

# community justice

# Ukraine

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## LAW IN ACTION

**UKRAINE HAS TAKEN A SERIES OF STEPS IN RECENT YEARS** aimed at making its justice system more accessible, as part of broader efforts to reform a traditionally unresponsive and closed public administration. These efforts face considerable challenges: surveys indicate that the overall level of trust in the legal system remains low; roughly a third of the country's population of 45 million people live in rural areas with limited or no access to public services; and the on-going armed conflict in eastern Ukraine continues to create instability.

Since 2011, the government has set up a system of 125 regional centers providing lawyers for criminal, civil and administrative cases for low-income individuals (secondary legal aid), with plans for more centers at a district level. In addition, more than 30 Community Law Centers (CLCs) run by non-governmental organizations provide free legal information and counselling (primary legal aid) with funding from local municipalities and donors.

In 2015 the Ministry of Justice launched an initiative aimed at bringing together community-based CLCs and government-funded centers of secondary legal aid, with a network of "integrators", whose job is to coordinate the case work and other issues across the system.

## ORGANIZATION

The Community Law Centers are independent and operate either as a separate entity or a division of a local NGO. CLCs all belong to a national-level network, coordinated by the International Renaissance Foundation (IRF), part of the Open Society Foundations. In 2015 the CLC network created a formalized association of centers with an expert board, executive director and quality standards. This association administers on-going network projects, provide trainings and capacity building activities to its members and ensure sustainable funding.

## STAFFING

CLCs are staffed by community organizers and are administrated by local NGOs. They operate as a separate entity or a structural division of the organization. The staff includes project manager, one or several lawyers, other administrative personnel. Some centers establish local paralegals in village communities, train volunteers and/or contact pro bono legal firms. Some CLCs also provide specialized legal advice aimed at marginalized groups such as Roma communities, drug users, people living with HIV or needing palliative care, prisoners, and internally displaced persons. Other specific expertise includes anti-discrimination regulation, law and health intersections, and psycho-social assistance. Some CLCs have lawyers who can represent clients in court.

In other cases, CLCs forward clients to centers of free secondary legal aid where they can get access to a free lawyer. Pro bono culture is not widespread in Ukraine, but efforts are made by Ukrainian Legal Aid Foundation to promote this practice and an on-line pro bono platform is accessible to clients.

## SUPERVISION AND CERTIFICATION

In order to control the quality of primary legal aid, quality standards were developed by a working group composed of center's managers and lawyers. These standards can be applied to the quality of consultations, of the centers' administration and of on-line legal services. They serve as an indicator for other organizations willing to join the network. Standards also look at issues at the intersection of law and health and support for vulnerable and marginalized populations.

## LEGAL SERVICES

In addition to legal advice, many Centers offer mediation and alternative dispute resolution, offered primarily in three fields: school mediation for a safer environment, mediation in courts to decrease the length and cost, and mediation in communities to ease social tensions. To extend their reach, the CLCs use the "Legal Space" online service, run by Kherson Community Law Center, to communicate and respond to client enquiries. A mobile application giving clients direct access to a lawyer is now available.

Centers also conduct network projects linking two or three CLCs. These projects are focused on different systematic legal issues in order to develop solutions together: domestic violence prevention, land and property and anti-discrimination.

## CONFLICT IN EASTERN UKRAINE

With the beginning of armed conflict in Eastern Ukraine, CLCs had to adapt to new issues and new categories of clients, including people displaced by the conflict and mobilized persons. Other challenges included responding to the domestic legal issues of soldiers, volunteers, demobilized persons and paramedics involved in the conflict (i.e. obtaining combatant status, social benefits, credits, employment). Due to the CLC' autonomy, mobility, constant capacity-raising activities and multi-functionality, they were able to adjust to new fields of work and respond to communities' needs.

## PARALEGALS

Ukraine lacks community-based primary legal services: small villages and distant rural areas have limited access to the legal aid providers available in central districts and cities. A network of trained paralegals could fill this gap. The Ministry of Justice is planning to support regional training centers to hold pilot trainings as well as ensure certification and include paralegals in the national legal aid system. IRF plans to develop a comprehensive paralegal model and training curricula adapted to Ukrainian context and to pilot their implementation.