

# Ukrainian Legal Aid Foundation

**Activity report**



**2020**



# CONTENT

<b>2</b>	<b>Founders</b>
<b>3</b>	<b>Board</b>
<b>4</b>	<b>Team</b>
<b>5</b>	<b>Institutional development of Ukrainian Access of Justice School of Practice</b>
<b>9</b>	<b>Kyiv Legal Empowerment Practical Program</b>
<b>15</b>	<b>Legal Empowerment of Communities</b>
<b>17</b>	<b>Pro Bono Space</b>
<b>22</b>	<b>Tech Solutions</b>
<b>24</b>	<b>Advocacy of Rights</b>
<b>30</b>	<b>Criminal Justice Innovations Development</b>
<b>35</b>	<b>Financial Audit</b>
<b>37</b>	<b>Financial Report</b>

# Founders

## International Renaissance Foundation

One of the largest Ukrainian charitable foundations.

IRF works on building Ukraine, in which human rights are safely protected, and positive changes work for the benefit of citizens. Mission of the Fund: to develop an open society in Ukraine on the basis of democratic values

## Regional Center for Human Rights

The non-governmental organization deals exclusively with legal issues related to the occupation of Crimea. Mission of RCHR: "We want human rights to be respected, even in the context of the occupation of the peninsula, and those who guilty of violating human rights - to be punished. To do this, we use international and national remedies"

## Expert Center for Human Rights

Analytical center which conducts research on topical issues of human rights in the field of criminal justice for law enforcement agencies, local self-government bodies and civil society organizations

## Ukrainian Helsinki Human Rights Union

The largest association in Ukraine, which unites 29 human rights organizations.

Promotes development of a humane society based on respect for human life, dignity and harmonious relations among a person, state and nature through creation of a platform for cooperation among the members of the Union and other members of the human rights movement

## Kharkiv Human Rights Group

Network of human rights organizations, which works in three areas: assistance to persons whose rights have been violated, public investigations of human rights violations facts; legal enlightenment, promotion of human rights ideas through public events and publishing activities; analysis of the human rights situation in Ukraine

## Ukrainian Bar Association

Association of practicing, socially responsible lawyers. The UBA aims to develop the legal profession, improve legislation, implement ethical standards, protect professional rights of UBA members and human rights in general

# Board

## ROMAN MARTYNOVSKII



Lawyer, a leading expert at the Regional Center for Human Rights, specializes in freedom of movement and personal integrity, in filing of complaints with the ECtHR, and in filing of notifications to the International Criminal Court. Trainer, author and co-author of a number of guidelines, scientific manuals for lawyers

## VICTORIIA MITKO



Lawyer, Chairman of the Board of the All-Ukrainian Association of Free Legal Aid Lawyers, member of the Ukrainian Bar Association, expert of the "Tomorrow's Lawyer" program, trainer, co-author and editor of a number of guidelines and manuals for lawyers providing free secondary legal aid

## OLEKSANDR PAVLICHENKO



Executive Director of the Ukrainian Helsinki Human Rights Union. He was the head of a diplomatic mission - the Information Bureau of the Council of Europe in Ukraine for 10 years. He coordinated and managed Council of Europe projects in Ukraine for 15 years

## HENNADII TOKARIEV



Lawyer, head of the Center for Strategic Protection of the Kharkiv Human Rights Group, expert in preparing complaints to the European Court of Human Rights. Author of a number of practical manuals for lawyers and law enforcement officials on the protection of clients in cases related to drug trafficking, security in places of detention

## OLHA NASTINA



Lawyer, Associate Professor of Civil Law Disciplines, Head of the Legal Clinic "Law and Practice" at Bila Tserkva National Agrarian University, Deputy Chairman of the Bila Tserkva City NGO "Legal Unity", Head of the Center for Legal Information and Consultation. Author of more than 70 scientific and scientific-methodical works

# Team

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Project Coordinator,  
Legal Empowerment of  
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**ANNA SHEVCHUK**  
Accountant



# **UKRAINIAN ACCESS TO JUSTICE SCHOOL OF PRACTICE INSTITUTIONAL DEVELOPMENT**

**ULAF** has an honorable mission to coordinate the activities of a unique association of governmental and non-governmental institutions involved in providing legal assistance, formulating policies to strengthening of legal capacity of Ukrainian communities' citizens, piloting new models of access to justice. Such an association allows consolidation of practical training materials in the field of access to justice, avoidance of duplication of efforts, but instead exchanging experience and creation of new relevant practical training programs.

Currently, the School cooperates with the Ministry of Justice of Ukraine, Coordination Center for Legal Aid, Legal Development Network, Association of Legal Clinics of Ukraine, Association of Paralegals of Ukraine, NGO "Ukraine Without Torture", NGO "Center for Social Action", Regional Center for Human Rights, NGO "Kyiv Legal Hackers", Global Network for Public Interest Law, NAMATI, ZMINA Human Rights Center, Pathfinders for Peaceful, Just and Inclusive Societies.



#### **Among the key tasks of the School**

- 1) research and analysis of evidentiary information on the causes, spreading and impact of legal problems in communities,
- 2) promoting the application of participatory approaches in solving legal problems in communities,
- 3) experience exchange, searching and piloting of innovative solutions in the field of access to justice,
- 4) practical training.



## How do we work and what we have done in 2020?

Organizations work under School in thematic areas - programs, which means that several organizations come together and create training courses aimed to implement the tasks of the School. Currently, the School has 9 practical programs:

**Kyiv Legal Empowerment Practical Program, KyivLEPP** is an international incubator of ideas for solving practical problems in the field of access to justice. The program offers the searching and piloting of viable, innovative and human-oriented solutions in the field of access to justice, according to national contexts. The program is coordinated by ULAF.

**Pro Bono Lab** program is based on a training course for NGOs, which includes legal diagnostics and application of business practice in public sector. Activities within the Pro Bono Lab include legal empowerment of NGOs through an educational program, developed by experts from law and auditing business. The program is coordinated by ULAF.

**Laboratories of Initiatives to Increase Access to Justice for the Groups Vulnerable to HIV** is a platform for researching and verifying the legal issues of the groups vulnerable to HIV. According to the researches, the Laboratory team offers training programs for influence groups (lawyers, jurists, police, investigators, prosecutors, paralegals), which will provide legal assistance and promote respect of rights for groups vulnerable to HIV. The program is coordinated by ULAF.

**Protection against discrimination** is a program based on the author's training course for lawyers "Protection of Victims of Discrimination and Hate Crimes". The program is based entirely on the case law of the European Court of Human Rights and decisions of national courts of Ukraine. The authors of the program use their unique educational developments and their own strategic litigation. The program implements monitoring of discrimination and develops training, methodological, information materials for various target groups on anti-discrimination. NGO "Center for Social Action" coordinates the program.

**Legal IT HUB** is a program is created to research, analyze and produce technological solutions in the field of access to justice. The program constantly researches the needs of legal aid providers in technological solutions and examines existing IT products. The program is coordinated by ULAF.

**Paralegals** is a program that includes competitive selection among small community leaders and their training under a course for paralegals. The program also updates the course for paralegals, analyzes training needs, and plans training courses for paralegals. The program is coordinated by the Association of Paralegals of Ukraine.

**Legal Empowerment of Communities** is a program that helps initiatives (teams) develop and conduct researches of legal needs in communities. The Program is coordinated by Legal Development Network.

**Training of monitors of the national preventive mechanism** program is designed for future monitors of the national preventive mechanism, which after training will be able to work together to prevent torture and ill-treatment of people in places of detention. The activities of the program are coordinated by the NGO "Ukraine without Torture".

**Practical legal enlightenment "Street Law"** is focused on professional training of teachers, public sector representatives and law students in interactive methods of teaching law. The program is coordinated by the Association of Legal Clinics of Ukraine.

Read more about the work of the programs supervised by ULAF.

## KYIV LEGAL EMPOWERMENT PRACTICAL PROGRAM, KyivLEPP AND INTERNATIONAL ACCESS TO JUSTICE CLUB - CLUB JUSTICE



KyivLEPP provides an opportunity for joint intellectual work of experts in the field of access to justice from different countries. The goal of the Program is to find and pilot viable, innovative and human-oriented practical solutions in the field of access to justice, in accordance with national contexts.

For the second year in a row, teams consisting of representatives from government agencies, NGOs, students and curators of legal clinics, social workers, paralegals, and representatives of key communities are coming to our incubator of ideas. Teams that want to improve access to justice in their countries and have enough political weight to do this. They come to the School with a clear understanding of existing legal problems and ideas on how to solve them. KyivLEPP helps teams to develop a draft model for addressing these legal issues and an action plan for their staged implementation.

For two years, teams from Argentina, Georgia, Kyrgyzstan, Moldova, Poland, Ukraine, Northern Macedonia and Kenya took part in the program. This year, the teams "missed" their ideas through a design thinking methodology that allows them to immerse themselves in the problem of access to justice, identify target groups, focus, analyze alternative solutions, defend their ideas through a crash test and present them at the end of the cycle.

After a five-day incubation of the idea through a design thinking methodology and a crash test of prototype ideas, the teams come up with ready-made solutions. Then begins the stage of mentoring - program experts accompany each team to prepare a detailed action plan for the implementation of these ready-made solutions, this stage lasts another month.

Among the key tasks of the Program is not only exchange of experiences of victories and defeats in solving the legal problems of each country, but most importantly - the implementation of ideas that were incubated during the five-day intensive design thinking.

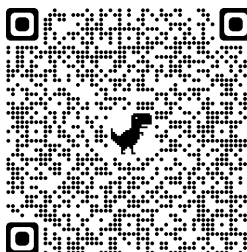
## All five participating teams of KyivLEPP-2020 implemented their ideas:

**Joint team of Ukraine and Poland** came to the Program with several problems - they were concerned that a large number of Ukrainian workers in Poland often do not have access to legal assistance in matters of labor, family, tax, migration legislation. In order to solve the problem, the initiative group joined forces of the Associations of Legal Clinics of Poland and Ukraine, which formed a team and applied to KyivLEPP. In the Program the team developed a solution that will help Ukrainian students in Poland and Poles in Ukraine with help of students and curators of legal clinics. Together with the Program's experts, the team developed a cross-border interactive IT platform for legal clinics, which allows case exchange, real-time collaboration on cases for several legal clinics, and clients' requests directly to the case distribution platform.

After several months of working with IT specialists on the KyivLEPP prototype, the platform is now working in the test mode. Bugs in the design of the platform and user feedback should be collected during the pilot in order to improve it and launch it on a full scale.

The test platform now looks like this:  
<https://cutt.ly/0n4Brjy>

More about the platform:  
<https://cutt.ly/xmE3Qil>

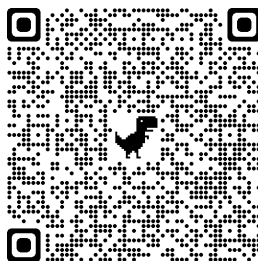


**Team of Northern Macedonia-1** came to the Program with the problem of unavailability of legal aid for a significant number of residents living in remote villages (primarily in the municipalities of Prilep, Krivoy Rog and Dolnen). The legal aid system is designed in such a way that professionals who work on the road have to overcome hundreds of kilometers of off-road. But even such visits are irregular, i.e. entire villages remain completely cut off from access to legal (and social) services. The telephone and online services launched in the country during the first outbreak of the coronavirus epidemic alleviate the situation, but do not address all issues.

The team proposed to set up mobile paralegal offices that would regularly consult residents of remote villages and settlements. This idea passed the KyivLEPP crash test, after which a plan for its implementation was developed. During KyivLEPP, the team developed an action plan to implement their idea, thought about who should be involved in the work of such mobile office, how to specialize the work of mobile offices for the needs of local residents for each region.

The team has already planned and conducted a study of legal needs in the target regions, which formed the basis for launching the piloting of mobile offices of paralegals.

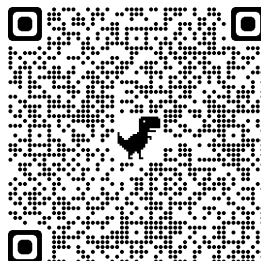
More about the idea and its implementation: <https://cutt.ly/TmE3EEi>



**Team of Kenya** has developed at KyivLEPP a promotional plan for an alternative dispute resolution web platform so that it can be familiar among as many people as possible. Users of this web platform, who are two disputing parties, can come to a solution of the conflict through video conferencing under the supervision of experienced mediators.

As part of the action plan developed at KyivLEPP, the team held a Virtual ADR Week. It took place not on the usual virtual platforms, like Zoom, but directly on the web platform Utatuzi Center. Thus, each participant of ADR Week could test it independently.

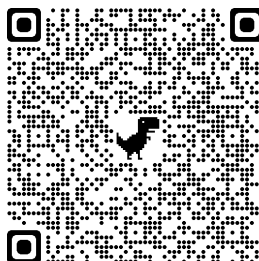
More about the event and the team's action plan: <https://cutt.ly/ymE3T0n>



**Kyrgyzstan team** tested at KyivLEPP its idea of creating a specialized network of paralegals who will work against domestic violence in the country. The fact is that the official statistics of the Ministry of Internal Affairs of Kyrgyzstan reports an epidemic of domestic violence in parallel with the epidemic COVID-19. In 2020, more than 9,000 such cases were registered, despite the fact that women traditionally do not seek help from government agencies due to the general low legal culture in society, gender stereotypes, low level of professional skills and knowledge of victim protection procedures in a large number of law enforcement officers and lawyers, judges.

In the teams' action plan - competitive selection of paralegals (which has already taken place), training groups are now being formed. For their training program, Kyrgyz colleagues took as a basis a course for Ukrainian paralegals.

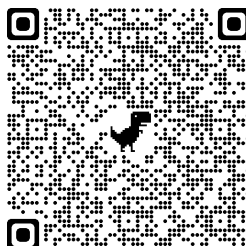
More about the work of the Kyrgyz team:  
<https://cutt.ly/LmE3USt>



**Team of Northern Macedonia-2** was the only team that came to the Program with a rather vague idea. However, the problem they came up with needed a very urgent solution, so the Program experts decided to work on it in KyivLEPP. The problem was that in Northern Macedonia, if a person owed, for example, for utilities, his bank account was blocked. It doesn't seem critical at first glance, but bailiffs have also blocked social accounts, which include pensions, financial assistance for people with disabilities and low-income citizens. More than 10,000 families from the Roma community have faced this. It happened that families surviving on social assistance were left without income and means of subsistence for six months.

The team from Northern Macedonia found a solution to this problem during the KyivLEPP design thinking course - they developed an advocacy campaign against the blocking of social accounts. In line with their plan, the team shot several videos of what happens to low-income families when their accounts are blocked. After that, the country's leading channels talked about this problem, and then the government began actively oppose the blocking of social accounts. Now the problem is solved! And the idea of this team of KyivLEPP graduates was recognized as the best practical initiative in the Western Balkans according to IRIS network - graduates of KyivLEPP-2020 from Northern Macedonia.

More about the implementation of the  
idea in Northern Macedonia:  
<https://cutt.ly/vmE3Ofo>



We do not end our cooperation with colleagues from different countries and with KyivLEPP member teams. The program forms a community of colleagues working in the field of access to justice in different countries. To this end, the School has established an international club for access to justice - **International A2J Club - Club Justice**.

The club is friendly and united for the exchange of news, experience in implementing initiatives like-minded people from around the world. We want to respond to global challenges and legal issues together. Also, in the Club we will look for practical initiatives that can be developed in KyivLEPP.

At this stage, the foundation is developing the communication platform International A2J Club (Club Justice).

#### Partners:

International Capacity Building Network NAMATI,  
Pathfinders for Peaceful, Just and Inclusive Societies,  
The Hague Institute for Legal Innovation HIIL,  
Kyiv Legal Hackers,  
Association of Legal Clinics of Ukraine.

The program is implemented jointly by ULAF, Ministry of Justice of Ukraine, Coordination Center for Legal Aid, Legal Development Network and International Renaissance Foundation.





## AL EMPOWERMENT OF COMMUNITIES

One of the ULAF's activities is to promote community governance so that the work of government and administration meets European standards, and everyone from different parts of Ukraine has access to justice, can exercise their rights and be involved in community development.

To achieve this goal, ULAF cooperates with Legal Development Network and Association of Paralegals of Ukraine in two vectors.

**First** – legal empowerment of communities by conducting in-depth research on their legal problems and providing recommendations to local authorities based on the results of such research.

**Second** – promoting the formation and strengthening of a community of paralegals - local activists who seek to improve the lives of their communities.

Activities on legal empowerment of communities take place within the program of Ukrainian Access to Justice School of Practice with the same name - "Legally Empowered Community", which is administered by Legal Development Network. A large team of experts has developed a methodology and tools for researching and monitoring the legal needs of communities. The research itself is carried out by local initiative groups in their communities. These community leaders are trained in the Data Collection Methodology Program, the formation of the research structure, measuring access to civil justice, and research tools. They create prototype questionnaires for the survey, learn how to control data collection, how to work with research costs, prepare interviewers and volunteers, process the collected data and prepare a report. Upon completion of the study, the initiative groups create concepts for solving the problems they have identified in their communities and begin to implement these concepts. It is also important to note that the program not only helps to research legal needs, but also forms a community of legally empowered communities, i.e. its graduates help new teams participating in the program, as well as advocate for strategic decision-making in their communities.

Legal Empowerment of communities is impossible without active leaders, local community members. In order to implement positive changes for facilitating access to justice in various localities effectively, ULAF works closely for a long time with the Association of Paralegals of Ukraine, together with which and with a wide range of experts from various partner organizations works for development of paralegals network for several years in a row.

Paralegals are ordinary people who do not have legal education, but have special training in basic legal issues and received the relevant certificates. They study the legal problem and refer you to a competent service or institution, or provide legal information to help you resolve the problem yourself. These tips can apply to both the individual and the community as a whole.

In three years, 226 participants underwent a training course for paralegals, who managed to help about 12,000 people: initiated changes in communities, counseled people, and referred them to the necessary institutions to address various issues.

In order to provide regular training on various issues of implementing positive change in communities, organizational development, ULAF is working with partners to create a distance learning course for paralegals. Thanks to this course, hundreds of Ukrainians will be able to gain the necessary knowledge to improve life in their communities.

It is expected that the training course will consist of 10 video lessons on 10 priority issues for Ukrainian communities (these problems were identified by monitoring the legal problems of communities, communication with paralegals). This training course is planned to be placed on the educational platform of the Ukrainian Access to Justice School of Practice <http://edu.ua2j.school/>.

## PRO BONO SPACE

Pro Bono culture is the backbone of civil society. And the Pro Bono Space is the driving force that combines different sectors for mutually interesting and useful cooperation for the benefit of society. Our team understands Pro Bono (from Latin - for the benefit of society) as providing professional assistance for social initiatives in socially important issues. We came to this definition together with partners - socially responsible lawyers. It turned out that some lawyers consider Pro Bono their first free consultation, help to relatives or acquaintances, etc.



The main criteria which checks Pro Bono Space is the social nature of the case. Such issue must directly or indirectly influence the development of civil society, protect human rights, develop institutions, initiate a socially important dialogue, develop an open society and its principles. In this case, Pro Bono is the driving force which combines different sectors for mutually interesting and useful cooperation. Pro Bono Space involves in such cooperation social initiatives, business companies and government agencies.

In order to establish cooperation among different participants, Pro Bono Space uses several formats of cooperation: Pro Bono Clearing House, Pro Bono Lab and ProstoPrav.

**PRO BONO CLEARING HOUSE** is a service platform which unites social initiatives, volunteers, activists and non-governmental organizations together with lawyers in order to address specific legal issues of social initiatives.

**Participants:** social initiatives and individual lawyers.

**Format:** solving of separate socially important issues related to organizational strengthening and development of social initiatives - legal assistance with registrational documents, advice on adapting internal documents in accordance with the legislation, implementation of ethical dealing elements (code of ethics, conflict of interest management, etc.).

**Examples:**



Pro Bono Space receives inquiries about how to design a School of Superheroes for children who are permanently in treatment facilities, or how to develop agreements for inclusive camp partners.

Both individual lawyers and large companies responded to them.



**PRO BONO LAB** is a training course for social initiatives, which is based on study of social initiatives' needs and creation of a relevant educational offer. The trainings relate to implementation of ethical dealing principles and application of business practice in public sector.

**Participants:** social initiatives and law firms.

**Format:** educational expertise from business for social initiatives on issues which will help with legal empowerment of social initiatives.



**PROSTOPRAV** is an online resource (website) through which everyone in Ukraine can find legal support from a lawyer in order to resolve their personal issue.

**Participants:** registered users - clients (people) and legal aid providers (lawyers).

**Format:** solving of personal issues of registered clients of any nature (social or commercial) with help of legal assistance of a lawyer.

Thanks to combining these three areas within a common goal, Pro Bono Space has the ability to address the issues of key participants comprehensively.

If organization participates in training within Pro Bono Lab, it grows institutionally. If during the training process the organization has separate problems, it can contact Pro Bono Clearing House. And in the case of existing personal problems of a legal or humanitarian nature, a representative of NGO can apply to ProstoPrav.

In 2020 Pro Bono Lab began expert interaction of law and auditing business with social initiatives. Such interaction concerned the attraction of expertise from business in order to strengthen social initiatives. Majority of issues concerned implementing of ethical dealing elements and development of internal processes.

10 educational video lessons were created within educational course. Materials were developed by representatives of international and Ukrainian law and audit companies:

1. «Code of Ethics», Dentons Europe.
2. «Conflict of Interest Management», KPMG.
3. «Personal Data Protection», ePravo.
4. «Statutory Documents», CMS Cameron McKenna Nabarro Olswang.
5. «Labor Relations», Dentons Europe.
6. «Agreements», Spensers.
7. «Procurements», Marinchenko and Partners.
8. «Audit», Marinchenko and Partners.
9. «Internal Documents Exchange», Oleksiy Pukha and Partners.
10. «Introduction to social entrepreneurship», Jurotat.

View teasers: <https://cutt.ly/AmQ3fAH>

## European Pro Bono Week 2020

For the first time European Pro Bono Week was held in Kyiv in 2020. Pro Bono Space team became a Ukrainian co-organizer of the event.

European Pro Bono Week is an international event where representatives of NGOs, business and government come together to discuss results and opportunities for cooperation on issues that benefit society (pro bono issues).

Online webinars for social initiatives from law and auditing business were held in Kyiv during pro bono week.

The format of open dialogue gives participants the opportunity to hear each other, exchange views, opinions or problematic issues. Some social initiatives, who joined the webinars, even have not known that they could apply for support from business.

View webinars:



# EUROPEAN PRO BONO WEEK



## Impact from activities

Activities of Pro Bono Space during 2020 led to changes in the way of communications among public sector and business. Previously, law business was closed for communications from NGOs side. Usually businesses received requests for either financial assistance or help some kind of “hand work” – registering of the organization, rewriting of the documents, etc. The entire amount of work was needed for only one organization.

When Pro Bono Space, on behalf of the public sector, asked businesses to share their knowledge and expertise in an educational format, businesses saw an opportunity for long-term collaboration with a sustainable impact. Thus, legal and auditing business began to open up for communication with public sector.

## Plans

Legal business raises important issues, which public sector did not paid attention to. Such issues are about ethical dealing principles, conflict of interest management, nature and purpose of statutory documents and more.

Communication among public sector and business become more open and reached a new level. As a next step, Pro Bono Space team plans to create a club for communication among public sector and legal business, where it is planned to discuss issues important to all participants.



**ProstoPrav** is an opportunity for everyone to take the first step to solve their problem.

This is an opportunity for people who do not have experience in resolving legal issues, to find the most relevant lawyer (taking into account region, specialization of the lawyer), to ask about the question resolving, how much time it will take and how much it will cost.

The resource should be as convenient as it is possible for communication within it, in order to address mentioned issues.

**During 2020 the resource was improved with solutions that simplify communication among users:**

1. Ability to agree directly on the site the cost of cooperation between the client and the lawyer;
2. Reliability of the resource – verifying the users of the resource through a photo which users upload during registration;
3. Developed an intuitively convenient for users of the website design.

Over the last year, 340 peoples' legal issues have been resolved through the resource. 389 unique users joined ProstoPrav, including 59 lawyers and 281 clients.

People who applied to ProstoPrav are those who are not experienced in solving legal issues and, accordingly, had no contacts of lawyers who could help. That is, the person met with the problem situation for the first time.

Experience of communication with customers tells us that in a problematic situation a person gets lost and begins to think about the worst scenarios.

Experience of communication with lawyers shows that in the vast majority of cases, the situation can be resolved much easier than the client imagines.

#### **Plans:**

In the future ProstoPravs' team plans to increase the number of users, both among legal aid providers and clients. Also, one of the next steps is to speed up communication between the client and the lawyer.

#### **Partners:**

International Renaissance Foundation, Global Network for Public Interest Law, ZMINA. Center for Human Rights, Information Resource Center "Legal Space", European Pro Bono Alliance, DLA Piper, Dentons, CMS Cameron McKenna Nabarro Olswang, KPMG, Spencers, ePravo, Marinchenko and Partners, Alexey Pukha and Partners, Yurotat, Kyiv Legal Hackers, NGO "LinGo".

## TECH SOLUTIONS



It is a problem arose at the beginning of 2020, which forced all areas of activity to reorient to remote work. Legal IT Hub team has set itself the main task of becoming an assistant in the process of establishing remote work and researching the needs of organizations and individuals in the field of access to justice. In particular, on the need to implement technological solutions, as well as to carry out the examination of existing IT products.

Lawyers and NGOs needed support in reconfiguring the workflow to an online format, which is not possible without the use of digital tools. In early 2020, Legal IT Hub team conducted a study of the needs of legal aid providers in the implementation of technological solutions, which revealed the main problems of the transition to remote mode.

In response to these problems the team analyzed existing solutions for remote work and formed a list of useful technological tools for improving online working.

The collection of cybersecurity tips has been provided for organizations working remotely during the COVID-19 pandemic. The material was prepared together with Pro Bono Lab, international organization PILnet and AVAST company,

A master class "Avodocs: fast work with legal documents without errors" was held. Experts explained how to simplify work with documents using templates.

Analyze of G Suite for Nonprofits - a set of integrated Google applications for working with data, attracting donors and volunteers, promoting activities.

A study of the peculiarities of electronic document management transition. A guide-instruction with a review of tools was a result of such study.

View materials:  
<https://cutt.ly/1mWrnh6>



Tech Solutions helps to strengthen the activities of civil society organizations, government agencies and legal business by setting up processes in digital.



This allows allocate resources to organizations efficiently, speed up processes, attract more participants, etc.

### Future plans concern collaboration of activities with partner areas:

Together with “Advocacy for rights” it is planned to develop an online tool for groups vulnerable to HIV. It is an anonymous channel in one (or more) popular messengers, where people will be able to receive free legal aid. Such Telegram channel provides possibility of constant function of operative communication for representatives of vulnerable categories of the population with lawyers from the centers of Free Legal Aid.

1

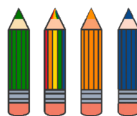
2

Development of a website for Club Justice - an international platform for intersectoral exchange of experience and best practices in the field of access to justice.

Development of a distance education platform for Ukrainian Access to Justice School of Practice. The need to develop a distance education platform arose due to the availability of a large amount of educational materials developed by organizations who participate in the School. At the same time, during 2020 the demand and relevance of online learning has grown significantly.

3

Partners:  
International Renaissance Foundation  
Legal Aid Coordination Center,  
Kyiv Legal Hackers,  
NGO "LinGo",  
Human Rights Expert Center,  
The Unified Portal of Public Services “Diia”.



## ADVOCACY OF RIGHTS

Prejudice and discrimination against people vulnerable to HIV<sup>1</sup> cause a situation where they cannot realize their rights and use government services and guarantees on an equal footing with others. This leads to the fact that society and the state begin to neglect the rights of these people. They may be fired or not hired as soon as they become aware of their HIV-positive status, or because they have previously worked for sex for a fee. Women undergoing drug treatment may not be given a new-born baby in the hospital. People who receive substitution drugs in hospitals are detained by police for illegal drug possession, or unjustified searches are carried out.

People vulnerable to HIV have limited access to justice. This became more apparent during the coronavirus pandemic, when government institutions and civil society organizations reformatted their work to online and remote. If before the start of quarantine access to social services for these groups was limited due to discrimination and people's own financial difficulties, during the pandemic even such limited access disappeared.

Legal aid providers - lawyers - play an important role in protecting and restoring violated rights.

Free secondary legal aid is guaranteed by the state for socially vulnerable people in Ukraine.

It consists of protection, drawing up of procedural documents, a realization of representation of interests in courts, other state bodies, local governments, before other persons. The conditions for providing such assistance are regulated by the Law of Ukraine "On Free Legal Aid". At the same time, people vulnerable to HIV are not identified as subjects of the right to such assistance, and therefore they can claim it on general grounds (for example, as low-income people, or people with disabilities and others). This requires the collection of documents proving that a person belongs to a certain category in accordance with the law, and therefore representatives of HIV-vulnerable groups refuse to solve their legal problems, as they will have to face the prejudice of employees of other institutions that provide such documents. The main provider of free legal aid in Ukraine is the Coordination Center Legal Aid Provision and its territorial offices, as well as the lawyers who work with them.

<sup>1</sup> High-risk groups for HIV infection include:

- People who use injecting drugs.
- Persons who provide sexual services for a fee.
- Men who have sex with men.
- Sexual partners of people who use injecting drugs.
- Clients of persons who provide sexual services for a fee.
- Sexual partners of men who have sex with men.

Often, the legal problems of vulnerable people arise or cannot be resolved through discrimination, health or lifestyle issues. To this end, it is necessary to work on providing lawyers and advocates with specific knowledge on the issues of vulnerable groups. The development of common approaches to the provision of free legal aid to people vulnerable to HIV will ensure the high quality of services provided, as well as regular monitoring of such assistance to find opportunities to improve access to justice for key HIV-vulnerable groups. This will protect people from any human rights violations and give them the opportunity to receive state-guaranteed services to every inhabitant of Ukraine.

To promote the protection of the human rights of people vulnerable to HIV, the ULAF, together with partners, creates conditions for the provision of free legal aid to such groups at the systemic level.

In particular, the formation of an interregional network of lawyers who have sufficient knowledge to provide free legal aid to HIV-vulnerable groups, taking into account the specifics of their legal problems, has begun. This work consists of several interrelated components.

For a long time, the ULAF, together with the Coordination Center of Legal Aid Provision (hereinafter – CCLAP), has developed a mentoring concept for lawyers who provide legal aid to HIV-vulnerable groups and work with the territorial units of the CCLAP (hereinafter referred to as FLA Centers).

Mentoring envisages that advocates with knowledge and experience in providing legal assistance to vulnerable people will provide advice to less experienced colleagues on aspects of protection of HIV-vulnerable groups in criminal proceedings, and will regularly hold information and training events for lawyers and advocates on this topic.

In order to form a group of advocates who will be able to become mentors in the future, a model program of in-depth training "Protection of the rights of HIV-vulnerable groups in criminal proceedings" was developed. The program provided online training for **30** competitively selected mentor advocates (more than **120** advocates providing free secondary legal aid had received similar training on the general aspects of protecting HIV-vulnerable groups in criminal proceedings).

The legal problems of people vulnerable to HIV are not limited to criminal law. A number of legal issues concern civil and administrative legal relations. That is why the ULAF, together with partners and advocates-trainers, has developed a training program on the aspects of providing legal assistance to people vulnerable to HIV in civil and administrative matters. **127** lawyers working in FLA centers were trained under this program.

To ensure the possibility of regular training of advocates and lawyers of FLA centers, it is planned to adapt both training programs to the distance course. This course will consist of video lessons, test tasks and questions to test knowledge, as well as supporting informational and methodological materials.

In order to develop common approaches to providing free legal aid to people vulnerable to HIV, methodological recommendations were formed by the ULAF, with the participation of a group of advocates who are experts in medical law, work with vulnerable groups affected by domestic violence, protection against discrimination, in close cooperation with the CCLAP.

This document provides guidance to advocates and lawyers on various aspects of working with people vulnerable to HIV in the protection of criminal proceedings, the provision of legal assistance in civil and administrative issues.

You can view and download the  
Guidelines by QR-code

or by link: <https://cutt.ly/fmQ0jJP>



At the same time, the ULAF, together with the CCLAP, analysed the possibilities of expanding access to free legal aid to HIV-vulnerable groups. The results showed that the most effective is the use of online services to provide advice and information on legal issues. It is planned to create an anonymous channel in one (or several) popular messengers, where representatives of HIV-vulnerable groups will be able to seek help. This information will be sent centrally to the CCLAP and then the online system will distribute these requests among the FLA centers connected to the channel. Upon receipt of a request from the client to the FLA center, lawyers who will undergo prior training will provide written advice to clients. Customers will be able to receive these answers either by their own e-mail or in the same communication channel in the messenger.

### Plans:

1

Provide systematic training for advocates who provide free legal aid and lawyers who are employees of FLA centers by creating an online course on “Providing free legal aid to people vulnerable to HIV” and by supporting the work of a group of mentoring advocates.

Examine the possibilities of standardizing the provision of free legal aid to HIV-vulnerable groups.

2

3

Create technical tools to ensure the possibility of promptly receiving high-quality free legal aid (anonymous channels in popular messengers) and dissemination of information about their work among people vulnerable to HIV. It is planned to involve partner NGOs that provide services to representatives of these groups in the process of informing about new opportunities

### Partners:

100% of Life Network, International Renaissance Foundation, Coordination Center for Free Legal Aid, Regional Center for Human Rights, Legallife - Ukraine, Charitable organization VONA, Charitable organization VOLNA, a network of legal clubs PRAVOKATOR, ICF “Alliance of public health”, Ukrainian Helsinki Human Rights Union.

## Protection against discrimination

In Ukraine, people are not sufficiently aware of their rights and do not often seek legal assistance. Especially when they have been discriminated against and/or hate crimes. As a result, lawyers and advocates have a low level of knowledge and skills to represent clients in such cases. At the same time, the investigation of hate crimes remains ineffective in Ukraine. This is influenced by a number of factors, the key of which is the imperfection of the Criminal Code of Ukraine and the lack of understanding by prosecutors and investigators of the mechanisms for investigating these crimes in accordance with current legislation.

The ULAF is in close cooperation with partners updated a training course for advocates and lawyers «Protection against discrimination and hate crimes» and conducted training for 22 lawyers from different regions of Ukraine. It was necessary in order to increase the capacity of the legal community to respond effectively to violations of rights and to protect clients in cases of discrimination and/or hate crimes, as well as to increase the effectiveness of law enforcement investigations of such crimes.

This has increased the interregional network of defenders against discrimination and hate crimes. This network of lawyers provides legal assistance to victims in this category of cases.

The ULAF has been conducted a study on the practice of investigations on hate crimes in Ukraine. It was made in order to further increase the effectiveness of law enforcement investigations into hate crimes, build advocacy campaigns to combat such crimes, formulate proposals to improve legislation, and ensure that curriculum development for pre-trial and trial parties is based on verified data.

The study consisted of an in-depth analysis of the relationship between objective and subjective components in more than 600 criminal offences, which contained signs of intolerance, and were committed in 2015-2020.

It was found that the success of the investigation of such crimes depends, inter alia, on the completeness of the statement of the offence. Of the 616 cases, 4% were closed at the pre-trial investigation for lack of corpus delicti.

The next step towards overcoming the phenomenon of discrimination, as well as to increase the effectiveness of the practice of investigating hate crimes, will be the work of an interregional network of lawyers and advocates. To this end, it is planned to develop a mechanism for lawyers to work on cases of hate crimes, in which lawyers will protect victims and make efforts to bring such cases to the stage of a trial. Any criminal case on a hate crime, which will reach the stage of a trial, will be strategic for Ukraine, as it will change the practice of applying the Criminal Code of Ukraine (in particular, articles providing for liability for hate crimes), which is currently absent.

**You can view and download the Report on the results of the study of the practice of investigating hate by QR-code**



**or download the report via links below:**

Ukrainian: <https://cutt.ly/BmQ9rJs>

English: <https://cutt.ly/DmQ9amt>

### Plans:

1

Conduct regional discussions with prosecutors and police on the practice of investigating hate crimes.

Forming a program and training prosecutors and police officers on the application of mechanisms for investigating hate crimes.

2

3

Advocacy for changes in legislation.

### Partners:

International Renaissance Foundation, Freedom House Ukraine, Social Action Center, PROVE Law Firm, Regional Center for Human Rights, Office of the Prosecutor General, National Police of Ukraine, Congress of National Communities of Ukraine, Roma Human Rights Center NGO, ICF Chirikli, LGBT Human Rights Center Our World, Truth Hounds, ZMINA Human Rights Center, Human Rights Expert Center, Ukraine Without Torture, NGO Fulcrum UA.

# **DEVELOPMENT OF CRIMINAL JUSTICE INNOVATIONS**



**The** ULAF together with partner institutions and organizations are working on an implementation of international standards in the activities of institutions in the field of criminal justice.

### Our initiatives:

#### Custody Records



Custody Records — is a system for ensuring the safety of detainees and police personnel, which records all actions that take place with detainees in the same period: from the moment of actual detention, until the court chooses a pre-trial measure and sends the person to pre-trial detention or release. This is necessary to ensure the safe stay of detainees under police control while ensuring that crime can be effectively combated without violating human rights.

A team of partners (the ULAF, Human Rights and Justice Program of the International Renaissance Foundation, the Human Rights Expert Center) together with the Ministry of Internal Affairs, the National Police of Ukraine and the Office of Prosecutor General implement a comprehensive solution for accounting all actions against detainees - Custody Records system.

#### What did we do in 2020?

The Terms of Reference for the implementation of the Custody Records system in the territorial police departments have been finalized. Why was this a priority for us? The Terms of Reference provides a complete understanding of all components of the Custody Records system and provides a basic standard for maintaining a single electronic file on a detainee. Such a file allows protecting the detained person from being in unauthorized places at an unauthorized time. The Terms of Reference allows building clear processes of detention, transportation and registration of the detainee in the police department and recording the process of detention itself. In addition, the Terms of Reference includes requirements for the premises in which the detainee may be held, define a clear algorithm for working with detainees, and establish the competencies and components of the training program for human rights inspectors. The work on this document involved the deep involvement of all institutions, in particular, the Ministry of Internal Affairs, the National Police of Ukraine, the Office of the Prosecutor General, as well as experts from partner civil society organizations.

As the National Police implements the Custody Records system in all police and temporary detention insulators, together with our partners we have formed a model comprehensive training program for all involved in the detention process: patrols, investigators, district police officers, temporary detention facility staff, prosecutors (procedural managers). Realizing the need to ensure the stability of the model course, we began to create a distance learning course based on a comprehensive model

curriculum. The distance course will consist of video lessons, supporting informational and practical materials.

Also, with the support of the Human Rights and Justice Program of the International Renaissance Foundation, the Kharkiv Temporary Detention Centre №1, the Kharkiv District Police Department, and the Kharkiv District Police Department were equipped with an electronic recording system for all actions against detainees. At the same time, a base for the training of Custody Records officers at the National University of Internal Affairs were also established. At this stage, the ULAF together with partners is working on communication and advocacy activities for the infrastructure of district police departments of Chernihiv region.

## **II Creating an order of interaction between temporary detention facilities and health care facilities**

In working with the National Police of Ukraine and partners in the implementation of the Custody Records system, we have encountered a huge problem, which is the failure or untimely provision of assistance to detainees in emergencies that are not emergency (toothache, withdrawal syndrome, exacerbation of chronic diseases). The provision of medical care in such cases is a "grey area", which is currently not regulated by law. In summary, the key issues identified by the police are: medical care for detainees is provided only in emergencies, detainees can not receive medical care from family doctors and other medical specialists. It can lead to significant deterioration in the future. Medical specialists do not go to a temporary detention center because they do not receive money for it. Family doctors also do not provide assistance because they have not signed a declaration, they are not motivated to work. There are also problems with the detection because of COVID-19: detainees are not tested in places of detention, often resulting in the self-isolation of one police shift after another - up to a complete stoppage of work, such as a temporary detention facility. This is "accompanied" to the possibility that a person with undetected COVID will infect other detainees.

We decided to initiate an interagency working group to advocate for the adoption of a procedure for cooperation between medical institutions and police bodies where detainees are held. The group included representatives of the Human Rights Department of the National Police of Ukraine, the Ministry of Health of Ukraine, the National Health Service of Ukraine, the Public Health Centre, the Office of the Prosecutor General, and the Expert Centre for Human Rights. At present, the group has reached a common vision for the provision of medical care and is working on a draft of changes to the legislation that will need to be adopted in order to ensure timely provision of quality medical care to people under police control.

### III Research of the practice of using precautionary measures

At the beginning of the COVID-19 pandemic, we were concerned that many detainees continued to be remanded in custody, even for minor offences, despite the fact that their detention threatened their lives and health. The ULAF initiated expert discussions with the Office of the Prosecutor General and the Expert Centre for Human Rights, and together we came to the need to investigate the practice of selecting and applying preventive measures to detainees in Ukraine.

We hypothesized that prosecutors have a consistent practice of using pre-trial detention as a priority for all. And also, this practice does not change amid overcrowding of places of imprisonment. We would like to change this practice. But in order to be able to influence it in some way, we had to test this hypothesis, as well as find out the reasons why prosecutors are not motivated to consider alternative detention measures and how to make effective alternative measures. We conducted focus groups with prosecutors, advocates, and desk research on the use of alternatives to pre-trial detention. At the moment, the study is still ongoing.

### IV Just Standards



ULAF with support of the European Union and the International Renaissance Foundation within the grant component of the EU4USociety project also joined the process of organizing the activities of a group of experts - developers of the Standards of Pre-Trial Investigation. As part of this activity, the ULAF's team has developed a mobile application "Just Standards", which operates on iOS and Android platforms.

The Standards are a practical tool, designed for investigators (detectives), prosecutors, investigative judges and judges. The Standards provide a balance and sound approach to the application of the Criminal Procedure Code, taking into account both the need for an effective pre-trial investigation and the need to ensure human rights. Also, in order to improve the interaction between the investigator (detective) and the prosecutor, and the proper functioning of the institution of the investigating judge, they have a clear division of roles and functions of these professional participants in criminal proceedings. However, the content of the Standards is a "living matter" which can be altered by your comments and suggestions supported arguments. In the mobile App, these functions can be used conveniently.

The ULAF keeps a finger on the pulse of best practices ensuring access to justice and justice.

**Download a mobile App:****With the support of:****Partners:**

Department of Human Rights of the National Police of Ukraine, Ministry of Health of Ukraine, National Health Service of Ukraine, Center for Public Health, Office of the Prosecutor General of Ukraine, Expert Center for Human Rights.

# FINANCIAL AUDIT

Certificate of registration with the Register of  
Firms of Auditors  
№ 2614 as of 18.05.01

firm of auditors  
**Marinchenko & Partners**



## MANAGEMENT LETTER

### On the factual findings of the audit

Kyiv

30.04.2021

**To members of Organization  
To members of Supervisory Board  
To the Director of  
the Ukrainian Legal Aid Foundation  
Mr. Mikola Sioma**

We have audited the financial statement on cash receipts and disbursements of the Ukrainian Legal Aid Foundation (hereinafter - Organization) for 2020 and a summary of significant accounting policies and other explanatory information (together "the financial statement"). The financial statement has been prepared by management using the cash receipts and disbursements basis of accounting described in Note 2.

In accordance with common practice and terms of the contract, our letter contains some observations and recommendations concerning the state of internal control systems, accounting and taxation that caught our attention during the audit.

During planning and conducting the audit, we considered the internal control structure in the field of accounting and reporting relevant to the Organization's preparation of the financial statements in order to determine our auditing procedures that are necessary for our opinion on the financial statements of the Organization, we also considered the internal control system and financial procedures of the Organization as a whole in order to identify possible risks.

We have analyzed on a sampling basis the existing supporting documentation related to the costs showed in the financial statements. The sampling for verification was based on our analysis of risks. According to the results of the audit, we inform that:

- We have not identified any significant weaknesses in the internal control system and internal financial procedures of the Organization that could lead to misstatement of the financial statements. The Organization's internal control system is adequate and meets the current needs of the Organization;
- The Human Resources costs are documented in the systematic way during 2020, these costs have sufficient supporting documentation;
- The costs reflected in the financial reports have proper documental evidence, we have not found any cases of missing any supporting documentation;
- The Organization in general has been adhering to internal regulations and procedures, including procurement procedures.

During the audit, we have analyzed the internal control system of the Organization in order to identify possible risks and to determine the possibility of



managing the funds received from donors in accordance with the current legislation and the requirements of grant agreements.

This letter is intended for the information and for the use of management and other responsible officials within the Organization.

Director of LLC "Marinchenko&Partners"



Olexander

Marinchenko (Register number in RAAE  
100369)

# FINANCIAL REPORT

## ФІНАНСОВИЙ ЗВІТ ЗА 2020 РІК

### НАДХОДЖЕННЯ ЗА 2020 РІК

№		Сума, грн.
1	Міжнародний фонд "Відродження"	5 268 240,00
2	MOTT FOUNDATION	1 391 400,00
3	Freedom House	751 850,82
4	ГО "ЕЦПЛ"	378 237,00
5	БО 100 ВІДСОТКІВ ЖИТТЯ	542 801,81
6	Пасивні доходи	73 700,70
	<b>Всього</b>	<b>8 406 230,33</b>

### СТРУКТУРА НАДХОДЖЕНЬ ЗА 2020 РІК

БО 100 ВІДСОТКІВ ЖИТТЯ



Звіт підтверджую

ТОВ АФ "Маринченко і партнери"

CONFIRMED

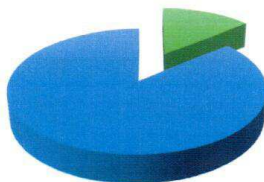
Marinchenko & Partners, LLC



## ВИКОРИСТАННЯ КОШТІВ У 2020 РОЦІ

№	Стаття	Сума, грн.
<b>1.</b>	<b>Адміністративні витрати</b>	<b>1 032 198,38</b>
1.1.	Оплата праці штатних працівників та відрядження (включно з усіма обов'язковими платежами)	676 994,35
1.2.	Оренда офісу (включно з комунальними платежами)	313 885,53
1.3.	Зв'язок, поштові витрати, обслуговування офісного обладнання, канцтовари, банківські послуги	41 318,50
<b>2.</b>	<b>Основна діяльність</b>	<b>6 451 031,40</b>
2.1.	Закупівля обладнання та розробка програмного забезпечення для передачі бенефіціарам	384 181,80
2.2.	Підготовка і видання публікацій та створення медійної продукції	72 106,45
2.3.	Навчальні і комунікативні заходи	1 754 239,92
2.4.	Експертна діяльність	4 240 503,23
	<b>Всього</b>	<b>7 483 229,78</b>

## Структура використання коштів у 2020 році



■ Адміністративні витрати 13,8 %    ■ Основна діяльність 86,2 %

Звіт підтверджую

ТОВ АФ «Маринченко І партнери»

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