

## ANNEX A

### Overview: Review of our Criminal Legal Aid Model

The Government's approach to supporting criminal legal aid has evolved over the years as we continuously review our legal framework to enhance access to justice.

- **1985: Start of the Criminal Legal Aid Scheme (CLAS)**

CLAS was initiated by the Law Society of Singapore (LawSoc) and senior lawyers, including the late Mr Harry Elias, to provide legal aid to persons facing non-capital charges. The scheme, which is currently administered by the Law Society Pro Bono Services (LSPBS), was privately funded through LawSoc and goodwill donations.

- **2013: Government announces intention to start funding criminal legal aid**

In November 2013, MinLaw announced the Government's intention to directly fund<sup>1</sup> CLAS. It also announced the formation of a Criminal Legal Assistance Steering Committee, comprising representatives from LawSoc, the Criminal Bar, the Courts, Singapore Academy of Law and MinLaw, to oversee the use of government funds provided to LSPBS for CLAS.

- **2014: Completion of Policy Framework Review for Enhanced CLAS**

The Steering Committee completed its formulation of the policy framework for the enhanced CLAS, in consultation with the Criminal Bar.

- **2015: Direct Government Funding of the Enhanced CLAS**

The Government started co-funding CLAS – the Government funds about 75% of its operating costs and CLAS funds the remaining 25% of its costs through private donations.

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<sup>1</sup> While the Government had been providing annual funding to the Law Society's Pro Bono Services Office since 2007, it did not directly fund criminal legal aid prior to 2015. The Government's then-philosophy had been that it would be "incongruous and inconsistent that public funds should be used to defend an accused person which the State has decided ought to be charged in Court".

CLAS was also enhanced to cover an expanded range of criminal offences and offer assistance to applicants who intend to plead guilty. Other key features of the enhanced scheme included:

- i) An enhanced means test to allow more applicants to qualify for criminal legal aid;
- ii) Co-payment to ensure that applicants also contribute towards their defence and do not abuse the system; and
- iii) Honoraria to be paid to lawyers as recognition for their pro bono contributions and quality of work.

Since then, a larger number of vulnerable Singaporeans and Permanent Residents have been given criminal legal aid through CLAS. The figure has increased four-fold to about 1,250 accused persons a year between 2015 and 2021, compared to the number served pre-enhanced CLAS.

- **2020: Review of the Enhanced CLAS**

The Government started a review of the enhanced CLAS to assess if there was a need to change our criminal legal aid model and fully fund legal aid. The aim was to ensure that the model adopted in Singapore would help those in need while ensuring sustainability in the longer run.

- **2020: Ministerial Statement on the *Parti Liyani v Public Prosecutor Case***

In response to Members' questions on whether the Government would consider having a Public Defender Scheme to defend accused persons in criminal cases, Minister for Law K Shanmugam said that the Government would study the details and feasibility of such a proposal. Taken as part of the review of the enhanced model for CLAS, this would be done in consultation with LawSoc and the Criminal Bar.

- **2022: Ministerial Statement on the Establishment of a Public Defender's Office**

Minister for Law K Shanmugam announced that MinLaw will be establishing a Public Defender's Office and making consequential changes to expand criminal legal aid coverage.