

2023 International Forum on Legal Aid

National Report: Ukraine

1. Please provide up-to-date information about your country and its legal aid organizations.

Information about your country (region or state)*				
Country	Population (by the end of 2022)	GDP (by the end of 2022)	Poverty line & population living in poverty	Total no. of practicing lawyers
Ukraine	Due to the war in Ukraine, complete information cannot be provided. The population in 2022 was 41 167 335 (excluding occupied territories from 2014).	GDP per capita in 2021 was \$4830.	Due to the war in Ukraine, complete information cannot be provided.	>70000 lawyers in Ukrainian National Bar Association
* In addition to the country information given above, for countries with federal systems where the legal aid organization described below is not a national organization, please provide data for the state/province/area where the legal aid organization operates.				
Information about the legal aid organization				
Name of legal aid organization	Date of establishment	Total no. of applications received in 2022	Total no. of applications approved in 2022	Total no. of applications rejected in 2022
Coordination Centre for Legal Aid Provision	June 1, 2012	955 892 (free primary and secondary legal aid + call centre)	955 892 (free primary and secondary legal aid + call centre).	651 order about rejected to clients in free secondary legal aid (it's 0,1 % of total no. of applications of free legal aid)
Total no. of employees	Total no. of Legal Aid Lawyers	Government funding for the legal aid organization in 2022	Total legal aid expenses in 2022	Proportion of government funding to the total legal aid expenses
More than 2000	1 500 practical lawyers; 3500 attorneys who work with centers by contract	In 2022, 534.0 million UAH (61%) and 338.3 million UAH (39%) were spent on the functioning of the free legal aid system	534.0 million UAH + 338.3 million UAH+ 10865,6 UAH (Cash expenditures)	98%

2. Please introduce the legal aid organization in your country (or the organization you work for), including:

- (1) *The organizational framework (in terms whether the legal aid organization is affiliated with a governmental body or is a separate legal entity) and the supervisory authority. If the organization is overseen by a supervisory body, how is organizational independence achieved?*

Free legal aid system in Ukraine has been fully functioning since January 1, 2013, and currently consists of: the Coordination Center for Legal Aid Provision, 16 regional centers for the provision of free secondary legal aid, 62 local centers for the provision of free secondary legal aid, 504 legal aid bureaus, and 5 'Pravokator' legal clubs. Legal assistance is provided to clients by over 1,500 staff lawyers within the free legal aid provision system. The Registry of Attorneys providing free secondary legal aid includes 8,664 attorneys (lawyers from Ukrainian National Bar Association)

The Coordination Center for Legal Aid Provision operates under the Ministry of Justice of Ukraine's jurisdiction, although it is not a part of the Ministry itself. The Coordination Center develops legislative initiatives in the field of free legal aid and submits them to the Ministry of Justice. It contributes to the improvement of existing standards and the implementation of new standards and procedures in the realm of providing free legal aid, taking into account global practices.

- (2) *The services provided and the types of cases for which legal aid is provided (for example, promotion of the rule of law through education, provision of information, legal advice, litigation and court representation, advocacy for reform, etc.).*

Free legal aid system provided such services as: legal empowerment, rising legal awareness, provision of information, legal advice, litigation and court representation, defense in criminal cases, early access to legal aid during detentions, restorative justice.

- (3) *The caseload by type of service and the case types in legal aid cases.*

From 2013 to mid-2023, a total of 4,265,928 client requests for legal assistance were received by the free legal aid system. Defence in criminal proceedings was provided to 889,584 individuals, legal assistance in representing interests in civil and administrative cases was provided to 472,132 individuals. Additionally, 3,794,255 individuals received legal consultations and legal information during their visits to the legal aid bureaus. Staff Lawyers also conduct outreach consultations, provide targeted legal assistance to individuals with disabilities who cannot independently visit the centers, and offer assistance over the phone or through electronic communication tools.

- (4) *The procedures for application and delivery of each type of legal aid service.*

- (5) *The criteria for application approval.*

The right to free primary legal aid, which includes such types of legal services as providing legal information, consultations, and explanations on legal matters; drafting statements, complaints, and other legal documents (except procedural documents); providing assistance in enabling access to free secondary legal aid and mediation, according to the Constitution of Ukraine and the Law, is granted to all individuals under the jurisdiction of Ukraine.

Article 14 of the Law defines the list of individuals entitled to free secondary legal aid, which includes such types of legal services as defense; defense in criminal proceedings, early access to legal aid, representation of the interests of individuals entitled to free secondary legal aid in courts, other state bodies, local self-government bodies, and before other individuals; drafting procedural documents (Article 13 of the Law). Specifically, according to paragraphs 3-7 of the first part of Article 14 of the Law, the right to free secondary legal aid is granted, among others, to individuals who, according to the provisions of criminal procedural legislation, are considered detained, subjected to administrative detention or administrative arrest, have a preventive measure in the form of detention, as well as individuals involved in criminal proceedings for whom, according to the provisions of the Criminal Procedure Code of Ukraine, a defense counsel is engaged by an investigator, prosecutor, investigative judge, or court for representation or the performance of a separate procedural action.

Additionally, according to paragraphs 1-23, 8-14 of the first part of Article 14 of the Law, the right to free secondary legal aid is granted, among others, to individuals with low income (if their average monthly income does not exceed two times the subsistence minimum calculated and approved according to the law for individuals belonging to the basic social and demographic groups of the population);

individuals with disabilities (who receive a pension or assistance equivalent to a pension in an amount not exceeding two subsistence minimums for non-working individuals); children; internally displaced persons; war veterans; individuals who have suffered from domestic violence or violence based on gender. In 2020, after the relevant amendments to the Law were introduced, the following categories of individuals gained the right to free secondary legal aid:

- individuals who have applied for recognition as stateless persons (from the date of submission of the application for recognition as a stateless person until the issuance of a final decision on the application, as well as during the process of obtaining an immigration permit or a temporary or permanent residence permit);
- whistleblowers in connection with their reporting of information on corrupt or corruption-related offenses.
- victims of criminal offenses against sexual freedom and sexual inviolability, torture, or cruel treatment during armed conflicts or armed conflicts.
- individuals who have been deprived of personal liberty due to armed aggression against Ukraine.

3. Please describe the service delivery model in the legal aid organization in your country (or the organization you work for).

(1) Are the services mainly provided by staff attorneys employed by the legal aid organization or by lawyers not employed by the said organization? If both, what is the caseload of each? What is the proportion of cases taken by the staff attorneys and that by the external lawyers?

Primary legal aid services are provided by staff lawyers, secondary legal aid in criminal proceedings is ensured by attorneys who work with centers by the contract. Secondary legal aid in civil and administrative cases is provided by both of them: 50 % by staff lawyers and 50 % by attorneys.

(2) What are the requirements that external lawyers need to meet to work with the legal aid organization?

In accordance with the Procedure and Conditions for the Contest for the Selection of Attorneys engaged in Providing Free Secondary Legal Aid, approved by the Resolution of the Cabinet of Ministers of Ukraine dated December 28, 2011, No. 1362 (as amended by the Resolution of the Cabinet of Ministers of Ukraine dated August 9, 2017, No. 575), applicants must: be knowledgeable about regulatory legal acts in the field of human rights protection; know the norms of procedural and substantive law; be aware of and adhere to the Rules of Advocacy Ethics; be familiar with legislation in the field of free legal aid; be capable of drafting procedural statements, complaints, and other legal documents; be knowledgeable about the standards of quality for providing free legal aid; possess proficiency in the state language (proficiency in English and/or languages of national minorities that constitute a significant portion of the population in the corresponding administrative-territorial unit is an advantage); have the right to engage in legal practice; and be evaluated based on the performance of a test task.

(3) Is an appointment process required for external lawyers before they are allowed to take legal aid cases? Or is it the case that external lawyers sign contracts with the legal aid organization and then the public directly contact the contracted lawyers to apply for legal aid?

Legal aid in civil and administrative cases, to witnesses and victims in criminal proceedings, is provided by attorneys upon the assignment of regional and local centers of the free secondary legal aid. These attorneys are registered with the Registry of Attorneys providing free secondary legal aid and have entered into contracts with the center of the of free secondary legal aid. Additionally, the staff lawyers of the centers of the free secondary legal aid also provide such assistance. In particular, in 2022, the number of assignments issued to attorneys was 22,744 (compared to 39,976 in 2021), and the number of assignments issued to regular employees was 26,425 (compared to 45,984 in 2021). The decisions made regarding the provision of free secondary legal aid in 2022 amounted to 49,634 (compared to 85,921 in 2021)."

(4) Please compare the salary or remuneration of legal aid attorneys with the market average.

Attorneys who working by a contract with the free legal aid system receive compensation according to the acts for performed services, including a rate of 127.40 UAH per hour of an attorney's work. In 2022, payments were made to 3,788 attorneys, totaling 33,819,900 million UAH. On average, an attorney receives 17,500 UAH per month in the market.

4. Please describe the financial situation of the legal aid organization in your country (or the organization you work for).

(1) What are the sources and amount of legal aid funds? Is there an annual expense cap?

(2) Have you ever experienced significant budget cuts? If so, how did you deal with them?

(3) What proportion of annual expenses goes to lawyers' remuneration and what proportion to administrative expenses?

The activities of the free legal aid provision system are funded from the State Budget under budget programs 3603020 "Ensuring the Formation and Functioning of the Free Legal Aid System" and 3603030 "Payment for Services and Reimbursement of Costs of Lawyers Providing Free Secondary Legal Aid." In 2022, 534.0 million UAH (61%) and 338.3 million UAH (39%) were spent on the functioning of the free legal aid system, respectively (in 2021 - 565.6 million UAH (60%) and 384.0 million UAH (40%).

(4) Does the legal aid services cover litigation costs (such as court fees, administrative agency charges, and adjudication costs for losing a lawsuit, etc.)? Is there any recovery of costs from the aid recipients or the counterparties?

No. Court fees are paid by the client and may be reimbursed by the opposing party.

5. In what ways does the legal aid organization in your country (or the organization you work for) manage quality assurance for legal aid provision and services?

Monitoring compliance with the quality standards of free secondary legal aid provided by attorneys is conducted through observations of attorneys' work in court sessions, interviewing clients regarding their satisfaction with the Attorneys' work, and verifying the data provided by attorneys through checks of legal aid provision records. The primary instrument for analyzing the quality and completeness of legal aid provided by attorneys in the free legal aid provision system is the activity of the Expert Legal Assessment Commission.

Also, the activities of attorneys are monitored by the Quality, Completeness, and Timeliness Evaluation Commission of the National Association of Attorneys of Ukraine, and by the Qualification and Disciplinary Commissions of the legal profession, that function in every region of Ukraine.

6. Does the legal aid organization in your country (or the organization you work for) promote the concept of the rule of law and offer outreach services? In what ways?

Yes. This is achieved through legal education and working with service providers.

7. What are the major strategies for the overall development of the organization in the last five years? What are the background and reasons for developing these strategies?

This involves rising accessibility, quality, people-centeredness, and the development of access services. Protecting human rights through ensuring equal access to legal information and justice, enhancing legal opportunities and capabilities for representatives of socially vulnerable groups, territorial communities, and communities, implementing alternative dispute resolution methods and restorative justice.

8. What are the impacts of the COVID-19 pandemic on democracy, human rights, and the

judicial system in your country? Please include, but do not limit your answers to, the following aspects:

- (1) *What were the COVID-19 restrictions (such as lockdowns, isolation, etc.) at different phases of the pandemic in your country? How did those restrictions affect individual rights and society?*
- (2) *Do you have any concerns that the COVID-19 measures (e.g., quarantine, isolation, digital contact tracing, etc.) taken in your country might have violated human rights?*

No, we don't have any concerns that the COVID-19 measures. For example, in society, the issue of upholding human and citizen rights under the conditions of the introduced national quarantine has become acute. Particularly, this concerns the especially vulnerable population categories, including individuals held in places of non-freedom. Inadequate detention conditions, insufficient medical care, as well as a high percentage of chronic illnesses among detainees, provide grounds for the rapid spread of COVID-19, which can lead to severe consequences for life and health. Has been made a decision to continue implementing measures under quarantine conditions, including:

- Conducting monitoring visits to places of non-freedom to assess the status of implementing measures to prevent and contain the acute respiratory illness COVID-19 caused by the SARS-CoV-2 coronavirus.

- Online monitoring (through phone communication with places of non-freedom and sending information requests to regional state administrations and other entities responsible for legal regulation related to places of non-freedom).

- Tracking trends in the incidence of acute respiratory illness COVID-19 caused by the SARS-CoV-2 coronavirus (daily reporting of suspected cases and confirmed instances of the illness among detainees and personnel at places of non-freedom to the authorized representative).

- (3) *How were the judicial system (such as courts, prosecutors' offices, public defenders, etc.) and the correctional system (such as prisons, detention centers, etc.) in your country impacted at different phases of the COVID-19 pandemic? Were there short-term or long-term changes? How did they affect democracy, human rights, and access to justice in your country? How did you deal with the impacts?*

Has been development access to legal assistance services online, and a prohibition on working in offices for unvaccinated citizens has been implemented.

- 9. Beside the impact of the pandemic, have there been other crises endangering democracy and violating human rights in your country in the past five years (i.e., since the last Forum)? If yes, please describe the events, explain their causes, their impacts on society and legal aid services, and how the legal aid organization or legal aid attorneys in your country have dealt with them.**

The most significant negative impact on democracy and society in Ukraine is the ongoing war initiated by Russia against Ukraine. But The system of free legal aid (FLA system) has not ceased its operations for a single day since the beginning of Russia's full-scale invasion of Ukraine and has consistently provided legal services. Individuals affected by the war are seeking assistance for issues related to missing or deceased relatives, lost documents, damaged or destroyed property, travel abroad, and many others. Staff lawyers within the FLA system provide consultation and advice on how to address various legal problems.

- 10. How has the organization you work for or the legal aid organization in your country changed or been affected since the COVID-19 outbreak? What has been adjusted accordingly? Please include, but do not limit your answers to, the following aspects:**

- (1) *Daily operations and working methods of the legal aid organization or legal aid service providers (such as suspension of external services, work from home, etc.)*
- (2) *Procedures, review criteria, or requirements for application documents for the public to apply*

for legal aid

- (3) *Ways to provide legal advice to the public*
- (4) *Development in the rule of law through education and outreach services*
- (5) *Caseload and case types for each type of service*
- (6) *Were the above short-term changes during the severe pandemic phase, or did they persist despite the pandemic subsiding?*
- (7) *What positive or negative impacts do you think the COVID-19 pandemic has had on the operations of the organization you work for or the legal aid organization in your country, and on the organization's aim to safeguard democracy, human rights, and access to justice?*

The issue of legal aid accessibility has always been important, but it has gained even greater significance in the context of the COVID-19 pandemic. The FLA system quickly adapted to the new challenges. The active use of digital technologies for delivering legal services, assistance in providing clients with access to mediation, the development of volunteer initiatives, and much more – all of this is aimed at ensuring that everyone has the opportunity to receive quality legal services and equal access to justice. Thanks to the involvement of resources from numerous partners, the FLA system has been able to actively develop online services, introduce new client interaction formats, and ensure that access to justice in Ukraine remains unaffected. The FLA system can now provide legal assistance utilizing all modern ICT.

11. Does the organization you work for or the legal aid organization in your country employ modern information and communications technology (ICT) in providing legal aid services to the general public, or provide modern ICT to the users of legal aid services? If yes, please share your experiences, including, but not limited to, the following:

- (1) *Technology tools, or the systems and functions (such as online application, chatbots, online mediation, etc.); and how the technology-based services work*
- (2) *When and why the technology-based services were launched*
- (3) *Pros and cons of using technology tools to provide legal aid services*
- (4) *Challenges of using technology tools to provide legal aid services, and the ways to overcome the challenges*
- (5) *How to bridge the gaps in users' technological capabilities to tackle digital exclusion*
- (6) *Have you observed any changes in people's technological capabilities or any behavioral changes in using technology tools following the COVID-19 pandemic?*

During the quarantine period, additional consultation services were introduced, including private chats on popular messaging platforms like Telegram and Viber. Among other digital solutions for obtaining free legal aid were the "Free Legal Aid" and "Your Right" applications, a feedback form on the official website of the free legal aid provision system, as well as the informational platform for legal consultations called "WikiLegalAid." To enhance and expedite the processing of inquiries, in 2020, the Coordination Center for Legal Aid implemented a system for recording and processing requests for free primary legal aid in industrial operation. This service allowed for centralized distribution of requests among staff lawyers in the centers and processing all inquiries regardless of the communication methods chosen by clients, clarifying requests, and providing responses. In 2020, the FLA system demonstrated its effectiveness. This includes over 146,000 cases of defense, representation of interests in courts, and drafting procedural documents. It also encompasses over 510,000 cases of providing consultations and clarifications on legal matters, assistance in drafting applications, complaints, and more. This involves more than 275,000 calls received by the unified contact center of the FLA system at the number 0 800 213 103.

12. Is modern ICT used in the organization you work for or the legal aid organization in your country, or used by this organization to communicate with its legal aid providers (i.e., in the broad sense, legal aid professionals including external lawyers)? In doing so, have

information exchange and administrative processing been speeded up? What is the effectiveness and efficiency of daily operations? Has the quality of management been improved? Please share your experience, including, but not limited to, the following:

- (1) Technology tools or systems and functions, and how they work*
- (2) How much annual budget is allocated to ICT utilization and development? How is the ICT workforce allocation in this organization each year?*
- (3) Pros and cons of promoting digital transformation for legal aid organizations and professionals*
- (4) Challenges in promoting digital transformation and how to overcome them*
- (5) Impacts of the COVID-19 pandemic on the promotion of digital transformation for legal aid organizations and professionals.*

The implementation of quarantine highlighted the importance of the FLA system for society. The question of obtaining legal assistance while adhering to enforced safety measures arose.

Even prior to this, the FLA system in 2020 utilized digital technologies for delivering legal services. Notably, the informational platform for legal consultations 'WikiLegalAid' was created and is being developed. In 2020, the 'WikiLegalAid' pages were viewed over 5.6 million times – nearly three times more than the previous year. For comparison: during the first half of 2023, there were 18 728 109 views of the 'WikiLegalAid' legal consultation platform, 2 258 legal consultations, 6 920 862 users, and 6 208 479 new users (75.1% new visitors and 24.9% returning visitors).

Since the introduction of quarantine measures, there has been a significant increase in the demand for receiving legal assistance remotely, particularly over the phone. While in February, the unified contact center of the FLA system received over 28,000 inquiries, in March, it received almost 32,000. The record was in July with almost 53,000 calls. On average, in 2020, there were 35,000 to 45,000 calls per month. Since the beginning of the armed aggression by the Russian Federation and the ongoing military operations in Ukraine, experts within the emergency response system process over 20,000 calls received from citizens on the hotline 0 800-213-103 each month.

There have been changes in the provision of legal aid in the criminal process. Regional centers for free secondary legal aid, as before, operated around the clock and ensured representation for all detainees, as well as suspects and accused individuals in criminal proceedings, and received calls from detainees or their relatives. However, modern technologies have allowed for changes even in these processes – attorneys now participate in court hearings online.

In the context of the pandemic, the formats of the legal awareness activities of the FLA system have changed. The focus is now on online activities. In 2020, over 16,400 legal awareness events were conducted, involving 950,000 participants. The majority of these events, 57%, took place online – webinars, videos, live broadcasts on social media, podcasts, video consultations, and much more. These new and engaging initiatives will continue to be part of the legal awareness efforts of the FLA system even after the quarantine ends.

13. Does the organization you work for or the legal aid organization in your country provide legal aid for specific vulnerable groups, or provide services concerning specific legal issues?

Target clients may include women, children and juveniles, indigenous peoples, laborers, migrants, migrant workers, refugees and stateless persons, social welfare dependents, people with disabilities, people in debt, victims of crime, victims of disasters and environmental hazards.

*Please present **not more than three** targeted legal services for specific vulnerable groups, with attention to the following:*

- (1) Background: the reason why this group/issue is selected, and why the service was launched.*
- (2) Scope of services: promotion of rule of law through education, legal information, legal representation, strategic litigation or class actions, advocacy and reform.*
- (3) Are the financial eligibility requirements that these aid recipients need to meet the same as the requirements for general legal aid?*
- (4) Do you collaborate with other legal/non-legal aid organizations? How do you work together?*

(5) How to achieve service optimization within a limited budget.

(6) Service challenges and how to overcome them.

(7) Achievements.

Since 2019, the FLA system, in collaboration with the Office of the General Prosecutor, has been implementing the pilot project 'Restorative Program for Minors Suspected of Committing Criminal Offenses.' Its goal is to ensure compensation for incurred damage, prevent repeat criminal offenses, resocialize the minor, reintegrate the victim, reduce the impact of risk factors contributing to the minor's unlawful behavior, and ensure the earliest possible withdrawal of the minor from criminal proceedings in cases specified by law.

The second vulnerable group comprises individuals who have suffered from human trafficking. They now have the right to free secondary legal assistance. On August 3rd, 2023 the Law of Ukraine 'On Amendments to Certain Legislative Acts Aimed at Simplifying Access to Free Legal Assistance' came into effect, which stipulates that individuals who have fallen victim to human trafficking are now considered eligible for free secondary legal assistance. They are entitled to services such as representing their interests in courts, other state bodies, local self-government bodies, or before other individuals, as well as drafting procedural documents.

The third group internally displaced persons. The Law of Ukraine 'On Free Legal Aid' guarantees internally displaced persons the right to all types of legal services – primary and secondary legal assistance. Since February 24, 2022, more than 11,100 people who were forced to change their place of residence due to the war have exercised this right. Every sixth client of the FLA system receiving secondary legal assistance is an IDP (Internally Displaced Person). From the beginning of 2023, over 10,000 such inquiries have been registered, accounting for 16% of the total.

During the same period last year, more than 2,300 IDPs, or 9% of the total number of clients, sought assistance from staff lawyers.

The scope of legal issues that IDPs need to resolve has also expanded. In most cases, primary legal assistance – consultations and explanations or drafting non-procedural documents such as applications and petitions – is sufficient. However, for matters like child support recovery, establishing legally significant facts, divorce proceedings, or obtaining compensation for families of deceased servicemen, secondary legal assistance is required.

14. Does the organization you work for or the legal aid organization in your country engage in strategic litigation or class actions on specific issues? If that is the case, please provide examples and explain how it was done.

No.

15. Is there a system of citizen participation in trials in your country? If that is the case, please explain how the system works, the system structure, and the role of the organization you work for or the legal aid organization in your country in the system and in cases involving citizen participation.

No.

16. What specific measures has the organization you work for or the legal aid organization in your country taken to protect victims? What is its role in implementing protective measures? Does it collaborate with other groups or professionals (such as social workers, counselors, or healthcare professionals) to provide holistic services?

The scope of individuals entitled to free secondary legal assistance has been expanded. Specifically, the category of victims of criminal offenses against sexual freedom and sexual integrity, as well as torture or cruel treatment, has been added to the list. Currently, the FLA system is conducting a nationwide informational campaign to draw society's attention to the issue of conflict-related sexual violence and to inform about the FLA system's capabilities in protecting the rights of victims of such offenses.

- 17. In the past five years, has the organization you work for or the legal aid organization in your country ever conducted surveys on the legal needs of the public or specific vulnerable groups and their behavioral patterns in seeking legal services, or has it conducted studies on the historical service data? If yes, please provide files or links to the studies.**

Availability of legal aid in the context of martial law 2022:

<https://legalaid.gov.ua/wp-content/uploads/2022/08/report-summary-n.pdf>.

- 18. How does your country fulfill the requirements to provide specific legal aid to specific vulnerable groups in line with the international human rights instruments (e.g., Convention on the Elimination of all Forms of Discrimination Against Women, International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Rights of the Child, Convention on the Rights of Persons with Disabilities, etc.)? What is the progress in the implementation of these requirements?**

Expanded categories of individuals eligible for free secondary legal aid, the implementation of the pilot restorative justice project for minors, has been extended to the entire territory of Ukraine.

The National Strategy for the reform of the juvenile justice system for the period up to 2023 has been approved. The approval of this Strategy is driven by the necessity to enhance mechanisms of juvenile justice based on ensuring their rights through the execution of programs aimed at preventing juvenile delinquency, implementing effective measures for social adaptation and rehabilitation of minors in conflict with the law. The implementation of international standards of child-friendly justice is taking place in practical activities.