aid may be summarized as follows: it is concerned with problematic legal situations confronting the most vulnerable groups in society; the services are provided free of charge or are almost free (no market-driven

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[2] E.g. The United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems.

pricing); there is a client-centred approach; it offers frontline socio-legal assistance; it is provided mostly by private initiatives; it is often provided as part of a broader, more encompassing welfare service; the primary focus is on individual problems and curative action, but also pays due attention to collective problems, including preventive action, and is sometimes organized by the public sector; it may be open to all or restricted to specific target groups (Hubeau and Parmentier, 1990).

Frontline legal aid and socio-legal aid have been topics of recent political debate and subject to changes in Belgium (Gibens and Hubeau, 2017). There have always been a multitude of organizations that provide socio-legal aid, including consumer organizations, Municipal Centres for Social Welfare (OCMW), Centres for General Welfare (CAW), ombudsmen, trade unions, health services, advice centres for migrants, tenant organizations and children‟s rights associations (Van Houtte, 1998; Hubeau, 2011). However, until 1999, when the Houses of Justice were established, there was no institution with a general approach to frontline socio-legal aid. Around the same time, the Legal Aid Act of 1998 provided a new framework for frontline legal aid and second-line legal aid, as well as establishing the Commission for Legal Aid (Gibens, 2008; Lejeune 2010).

Until 2014, general socio-legal aid (Houses of Justice), frontline legal aid and second-line legal aid were under federal jurisdiction, while socio-legal aid in specific legal matters was usually given by legal assistance providers organized and funded by the Regions and Communities. The Sixth State Reform of 2014 transferred the competence for frontline legal aid (both socio-legal aid and frontline legal aid) to the jurisdiction of the French-speaking and Dutch-speaking communities. This provided new momentum to the discussion about access to justice and frontline legal aid because it presented an opportunity to develop a comprehensive approach to frontline legal aid. In his policy statement of 16 October 2015, the Flemish Minister for Welfare, Public Health and Family, Jo Vandeurzen (Christian Democrats), situated frontline legal aid within a general welfare approach.

However, little is known about how frontline legal aid is organized and whether or not it is successful in facilitating access to justice for citizens. This paper aims to present an overview of the legal bodies providing general legal aid, namely the Houses of Justice and Commissions of Legal Aid. We will not consider the specialized organizations that provide social or other legal aid in specific matters, such as trade unions and tenant organizations. However, we will examine an outreach centre experiment set up by the Commission of Legal Aid in Leuven, as an example of best practice in frontline legal aid. This outreach centre provides frontline legal aid to the most vulnerable groups in society. We will also consider the digitalization of frontline legal aid, and the internet as a source of information and advice. Our aim is to formulate some recommendations to improve policy on frontline legal aid and access to justice in Belgium.

2.2. Models of legal aid systems

The political climate, social developments and the role and function of certain professional groups and professions are important factors in the organization and financing of free or low cost legal aid systems. The literature has discussed various models (Driesen et al., 2006), namely the charity model, the judicare model, the welfare model, complex mixed models and, finally, we can add a fifth, the digital or e-Justice model. The legal profession and socio-legal assistance is institutionally characterized by an ideal-typical distinction between a judicare and welfare model (Zander, 1981). The judicare model represents a reactive procedural approach by the legal profession that accentuates the remuneration of lawyers for their performance (Gordley, 1975). The welfare model emphasizes preventive action, among other elements, and approaches legal problems within a broader social framework, relying on methodologies known within the social work field (Zemans and Thomas, 1999). However, various studies and empirical research have shown that these ideal types are not that easily distinguishable in reality and occur in mixed forms.

The above-mentioned models reflect the balance of power between the various service providers within the legal aid system based on their position and their social and cultural capital (Bourdieu, 1988). This emphasis on their position as professionals contributes to a deterministic view of professional groups and ignores the changes that occur in society. Many professionals in Western society are now known as knowledge workers (Svarc, 2016). These professionals, including social workers and other care providers, are considered to have acquired certain expert knowledge. The authority of a certain professional group is linked to the improvement of the quality of this knowledge and thus professionalism. A distinction has also been made between professionalism from within and from above (Evetts, 2012). This distinction characterizes the transition from professionalism to post-professionalism (Kritzer, 1999; Susskind and Susskind, 2015). The starting point is no longer the mere knowledge worker, around whom the current legal professions are organized. The attention in post-professionalism shifts to the tasks and services that must be delivered (Abbott, 1988; Susskind and Susskind, 2015; Svarc, 2016). This shift means that non-legal professionals will increasingly become important in not only providing social but also legal services, in combination with the technological evolution within legal aid. Post-professionalism is a force that is

influencing the legal field from above, initiated by the government and the public. However, the legal profession, as a body of self-managing professionals, also continues to claim its place in legal aid from within.

These changing power relations are visible in what we have called the *e-Justice model*. The digitization of legal aid is characterized, on the one hand, by its innovative character and, on the other hand, by the automation of services provided by professionals (Christensen, 1997; Susskind, 2012). Digitization leads to standardization through routine, disintermediation and disintegration (Susskind, 2010; Susskind, 2012; Rabinovitch and Katsh, 2012). The various types of services, such as training, diagnosis, triage, information, advice and referral assistance, are increasingly being unbundled, with service providers restricting their interventions to certain types of services according to the needs of the legal aid seeker. The *e-Justice model* fits within the shift from professionalism to post-professionalism, a shift that is reflected in changing professional roles and functions, and the arrival of intermediaries, such as paralegals and social workers, who can (and will?) take up certain legal aid tasks. The emphasis is mainly on dispute avoidance and dispute containment. Digitization seems to focus more on preventive forms of legal assistance, although there are also curative applications that digitally guide people through a procedure. The latter means that individuals have the skills to solve their own problem or conflict. However, technological progress does not automatically remove existing physical, social and cultural barriers to access to justice. As one ironic statement puts it: „The internet, exactly like the Ritz, is open to all" (Smith and Paterson, 2012).

If we combine the different views on professionalism with the above-mentioned models of legal aid, it is apparent that the judicare model emphasizes self-regulation. Within the welfare model, the government co-determines the operation and organization of legal aid through a strict legal framework and associated subsidy policy. The digital model transcends these models and makes it possible to reach more people and support self-reliance. This model highlights the changing role and function of professionals and emphasizes the tasks and services that should be undertaken, rather than primarily emphasizing the role of the professionals. The distinction between professionalism from within and from above is not a dichotomy but a continuum. The complex mixed models, for example, are a combination of self-management and government intervention. The primordial focus on tasks and services entitles policymakers to limit self-regulation and to introduce methods grounded in disciplines that are required to carry out the tasks and provide the services. Within these complex mixed models, lawyers obviously still have a place, but no longer solely on the basis of their professionalism.

2.3. Legal aid, integral accessibility and integral management

The modernized justice system has been instituted today based on the concept of integral NPM management. Moreover, the realization of accessible justice appears to stem implicitly from an improved and modern justice system (Mak, 2007). However, the assumption that integral management automatically leads to better access to justice lacks theoretical justification and a conceptual framework that analyses and characterizes the quality of an accessible service.

The internal functioning of the judicial order is characterized by integral management. The concept of integral accessibility considers the functioning of the judicial system from an external viewpoint, and the accessibility of the judicial organization even more broadly. The concept of integral accessibility finds its relevance in the context of the inaccessibility of legal aid to disadvantaged people. Hubeau and Parmentier (1999) proposed a consumer-friendly approach that increases the accessibility of legal assistance on the basis of the 5Bs (in Dutch): *bereikbaarheid*, *beschikbaarheid*, *betaalbaarheid*, *bruikbaarheid* and *begrijpbaarheid* (accessibility, availability, affordability, usability and understandability)[3]. These criteria for defining an accessible service have proven useful with respect to legal assistance as well as the social-cultural sector and social services. In recent research, these 5Bs have often been expanded to 7Bs to examine the accessibility of the offer. These two additional Bs are *bekendheid* (familiarity) and *betrouwbaarheid* (reliability). Just as the 5Bs have proved their usefulness in mapping out the accessibility

[3] The description of the 5Bs is as follows:
•Accessibility: the service must be available at a reasonable distance, there is a balanced distribution of the offer and it must be clear what can be asked of whom. It also deals with the actual contact between the public and the service provider.
•Availability: the service must be available at times when it is useful and the service providers actually want to invest in the problem.
•Affordability: can be obtained by making the financial threshold for the client as low as possible (fully or partially free of charge).
•Usability: the service is sufficiently geared to the demand, the needs and the client.
•Understandability: the service is offered in a simple language that is understandable to the client, and that is also put in writing. It also means that individuals seeking justice can understand the service they are looking for.
The other two Bs that are not always used:
•Familiarity: is the service sufficiently known to the users?
•Reliability: the provider has a good reputation, is credible. This, therefore, concerns the legitimacy of the provision of services.

of legal assistance, they can also serve to analyse and study the integral accessibility of law and the courts.

The concept of integral management is not at odds with this concept of integral accessibility. Ideally, integral management of the judiciary should contribute to an accessible, available, affordable, usable and understandable judicial system. The two concepts will constantly fluctuate in importance, with organizations always looking for the right balance. In a limited sense, particularly in the context of current judicial reforms, the two concepts link the external perspective of a qualitative offer with the internal perspective of integral management, as the basis for successful judicial reform. In broad terms, the 5Bs allow the same criteria to be applied when studying the other actors involved in judicial services, who contribute to better access to law and justice.

3. METHODOLOGY

We have chosen predominantly qualitative research methods and a small pilot survey. To obtain a clear overview of what legal practice in Flanders may entail, we chose a research design based on triangulation. We also chose to study social and legal practice in three different institutions, in which both social and legal service providers are involved within a generalist first-line function. The three institutions concerned environments in a welfare context or in which representatives from the welfare sector participated. We first researched the Houses of Justice as a general gateway to justice and interviewed lawyers and non-lawyers who participate in a Commission for Legal Aid, asking about their relationship, collaboration and practices. Subsequently, we undertook a pilot project in Leuven, where lawyers provided first-line legal aid in an outreach centre. Central to the research within these three institutions is the legal profession, which provides or organizes first-line legal aid. In addition to this in-depth descriptive analysis of daily practice in the field of frontline legal aid, we designed an online survey to obtain information on how citizens search for information on the internet. The pilot study was aimed at gaining some initial insight into e-Justice, because data is currently lacking on whether citizens use the internet for legal information and, if so, which search strategy they apply.

These different gateways to studying access to justice allowed us to connect the theoretical findings (models, professionalism and integral accessibility) with qualitative and quantitative empirical data.

We chose to analyse the annual reports of the Houses of Justice in Belgium, looking at frontline legal aid from 2010 to 2014. These reports are publicly available and give an objective overview of the way the Houses of Justice operate on a daily basis. The Sixth State Reform of 2014 transferred the regulation and organization of the Houses of Justice to the communities. Because the communities are currently developing a new role for the Houses of Justice, and this process will most likely take several years, we chose not to incorporate any information after 2014. This means that the information below is slightly outdated but does incorporate a full view of frontline services provided by the Houses of Justice in Belgium.

Because there was no fixed format for the annual reports, the data obtained could not be used for comparative research. However, even at first glance, there were some significant differences between the annual reports. Firstly, some Houses of Justice present a comprehensive and detailed overview of their frontline aid, while others provide little to no information. In Flanders, in particular, relatively little attention is paid to frontline aid (this was the case for the Houses of Justice in Antwerp, Ypres, Leuven, Oudenaarde, Turnhout and Veurne) compared to Wallonia (Arlon, Mons, Charleroi, Eupen, Liège, Marche-en-Famenne, Namur, Neufchâteau). The two outliers were Ghent and Hasselt, both Flemish Houses of Justice, but with comprehensive reports on their frontline legal aid.

Secondly, there was also a clear change over time: while the annual reports of 2010 and 2011 for most Houses of Justice reported on their frontline legal aid, from 2012 onwards, only Mons, Charleroi, Turnhout and Verviers referred to frontline legal aid. This could imply that from 2012, little to no frontline socio-legal aid was provided by the Houses of Justice.

Document analysis, as a research method, can raise issues concerning the validity and reliability of the results. Consequently, to check validity and reliability, interviews were planned with the directors of the Houses of Justice in Flanders and Wallonia that reported most extensively on socio-legal aid. In total, six interviews were conducted using a semi-structured questionnaire. The questionnaire contained twelve questions divided into three categories, „General trends", „Substantive aspects" and „Concluding questions". Of the six people who were interviewed, three were French-speaking (two directors and one coordinator – justice assistant) and three Dutch-speaking (two directors and one managing assistant). Each interview took between 1 and 1.5 hours. The interviews revealed that the information contained in the annual reports was more or less accurate, despite the fact that the annual reports only ran until 2014.

To study the daily practice of the different Commissions of Legal Aid, an a priori stratified purposive sampling approach was used: all presidents of the Commissions of Justice were invited to participate in the study. However, only a handful responded to the request, with only four Commissions of Legal Aid prepared to take part in the study, all of which were Flemish. None of the French-speaking Commissions responded[47]. Consequently, the research design was changed to mixed purposive sampling and snowball sampling (Hood, 2012), with the presidents of the Commissions that had consented, being asked to recruit a number of non-lawyers to participate in the study.

In total, 21 respondents agreed to in-depth interviews: eight of whom were lawyers, five of whom were representatives of public centres for social welfare (OCMW), four from a centre for general welfare (CAW) and four from other organizations involved in legal aid, including three French-speaking respondents. The respondents were from rural areas (Tongeren and Bruges), a middle-sized city (Leuven) and three large cities (Antwerp, Ghent and Brussels).

Inspired by the policy statements of the Flemish Minister of Welfare, and with the aim of focusing more on early intervention, two partners of the Commission for Legal Aid in Leuven, private lawyers offering aid and the CAW, started a project, which was studied by the University of Antwerp using various research methods, such as participative observation, interviews and focus groups (triangulation). The project aimed to provide legal aid from private lawyers in two different community centres (CAW) – one in Tienen, a small town in a rural area, and one in Leuven, a university city – both of which work with vulnerable people. Some of the consultations were held with social workers present, others without. The social workers engaged with their clients on a daily basis, while the private lawyers were available for consultation on a fortnightly basis for about two hours.

Very little is known about how citizens find legal aid online and whether or not they are satisfied with the information provided. Therefore, an online survey was compiled with the aim of gaining insight into how citizens used the internet in their search for socio-legal advice[58].

The survey was distributed to a sample of the general population, which led to 391 respondents. In general, the sample was a good reflection of the population: 49% male and 51% female, the average level of education indicated that the majority had completed secondary education, and 37.6% had a degree from higher education. There was a slight bias towards students (16.1% of the respondents were students), and pensioners were slightly underrepresented (11.5%). The majority of the respondents used the internet frequently: 88.5% indicated that they surfed online more than five days a week, while only 2.8% used the internet less than one day a week.

The survey was administered online, which inevitably excludes all groups that do not have access to the internet or groups that do not have sufficient know-how to browse the internet. Therefore, we cannot assess how easily citizen"s turn to the internet for information in general, but the results do give us an indication of how frequently citizens who do have access to the internet turn to online sources for information about frontline socio-legal aid.

4. RESULTS AND RECOMMENDATIONS

4.1. The Houses of Justice

4.1.1. Introduction

The Houses of Justice were established in the aftermath of the Dutroux case and significantly reformed frontline socio-legal aid in Belgium. The goal of the Houses of Justice was to bring all the different paralegal services together, to adjust their various tasks and develop coherent policy. It was considered that access to justice would improve significantly, simply by bringing these different services together in one location.

The core business of the Houses of Justice was threefold, namely: (1) frontline socio-legal aid, (2) victim support and (3) different judicial mandates relating to the execution of sentences, conditional release during a criminal investigation or questions about parental authority and visitation rights. As such, the Houses of Justice were perceived as a socio-legal platform where citizens and the justice system could interact. The Ministerial Decree of 23 June 1999 stated that: „the House of Justice is at the service of every citizen in their contact with the justice system, whatever the legal position of the citizen (offender, victim,

[4] With one exception: one Commission of Legal Aid referred to its website for further information.

[5] The questionnaire was partially based on a Dutch publication concerning the paths to justice (Geschilbeslechtsdelta, 2014) and partially constructed to reflect the research question.

injured party or indirectly involved in a judicial action)".

Although the Houses of Justice are autonomous institutions, with their own responsibilities and tasks, they also provide logistical support to the Commissions of Legal Aid, which are responsible for frontline legal aid. The Houses of Justice are obliged to provide a meeting place for the Commissions of Legal Aid and usually also provide a space for lawyers to hold consultations in frontline legal aid. As such, the Houses of Justice would be the perfect partner to implement a broad frontline legal aid system with sufficient attention to socio-legal aid.

Houses of Justice are staffed by justice assistants, who are social workers with a degree in human sciences rather than legal studies. When working on frontline legal aid, their advice might differ significantly from that of lawyers because of their background. Social workers do not reason from a legal point of view but from a social point of view.

However, there is little research examining how well the Houses of Justice have fulfilled their task. In 2004, Maes studied the annual reports of the Houses of Justice in the period 1999 to 2002 (Maes, 2004), reaching the following conclusions.

1) Although in 1999, the year of the foundation of the Houses of Justice, not every House of Justice provided frontline aid, by 2002 all of the Houses of Justice had an operational frontline aid scheme and the number of interventions more than doubled.
2) There were some differences between the regions of Flanders and Wallonia, with frontline aid first taking off in Flanders and Wallonia following shortly after.
3) There were differences in frontline aid between the districts in Flanders. The districts of Dendermonde, Mechelen and Hasselt did relatively well in providing frontline aid, while Veurne, Tongeren and Brussels scored poorly.
4) Overall, citizens were most likely to visit a House of Justice or phone in with questions. Only rarely were written questions submitted.
5) The questions were mostly about divorce/separation or information on judicial procedures. Little to no questions were asked about the House of Justice itself.
6) In most cases, the justice assistant found an answer or a solution, although they frequently referred to frontline legal aid or other legal services. Only rarely did the justice assistant refer to second-line legal aid.

The research by Maes is, however, already more than 10 years old and it is safe to assume that circumstances have changed. Therefore, more research was required to gain an understanding of the current frontline practices in the Houses of Justice.

According to Article 2, §1n 2 of the Royal Decree of 13 June 1999 (*BS* 26 June 1999), the Houses of Justice are responsible for the reception of justice seekers and the provision of information and advice to the users of the House of Justice, and, if necessary, should offer a referral to the competent authorities. The annual reports show that this definition of frontline aid has been interpreted in a restrictive manner. Especially in recent years, frontline socio-legal aid had been restricted to providing information on competences of the House of Justice itself (DG Justitiehuizen, Activiteitenrapport 2013).

4.1.2. Frontline interventions: the numbers

The justice assistant will clarify the question. If the question is outside the scope of the competences of the House of Justice, the justice assistant will refer the client to the competent authority. If the question falls within the scope, the justice assistant will provide a general answer concerning the legislation and the law, or give preliminary advice on a concrete case. The preliminary advice can be oriented towards legal aid, social aid, mediation or alternative dispute resolution. If necessary, the justice assistant will still make a referral to frontline legal aid or another legal service (Drosens, 2011). It is clear that the justice assistant will take a broader look at a situation than a purely legal standpoint. This is also due to the fact that justice assistants are social workers and have little to no legal training.

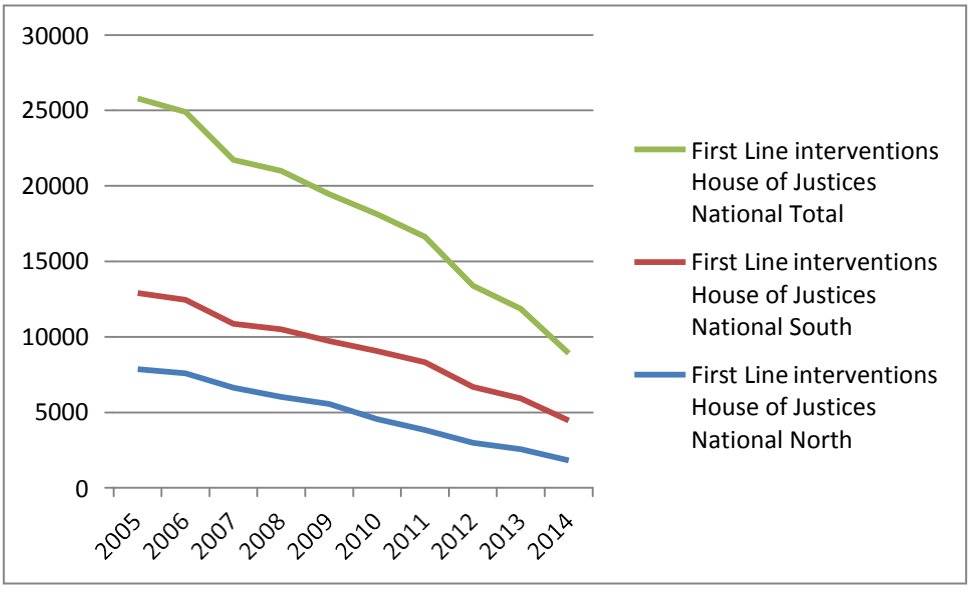
Any intervention by a justice assistant is registered in a computer system called SIPAR. The data extracted from this system offers a good overview of the frontline operation within the House of Justice. However, it should be noted that the number of interventions recorded in the computer system is probably an underestimate because the justice assistant or the reception clerk do not always make the effort to register an intervention in the system (Dendermonde Report 2010; Eupen Report 2012). Table I presents the number of registered frontline interventions from 2010 until 2014:

Table I - Registered first line interventions, 2010-2014

	2010	2011	2012	2013	2014		2010	2011	2012	2013	2014
Antwerp	135	145	109	56	31	Brussels-Fr.	589	493		191	81
Mechelen	32	14	8	2	3	Nijvel	124	185		98	106
Turnhout	7	11	2	3	3	Eupen	110	337		312	358
Hasselt	636	651	495	442	485	Hoei	69	108		112	99
Tongeren	324	122	59	37	48	Luik	356	447		407	273
Leuven	11	6	3	0		Verviers	288	254		173	173
Brussels	254	182	80	61	29	Aarlen	161	173	65	118	63
Dendermonde	1010	853	602	455	214	Marche-en-Famenne	716	683	641	703	724
Ghent	846	860	815	784	408	Neufchâteau	103	141	106	76	98
Oudenaarde	49	79	38	72	51	Dinant	353	311	283	285	202
Bruges	51	33	31	20	8	Namen	213	179	139	178	140
Ypres	55	10	15	10	17	Charleroi	944	834	599	345	282
Kortrijk	780	608	580	562	462	Bergen	189	137	191	150	23
Veurne	361	248	135	47	52	Doornik	299	112	303	232	21
Total	4551	3822	2972	2551	1811	Total	4514	4492	3718	3380	2643

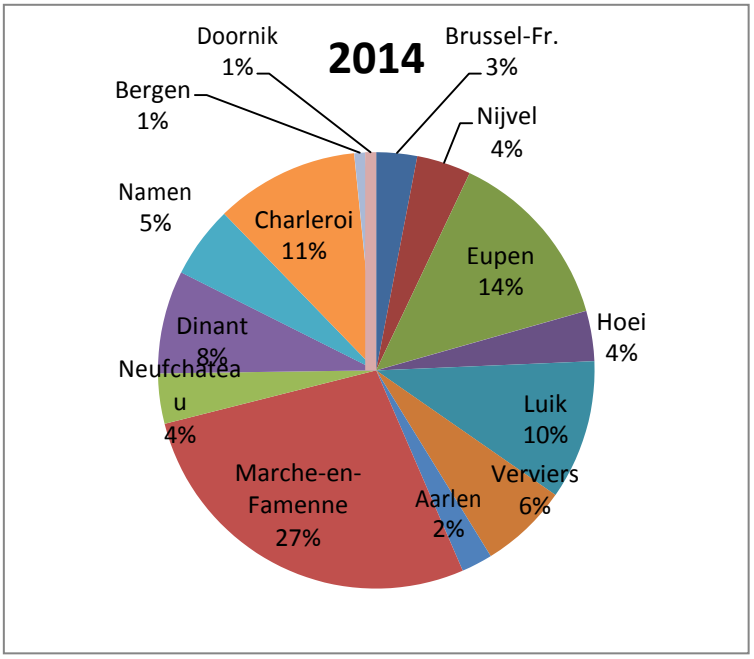
In summary, it is clear that the number of interventions has decreased (Figure 1)

Figure 1 - Source: Houses of Justice and UA



There is a clear difference between Flanders and Wallonia, but there are also some distinct differences within Flanders. Hasselt, Dendermonde, Ghent and Kortrijk registered the most interventions, with more than 86% of the total interventions taking place in one of these four Houses of Justice. In Wallonia, differences between the districts is less clear cut; however, 62% of the interventions took place in Liège, Charleroi, Eupen or Marche-en-Famenne.

Figure 2 - Frontline interventions in percentages for 2014



4.1.3. Frontline legal aid as provided by the Houses of Justice

The way in which frontline legal aid is provided by each of the Houses of Justice differs significantly. In 2010 and 2011, many Houses of Justice had consultation hours on fixed days, allowing the justice seeker to simply walk in and ask questions (Arlon Report 2010; Neufchâteau Report 2011) or even daily consultation hours (Namur Report 2011; Ghent Report 2010). However, there were a number of Houses of Justice that did not have fixed consultation hours (Bruges Report 2010; Antwerp Report 2011; Turnhout Report) or no longer had them (Ypres Report 2010), but they would respond to questions by citizens if asked. In 2011, the House of Justice in Oudenaarde had a telephone service staffed by five justice assistants.

However, in all of the Houses of Justice, the justice assistants who were entrusted with frontline legal aid provided this service (often voluntarily) in addition to their workload in other domains. There were no justice assistants solely available for frontline aid.

Not only are there differences between the availability of frontline aid, the Houses of Justice also approached frontline legal aid differently. All of the Houses of Justice provided „reactive" first-line aid, meaning that information was given or made available upon request. However, there was little to no proactive first-line aid. The initiative must be taken by the justice seeker, who contacts the House of Justice with a specific problem, situation or conflict.

None of the Houses of Justice invested in proactive first-line aid through outreach to vulnerable groups of citizens. Outreach implies that information is provided to vulnerable citizens before a problem rises. The initiative is thus taken by the House of Justice itself rather than the citizen. However, there were some minor forms of outreach. For example, the House of Justice in Ghent provided proactive first-line aid for offenders on probation by inviting everyone who had received a probation sentence to a meeting to obtain more information on probation within 48 hours.

4.1.4. Deterioration of frontline operations

Since the reorganization in 2005, the Houses of Justice restrict their frontline interventions to certain issues, more specifically, criminal law, family law and information on paralegal services that the Houses of Justice provide. In other words, first-line interventions are restricted to questions about the core business of the Houses of Justice themselves. All other issues, such as juvenile law, civil procedures and migration law, are regarded as outside the competence of the House of Justice, and citizens with questions related to these subjects will be referred to other paralegal or legal organizations, or to frontline lawyers who hold consultations within the Houses of Justice.

There are number of reasons why frontline aid in the Houses of Justice has decreased over the years. Firstly, there was a shift in the required objectives of the Houses of Justice. While the Houses of Justices were founded in order to improve access to justice, in recent years they were much more focused on security and risk analysis. Frontline operations were deemed less important than the execution of sentences and conditional releases. The increasing importance of the role of the Houses of Justice in criminal cases was not accompanied by an increase in staff, thereby making it necessary to reallocate the available personnel and means, and investing less in frontline operations.

Secondly, there is no policy from above concerning the way Houses of Justice should provide access to justice through frontline operations. Therefore, the different Houses of Justice each developed their own strategy, with little to no knowledge about how other Houses of Justice were implementing frontline operations. The lack of a general policy, in combination with little investment in the training of staff to respond to citizens seeking information on socio-legal topics, resulted in a very limited definition of frontline operations and systematic referral to legal first-aid provided by lawyers rather than social workers.

The lack of cooperation and knowledge-sharing between the Houses of Justice is apparent in daily practice. For example, over the years, every House of Justice has gathered information relevant to frontline services, such as a list of frequently asked questions. This information needs to be stored and must be easily accessible to other justice assistants. Most Houses of Justice have developed methods and rules for data storage, which includes methods to update, correct and/or supplement the information. However, data storage is not unified, meaning that the justice assistant of one House of Justice cannot consult information available in another House of Justice.

In recent years, nearly all of the Houses of Justice have decreased their frontline services and/or are planning to begin limiting or further limit frontline services[6]. Most Houses of Justice no longer provide any walk-in sessions for citizens who have questions. If a citizen does contact a House of Justice, their first point of contact is often the receptionist, who will refer the justice seeker to the appropriate organization for frontline legal aid. In some Houses of Justice, justice assistants still voluntarily participate in a frontline aid scheme, which they do in addition to their daily workload.

4.1.5. The failure of socio-legal aid given by the Houses of Justice

Since the reorganization in 2005, the Houses of Justice have cut back on their frontline services. Their main focus is now on their primary tasks as specified by the law, such that they now essentially provide a second-line service. In some Houses of Justice, as mentioned above, frontline services have been maintained, often on a voluntary basis, by the justice assistants or through an IT tool at the disposal of citizens (Dinant Report 2010). These are, however, local initiatives that have no general effect. In most Houses of Justice, frontline services are reduced to a strict minimum and questions are answered on an individual basis.

Nevertheless, the Houses of Justice have the potential to fulfil a bridging function between the citizen and the justice system by introducing legal aid to broader frontline services provided by social workers. Due to budget cuts, understaffing and an increasing focus on risk analysis, frontline services have been put on the back burner; however, it seems necessary that a general policy regarding frontline services is required. To date, the State has more or less left every House of Justice to fend for itself and to decide autonomously what it understands by the term „frontline service".

The transfer of the competence regarding frontline services to the communities in 2014, has spurred hope that change is on the way. In his policy statement of 1 October 2015, the Minister of Welfare, Public Health and Family chose to strongly embed frontline legal aid within a general welfare approach. It is thus likely that the general frontline services exercised by non-legals within the Houses of Justice will be redrafted and potentially revalued.

The frontline services of the Houses of Justice should not be confused with the frontline legal aid provided by lawyers and the Commission of Legal Aid. According to Article 2 §1, 5 of the Royal Decree of 13 June 1999, the Houses of Justice must provide logistical support to the Commission of Legal Aid. They should provide a location for lawyers to practise frontline legal aid and for the Commission of Legal Aid to hold meetings. However, the Houses of Justice do not take part in the Commission of Legal Aid and cannot be part of the Commission. In some Houses of Justice there is cooperation between the Commission of Legal Aid and the House of Justice through social workers who provide frontline services also taking part in the meetings of the Commission as observers (Dendermonde Report 2011; Neufchâteau Report 2011), but

[6] Only the House of Justice in Liège is planning to further invest and maintain their first-line service to citizens.

there is no obligation to cooperate. Cooperation would, however, be an asset for the Houses of Justice, in assisting the provision of frontline services in a socio-legal practice environment, especially because both frontline services and frontline legal aid are confronted with similar questions and problems, but might come to very different solutions due to the different backgrounds of the individual providing the service. While a justice assistant will answer a question with recourse to experience as a social worker, a lawyer will primarily look at the legal aspects. The justice seeker might well be best served by professionals who have some knowledge of both aspects and an interdisciplinary approach to frontline legal aid. In the next section, we will examine the organization of the Commissions of Legal Aid as a body providing frontline legal aid.

3.2. Commissions of Legal Aid

3.2.1. Introduction

In every judicial district, a Commission of Legal Aid is entrusted with the different aspects of frontline and second-line legal aid. According to Article 508/2 §3 of the Judicial Code, half of the Commission of Legal Aid is composed of lawyers assigned by the Bar Association, while the other half is composed of representatives of public centres for social welfare (OCMW), centres for general welfare (CAW) and the various organizations providing legal aid within the relevant judicial district. The president of the Bar Association appoints the president of the Commission of Legal Aid. Generally, it is the president of the Commission who will nominate the lawyers. This selection is more or less informal: a letter is written to all lawyers, asking whether or not they wish to participate in the Commission of Legal Aid, with the president having the final word.

The selection procedure for the social workers is strictly regulated by the Royal Decree of 20 December 1999. When there is a position open on the Commission, all public centres for social welfare (OCMW), centres for general welfare (CAW) and the various organizations providing legal aid within the judicial district are asked whether or not they want to propose a member. The Commission decides which candidates are appointed.

3.2.2. Failure of integrated frontline legal aid

Although the Commissions of Legal Aid are composed of lawyers and representatives of socio-legal aid organizations, lawyers have the upper-hand for a number of reasons. Firstly, in some Commissions, lawyers are simply in the majority, because a socio-legal organization might choose a lawyer as its representative. This was the case, for example, in a Commission of Legal Aid where the Union des Locataires chose a lawyer as its representative. Secondly, most Commission members restrict their involvement to participation in the Commission‟s meetings, and spend little time on the formulation of goals and the development of policy lines. Consequently, it is usually the president of the Commission, a lawyer, who is responsible for its general policy.

Although the legislator states that the Commissions of Legal Aid should: (1) provide frontline legal aid by lawyers and (2) streamline the already available legal aid provided by social organizations, Commissions of Legal Aid have usually focused on the first aspect. The field of socio-legal aid remains diffuse and vague, with each organization following its own policy line and specialization, often unaware of the socio-legal aid provided by others in the field. Many of the respondents referred to a sense of competition between representatives of social organizations and lawyers. This might be explained by ignorance of the services that others provide. For example, one of the respondents (a representative of the centre for welfare), noted that their organization often offered advice on issues associated with rent, while the Union des Locataires was specialized in all matters relating to rent. Apparently, the Commission of Legal Aid did not provide the necessary forum to align the different organizations.

The Commissions of Legal Aid are largely autonomous in relation to the policy they develop. The legislator has only provided limited information regarding the goals of the Commissions and has not provided any guidelines about how these goals should be achieved or how the success of the Commission‟s daily work should be measured. Thus, it is left up to the bar to shape and implement the Commission‟s policy. The government has never exerted control over how the Commissions of Legal Aid determine their policy lines and whether or not the different Commissions of Legal Aid have achieved their goals. Every Commission publishes an annual report for the Minister of Justice, but these reports have never led to political intervention, nor have any remarks or questions ever been asked by the Minister of Justice to the various Commissions. Consequently, every Commission has developed its own routine, largely without external oversight.

3.2.3. Implications of the Sixth State Reform

The Commissions of Legal Aid were founded in order to organize the entire field of frontline legal aid. However, due to a lack of policy and control issues in the state department, this goal was not achieved. On

the contrary, Commissions of Legal Aid have mainly focused on frontline legal aid provided by lawyers and have not made any significant improvements to the diffuse and often parallel area of first-line legal aid provided by different social organizations. The Sixth State Reform could potentially improve this situation because frontline legal aid has been transferred from the federal state to the communities, including the organization of the Commissions of Legal Aid.

In Flanders, frontline legal aid is regarded as an inherent aspect of the Department of Welfare[7]. The Minister of Welfare considers frontline legal aid as a preventive measure: by intervening early and informing or advising citizens, further escalation of a conflict might be prevented. This welfare approach might lead to significant changes in the operations of the Commissions of Legal Aid because the focus will most likely shift from a legal point of view to a more holistic approach, and referral to alternative dispute resolution and other social services will become more frequent. The Minister of Welfare also wants to impose quality standards and guidelines on how the Commissions of Legal Aid perform their role[811]. It is already clear that the Minister of Welfare wants to achieve a single integrated reception service that is easily accessible and low cost, in order to provide access to justice. The integrated approach demands an interdisciplinary method that the Commissions of Legal Aid are currently lacking.

In Wallonia, legislative action has also been undertaken to reform frontline legal aid. On 12 October 2016, the Decree Concerning the Accreditation and Subsidy of the Partners for Legal Aid was promulgated (Décret relative à l"agrément et au subventionnement des partenaires apportant de l"aide aux justiciables). This Decree covers all aspects of socio-legal aid and expresses two fundamental principles. Firstly, socio-legal aid should be organized with regard to the demand side. The citizen, as a consumer of frontline legal aid, should be served as well as is possible. This means a shift in the approach to socio-legal aid, which to date has been primarily focused on the supply side: Houses of Justice provide information primarily about their own operations, while lawyers hold consultations focusing on legal aspects of a conflict situation, but rarely referring to social aid.

To create an integrated system of frontline legal aid, the Decree established three consultative bodies: one overarching Commission (la Commission communautaire des Partenariats) and a Commission d"arrondissement des Partenariats in each judicial district. Every district Commission has three sub-committees focusing on specific topics (les Commissions thématiques des Partenariats): the offender, the victim and every other citizen who does not fall within the first two categories. The second fundamental principle concerns the funding of socio-legal aid schemes. The organizations will not be funded according to the number of people employed, but according to the extent that the organization reaches the goal of providing effective socio-legal aid. This implies that the government must establish methods and standards to measure the quality of the service delivered.

However, the new Decree does not encompass frontline legal aid provided by the Commissions of Legal Aid. Wallonia has opted to maintain the current role of the Commissions of Legal Aid, but restrict their competences to the organization of consultation hours in the framework of frontline legal aid. This means that the Commission of Legal Aid is no longer responsible for streamlining the entire landscape of frontline legal aid. As such, the French-speaking community has changed the legislation in order to fit daily practice.

Since the Sixth State Reform, both the Flemish and the French-speaking communities have taken steps to reform frontline legal aid. Some of the respondents, especially lawyers, are wary of the increasing involvement of the state authorities in the organization of frontline legal aid, while others are already taking initiatives to integrate frontline legal aid provided by lawyers and socio-legal aid. One example is the research project initiated by the Commission of Legal Aid in Leuven (*infra*).

3.3. Early intervention: a research project

3.3.1. Introduction

Inspired by the policy statements of the Flemish Minister of Welfare and aiming to focus more attention on early intervention, a project was set up between two partners of the Commission for Legal Aid in Leuven: private lawyers offering aid and the CAW. The project aimed to provide legal aid from private lawyers in two different community centres (CAW) – one in Tienen, a small town in a rural area, and one in Leuven, a university city – both of which work with vulnerable people. Some of the consultations were held with social workers present, others without. These social workers engaged with their clients on a daily basis, while the private lawyers were available for consultation every fortnight for about two hours. The project ran for a period of six months.

[7] Although recently there have been rumours that a department of justice will be founded within the Flemish Community.

[8] Beleidsbrief Welzijn, Volksgezondheid en Gezin 2016-2017, Minister VANDEURZEN, Parl.St.Vl.Parl. 2016-2017, nr. 941/1, 56-57.

The project was conceived after evidence was found to suggest that frontline aid from private lawyers was more often provided to the middle class rather than the most vulnerable. The project thus aimed to inform and advise more vulnerable people about legal issues within a social setting. Based on the literature, one might describe this form of proactive legal aid service as „peripatetic outreach" or „inreach" (Stimson et al., 1994; Rhodes, 1994; Grymonprez and Mathijssen, 2014; Van Doorn et al., 2008), in the sense that private lawyers visit locations where vulnerable people often meet each other. The community centres co-exist alongside regular welfare organizations and have developed an appropriate method to reach vulnerable people, referred to as „presence theory" (Baart, 2011) or „basisschakelmethodiek" (basic chain method) (Baert and Droogmans, 2010). The project differs from the frontline legal aid organized by the Commissions of Legal Aid.

3.3.2. The difficulties of communication and cooperation between the legal and social professional

Private lawyers normally provide consultations in different settings within a judicial district, for example, at the courts, the House of Justice, or local public welfare centres. These services are more reactive, and are usually used by the middle class. During these brief consultations (approximately 10 minutes), legal issues will be handled, but only practical legal information is offered, sometimes more elaborate than others, with the offer of only initial brief advice and no follow-up. Of the referrals, 90% are to a private lawyer in the second line if the client needs to make further contact with a counterpart, or requires a letter, or when the frontline lawyer is not sufficiently familiar with the legal matter.

In the case of a social problem within a legal context, private lawyers do not have the requisite knowledge of social welfare organizations, and do not refer clients to social welfare organizations or other socio-legal aid services such as those offered by unions, housing unions, consumer organizations or ombudsmen. These organizations often work with vulnerable people or a mixed public and provide a social space where intake is done by social workers or employed lawyers (e.g. OCMW and CAW)[9]. These lawyers provide legal aid for clients by supporting social workers when their clients are confronted with legal issues, and they are familiar with social issues as well. Thus, they not only provide legal information and advice but also assistance, mediation and representation.

During the project, it became clear that not every private lawyer felt at ease, and they often lacked the basic attitude required. In this environment, it is not necessary to be a brilliant private lawyer but to be a „human being". It is possible to characterize private lawyers as somewhat distant, primarily problem-focused, taking a more rationalistic position, looking at the objective facts and interpreting these facts within a legal framework (atomistic rather than holistic). Primarily, they wish to intervene immediately and see themselves as advocating on behalf of the clients (the advocacy model, according to Galowitz) (Galowitz, 1999; Aiken and Wizner, 2003; Hyam et al., 2013; Rizzo et al., 2015).

In the community centre, the private lawyers had direct contact with clients around a table, where they might drink coffee and talk about everyday life issues. Thus, rather than hide behind their desks, in the centre they had more space and time to not only build formal, but also to develop informal, contacts. This contact created less distance and more proximity. The presence of the private lawyers also led the clients to trust them more, which they considered was more important than a confidential or private conversation. The process was about building an understanding or even a relationship. This understanding meant more to the clients than the lawyers simply helping them to rationalize the legal issues or problems. Their daily life issues not only concerned legal problems but often also social problems. This complex context was what was important, whether a specific issue was legal or social. In fact, both contexts could be intertwined, with even a small legal question potentially containing various legal sub-problems, hiding legal complexity within a social context or vice versa.

The presence of the private lawyers also changed the attitude of the social workers to the law. Although social workers are often the first to face the legal problems of their clients, they do not generally regard these problems as purely legal and consider the issue might be addressed through social work (Aiken and Wizner, 2003). A study by Michael Preston Shoot (2011 and 2013) revealed that social workers considered law to be a tool for resolving issues, challenging inequality, protecting people at risk and meeting their needs. Nevertheless, while these final-year social work students reported less anxiety about using and keeping up-to-date with the law, their levels of anxiety in relation to it remained high. As law has become such a central feature of contemporary social work practice, the students were particularly concerned about how to keep up-to-date and how to ensure that the information they provided was accurate.

[9] The lawyers working in these organizations have a law degree but are not members of the bar. Lawyers who are members of the bar will be called „private lawyers". The term „lawyer" as such refers to someone with a law degree who is not a member of the bar.

At the same time, the social workers in the project used different methods to work with clients. In contrast to the private lawyers, they were client-focused, sought more proximity, built up relationships, worked within the life world of the clients, were more contextual, more present, and as Galowitz stated, they tried to act in the best interests of the client, which is not always to the immediate benefit of the client (best interest model). In the community centres, legal issues were normally referred to in-house lawyers who remained at a distance (it was necessary to make an appointment, and the lawyers only provided legal information and referred people to other legal services). During the project, however, social workers had direct contact with the private lawyers, with whom they were previously not familiar and had often had bad experiences.

We can also make a distinction between consultations with and without social workers present. Social workers are well trained in communication skills, they are familiar with the daily life problems of their clients, and they are able to translate their clients" experience of the world to the lawyer, who functions in a legal system that is distinct and distant from that world. In doing so, the social workers create a bridge between these life and system worlds (Habermas, 1984; De Savornin Lohman and Raaff, 2012; Zifcak, 2014; Kunneman, 2015). By attending these consultations, they also obtained more knowledge about the current legal framework, which addressed their lack of basic up-to-date legal information. Thus, they became more aware of how to detect legal issues; in fact, more aware that they could detect the different legal issues at a very early stage in social contact with the client.

The clients of the community centre were mostly vulnerable people, some having psycho-social problems, others being former prisoners, and others who were homeless, facing poverty, or had a weak network of support. Due to the presence of the lawyers, and after realizing that the same lawyers would return and thus showed some commitment, they started to think and talk more about legal issues in their lives (family issues, debt problems, housing, etc.) and thus gained greater legal awareness. In this way, they came to regard the private lawyers not merely as professionals operating at a distance, but as human beings, and became less afraid of them. Many clients had already had an appointment with a private lawyer at no cost, but had experienced a lot of difficulty in trying to contact them, as well as problems understanding them due to their use of difficult legal language.

Based on the results of the research, some features of a proactive legal service based on outreach could be distinguished (Forell and Gray, 2009).

1) *Inter*disciplinarity: legal and non-legal organizations should work together in formal and informal ways
2) They should be located in the same areas or places as vulnerable people
3) Flexibility: urgent matters, time, space
4) Costs: while it seems more expensive, it can save costs created by X-inefficiency in the second line; the lawyers will also need specific skills (training)
5) Monitoring: always looking to improve outreach services (e.g. supporting social workers with legal tools and more complex cases for lawyers; see CAW Brussels project, not evaluated yet)
6) *Intra*disciplinarity:
    a. social workers should obtain more legal skills to detect legal issues, and even provide basic legal advice and refer or orient the client in a more guided way
    b. lawyers should learn more communication skills and other methods, such as „multidirected partiality", to inform and advise clients (Boszormenyi-Nagy and Krasner 1986). As Coleman concluded:

        Attorneys typically do not receive much instruction in counselling or interacting with clients, and so these social work skills are critical. This observation is especially true because it is often necessary to understand the psychological aspects of the clients" legal problems in order to help them. Indigent clients usually have a variety of problems that contribute to, or in some way affect their legal situations (Coleman, 2001).

The project succeeded in bringing law into the daily lives of vulnerable people in a community centre. Two professional fields made contact with each other in what we would call „socio-legal practice", which might be characterized as: professional proximity (rather than distance), responsibility (able to respond adequately to the social and legal issues), communication (able to be agents of transformation) (Albiston and Sandefur, 2013) and legal presence (in time and space, able to intervene if necessary).

3.4. Access to justice and e-Justice

3.4.1. Introduction

The Flemish Minister of Welfare has referred to online tools for legal aid as a way of improving access to justice[10]. The concept of e-Justice might give a new impetus to the debate about access to justice. The European Commission defines the purpose of e-Justice as:

> to improve citizens‟ access to justice and to make legal action more effective, the latter being understood as any type of activity involving the resolution of a dispute or the punishment of criminal behaviour (Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee Towards a European e-Justice Strategy)[11].

The European Parliament, in its resolution of 18 December 2008, which contains recommendations to the Commission, asserted that „e-Justice has a broad definition including, in general, the use of electronic technologies in the field of justice‟[1215]. In its multi-annual European e-Justice action plan for 2009-2013, the Council referred to „the use of information and communication technologies (ICT) in the field of justice‟.

Hence, the term „e-Justice‟ does not refer to a different kind of justice, an alternative judicial power, or divergentjudicial procedures, but to ordinary justice involving the use of IT tools in the organization and performance of tasks by the regular judicial bodies (Inchausti, 2012). The characteristics of e-Justice include: (1) internet services for the purpose of public information (or even data exchange between citizens and judicial organizations); (2) internet services that exchange data between organizations (business-to-business); (3) intranet services to facilitate procedures within a given organization (e.g. workflow systems); (4) services that provide „juridical communication‟ (e.g. protected email, digital signatures); (5) services for digital audio and video-recording (e.g. systems for relaying court hearings); and (6) video communication services (tele-surveillance and long-distance interrogation) (Vassileva, 2007).

E-Justice in Belgium is still in a very early stage; however, multiple initiatives have been developed in this field. First and foremost, the federal government provides information on various departmental websites. In addition, there are sites of the various authorities and public law institutions that provide more or less extensive information about citizen‟s rights and obligations (Gibens, 2014). In addition to the public sector, many private organizations also provide online tools and solutions for legal problems; for example, the website of the Centres for General Welfare (www.caw.be/jouw-vraag-onze-eerste-zorg) or the ombudsman‟s website www.ombudsman.be, which not only provides information on referrals to the relevant ombudsman in the area but also includes a step-by-step platform for filing complaints. Several websites also provide the option of downloading relevant texts and templates of documents and contracts, such as the website of the Flemish tenants‟ platform (Gibens, 2014).

3.4.2. Online behaviour of citizens confronted with legal problems

The respondents in our study were asked whether they had experienced any problems in the past three years concerning: (1) work, (2) real estate purchase, (3) renting a home, (4) rent of other real estate, (5) purchase of a good or a service, (6) money, (7) minors within the context of the family, (8) health issues, (9) damages of any kind, (10) family excluding minors or (11) conflict with the government authorities[13]. The most frequently encountered problems were health issues (24.3%), work-related issues (24.3%), purchase of a good or service (17.5%) and money (17.4%). The least frequent problems concerned conflict with government institutions (4.6%) and problems with minors within the family (5.1%)[14]. However, 40% of the respondents (N = 156) did not encounter any significant legal problems in any of the areas listed.

The respondents were asked how the legal issue was resolved and whether legal action was taken against them; whether they had taken legal action themselves; whether they had threatened to undertake legal action; or none of the above. It was surprising to see that in 65% of the cases no threat of or actual legal action was undertaken. Only 12% had undertaken legal action and 14% had threatened to do so. In 9% of the cases, the respondents were subject to legal action taken by the opposite party.

The internet did not serve as the primary source of information for the respondents, with only 35% using online tools to find a solution to the conflict, and 55% reporting that they had not[1518]. The majority of the

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[10] Beleidsbrief Welzijn, Volksgezondheid en Gezin 2015-2016, Minister VANDEURZEN, *Parl.St.Vl.Parl.* 2015-2016, nr. 506/1, 53.

[11] 30 May 2008, Com(2008) 329 final (3).

[12] OJ C 75, 31 March 2009.

[13] When a respondent indicated that they had in fact encountered legal problems with more than one of the areas indicated in the survey, they were requested to select one area to complete the rest of the questionnaire.

[14] Children younger than 18 years old.

[15] 10% indicated they did not recall whether or not they had searched online for possible solutions.

respondents who had used online tools reported that they had typed some terms into a search engine (66%), while 30% indicated that they began by searching for websites of organizations and/or institutions that provided socio-legal aid. When asked whether or not they deemed the online advice sufficient, 61% of the respondents answered affirmatively, while 36% considered the online information insufficient (N = 30).

Of those who were unsatisfied with the online information, 3% were not satisfied because they did not understand the information provided, 20% were not sure whether they were on the right website, 27% were not sure whether the website offered correct information, and 13% of the respondents could not determine whether they were consulting the right website or if the information was correct. In addition, a total of 20% of the respondents indicated that the information they were looking for was not provided by the online sources they consulted.

At the end of the survey, all respondents – including those who had indicated that they did not use online tools to search for socio-legal information – were asked whether they considered the internet as a useful source of information that had helped them find a solution to the conflict. In total, 76% of the respondents indicated that the internet was a „sufficient", „good" or „excellent" source of information.

A total of 45% of the respondents who used online tools did not take any action after online consultation of relevant websites, 33% took action themselves, 16% contacted the organization or socio-legal aid worker they found online and 4% contacted a different organization rather than the socio-legal aid worker they had found online.

This leads to the following conclusions. Firstly, online legal tools are a source of socio-legal information to citizens, as 60% of the respondents indicated that they had used the internet as a source of information. However, when considering that our pilot survey suggested that 88.5% of the population use the internet on an almost daily basis, this result might seem low. It might be expected that in the future, the percentage of citizens who will use the internet as a source of information on dispute resolution will increase. Secondly, in general, 76% of the respondents deemed the internet to be a useful source of information that could potentially help them find solution. However, only 61% of those who had actually used the internet as a source of information were satisfied with the service provided, while 36% considered the online information insufficient. The reason why the information was deemed insufficient varied. In some cases, it was unclear to the respondents whether they had accurate information, while other respondents indicated that information on their specific situation was not provided.

3.4.3. E-Justice: a new model of frontline legal aid

Online tools are a part of contemporary society and are used by citizens to find information about and/or solutions to their legal problems. Online tools should therefore be regarded as an important element of justice systems, currently still in the early stages, but most likely gaining influence in the future.

Online legal tools could be limited to providing information by listing frequently asked questions or by giving a brief overview of the citizen"s rights and duties; however, it is not unthinkable that, in the near future, online tools could be used to compile legal documents or to submit an application to the court. The research reported on here offers a first insight into the online behaviour of citizens when confronted with socio-legal problems; however, more research is required to further explore improvements to online tools that might increase citizen"s satisfaction with the services provided.

It is clear that online socio-legal aid is advancing and this might have a significant impact on the current division of tasks in the field of frontline socio-legal aid, as such aid does not require the involvement of a professional, with citizens able to find information in their own time without consulting a lawyer. Moreover, it is likely that in the future more online tools will be developed that will empower citizens and allow justice seekers to find all the necessary information online to fill out an application or to compile a contract of purchase or settle a dispute in a legally binding way. In this scenario, professionals would be responsible for controlling and updating the online information, with the necessary IT knowledge and IT support, no longer needing to be involved in every transaction or dispute resolution process.

5. CONCLUSIONS AND RECOMMENDATIONS

This work package attempted to give a non-exhaustive overview of the field of frontline socio-legal aid. It began by focusing on the frontline legal aid provided by the two institutions that were introduced in Belgium in 1998 to improve access to justice: the Houses of Justice and the Commissions for Legal Aid. It became apparent that in daily practice, both institutions have failed to deliver the service the legislator intended.

It can be concluded that, in Belgium, frontline legal aid is organized according to a complex mixed model: a combination of the welfare model and the judicare model. The welfare model is represented by the different social organizations that provide frontline legal aid; it also emphasizes preventive action and approaches legal problems within a broader social framework. The judicare model is embodied by the Commissions for Legal Aid, which organize consultation hours for private lawyers and the remuneration of the lawyer according to their performance. The judicare and welfare models exist in parallel to one another, with very little interaction occurring between the two professions of social worker and private lawyer.

The failure of this complex mixed model in Belgium is due to the lack of policy. While the legislator stipulated some general goals of legal aid, there was no further clarification concerning how these goals should be obtained. Moreover, there was no follow-up on the way the legislation was put into practice. The Houses of Justice and the Commissions for Legal Aid had to organize frontline legal aid within the existing structures themselves, without any form of guidance or oversight. It is apparent that to develop an integrated socio-legal aid system, the government needs to take its share of responsibility and make policy decision concerning how frontline socio-legal aid should be organized, with the aim of creating a *planned* mixed model (Paterson in Gibens, 2005).

New impetus was given to improve access to justice by the Sixth State Reform of 2014, which transferred the competence for frontline legal aid (both socio-legal aid and frontline legal aid) to the jurisdiction of the French-speaking and Dutch-speaking communities. The Flemish community has subsequently brought frontline socio-legal aid within the competence of its Department of Welfare, and the Minister of Welfare has made it clear on numerous occasions that he wants to develop an integrated socio-legal aid system, with a focus on an interdisciplinary approach to conflicts as well as a general focus on prevention. It remains unclear how the Minister of Welfare intends to design and implement this policy. However, a few recommendations can be suggested in relation to the development of successful policy on frontline socio-legal aid:

- A clear government policy must not only aim to clarify the objectives of socio-legal aid, but also develop quality standards for the institutions in the field. These quality standards must be clear, and must include techniques that are able to measure the quality of the frontline services. Within the welfare domain, social organizations are already familiar with such techniques and monitoring methods. The Centres of General Welfare and Public Centres of Social Welfare are monitored and regularly reviewed. However, the bar and the Commissions for Legal Aid are unfamiliar with such approaches and it is likely that there will be some resistance to any interference by state authorities. However, in order to arrive at an integrated approach to socio-legal aid, it is necessary to establish some form of oversight of the Commissions for Legal Aid.
- The preventive aspects of socio-legal aid must be further explored, focusing on outreach to the most vulnerable groups in society, who are confronted with a multitude of problems that might have a legal dimension but do not necessarily need to end in the courts. The outreach centres in Tienen and Leuven have had some success. By bringing lawyers closer to vulnerable citizens, access to justice was improved. In particular, when consultations involved both a lawyer and a social worker, the best results were reached. However, this requires a certain basic attitude from private lawyers, who must be willing to not only look at a case from a legal perspective, but also take into account psycho-social issues. In other words, lawyers must take a holistic approach to the matter. Currently, lawyers are insufficiently trained to do so. Thus, if the goal is to develop an integrated front-line socio-legal aid system that assists the most vulnerable groups in society, training should be made available to lawyers who wish to participate in these schemes.
- In addition to government policy, every region should have its own policy concerning socio-legal aid, taking into account the specific demographic, economic and societal characteristics of the region. For example, a city such as Brussels, with a high number of young people from different demographic backgrounds, will require a different approach to that needed in a small rural town predominantly inhabited by pensioners. These local policies should be developed within the framework provided by the government, but with their own accents and initiatives.
- The state authorities should invest in e-Justice as an easy way to provide better access to justice for the average citizen. In Belgium, internet access is common and, as was shown in the pilot survey, the great majority of people use the internet nearly everyday. Moreover, when confronted with a legal problem, 60% of the respondents indicated that they had searched for an adequate solution online.

However, we also found that problems were encountered because the information online was too narrow or because the respondent could not be certain that the information was accurate. Thus, the government should develop policy in relation to e-Justice that prevents the proliferation of private websites that provide legal information which might be outdated or flawed. Many government websites already provide a page with frequently asked questions; providing documents which are easy to fill out for the most common requests made to court might also be considered.

- Whenever socio-legal aid policy is developed, the policymaker should take into account the general requirements that must be met, which are best represented by the 5Bs, as shown in the following table.

Indicators	Affordability	Availability	Accessibility	Usability	Understandability
Parameters					
Macro	Budget strategic aims frequency of needs and use models of legal aid	Vision of equal access to the law & courts budgetary preconditions (government intervention or not) societal developments (e.g. refugees)	Geographical scale	Lines (clear legal descriptions)	Legal language and legal culture
Meso	Organization: people and resources	Dissemination monitors: (legal) aid workers, region, place, time cooperation: sectoral and intersectoral integral: reactive and/or proactive types of (legal) aid worker: generalist or specialist	Access points: direct, indirect, neutral, non-neutral, physical, non-physical social and legal reception visibility and awareness dissemination	Bespoke: knowledge building on methodologies generalist specialist coherent: internal and external at the right time target-group-oriented: vulnerable <-> self-reliant	Transparency
Micro	Price one-time/multiple use	Opening hours locations (physical or virtual) types of aid worker	Proximity: territorial, relational, social and professional involvement: clients‟ problems are acknowledged	Tailored to the situation (social, legal, substantive and financial)	Basic attitude: attention to signals use of specific methods and methodologies: conversation techniques, instruments, consultation, follow-up use of clear (legal) language

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