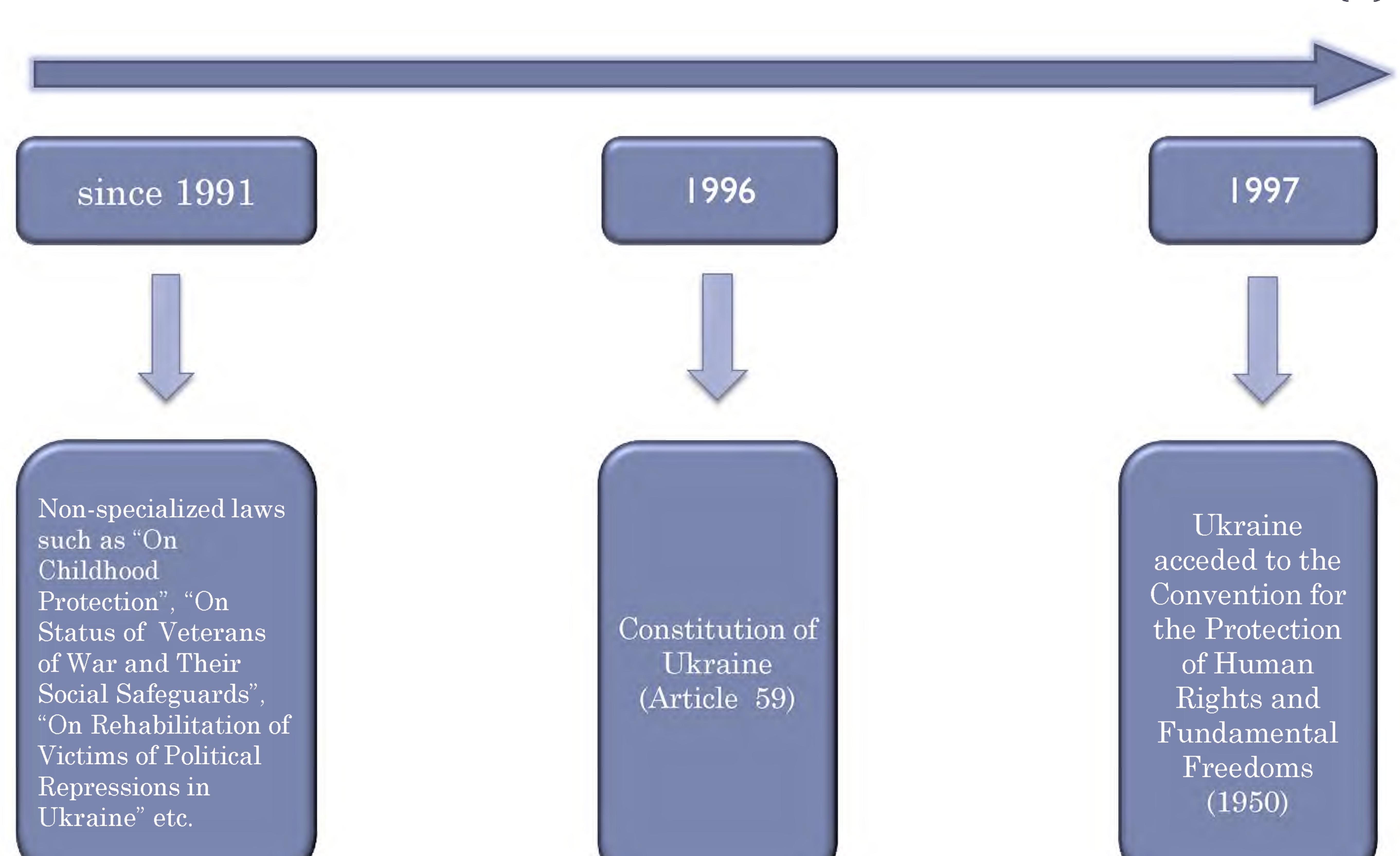
Legal Aid System in Ukraine: Recent Developments

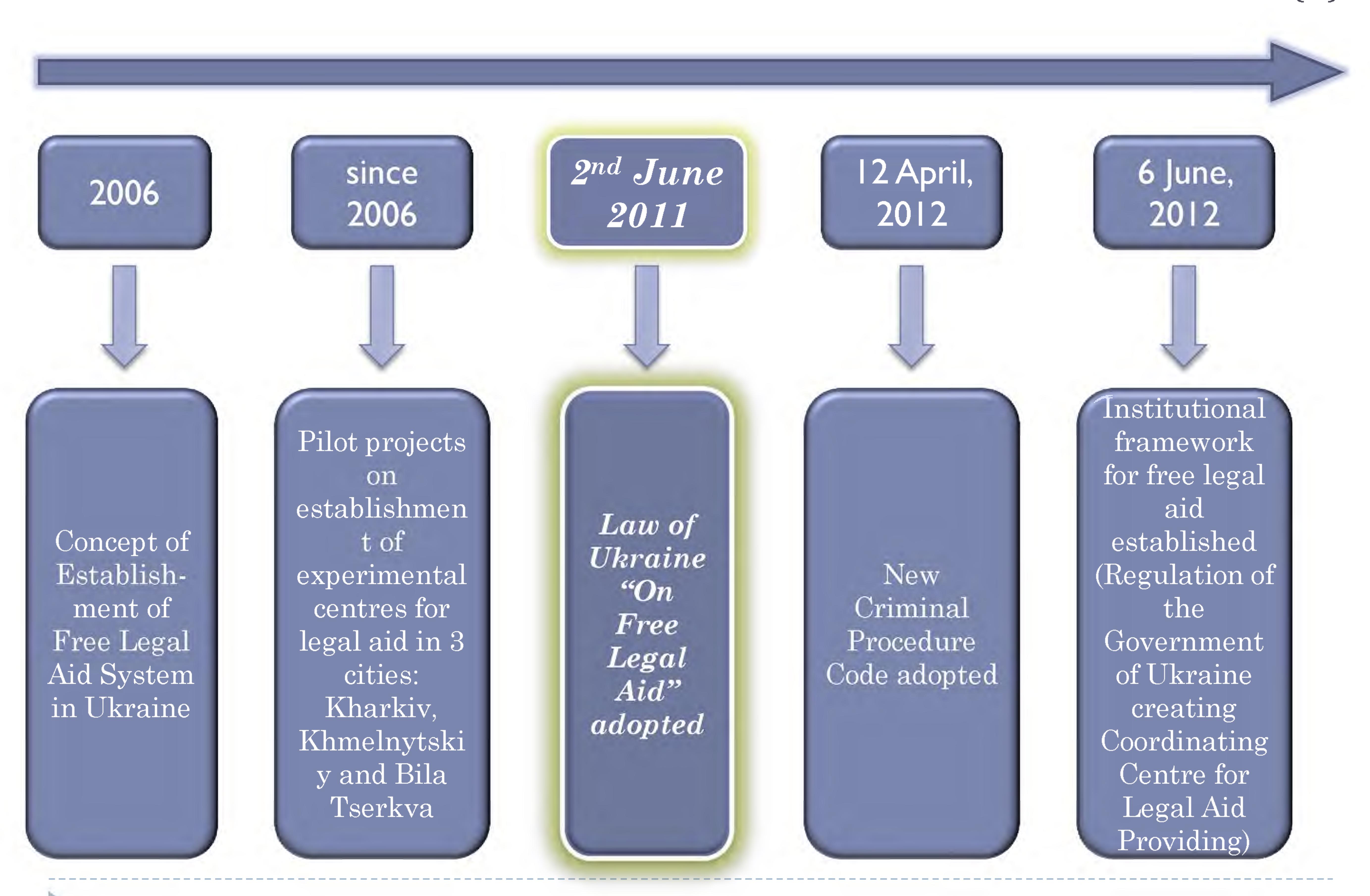
Andriy Vyshnevsky, Acting Director Coordinating Centre for Legal Aid Providing

Tbilisi, 29 June, 2012

FREE LEGAL AID IN UKRAINE: CHRONOLOGICAL DIMENSION (1)



FREE LEGAL AID IN UKRAINE: CHRONOLOGICAL DIMENSION (2)



PRIMARY FREE LEGAL AID (Access to law)

Services

Aid providers

Aid recipients







Providing Legal information

Bodies of executive power

All persons under the jurisdiction of Ukraine

Consulting on legal issues

Self-governmental bodies

Support in making out applications, complaints and other legal documents (except procedural documents)

Specialised agencies

Support in access to secondary legal aid and mediation

Lawyers and legal persons of private law

SECONDARY FREE LEGAL AID (Access to justice)

Services

Aid providers

Aid recipients



Defence against the prosecution

Representation of interests of persons before court, public bodies, before other persons

Drafting procedural documents



Centres for free secondary legal aid

Advocates who provide free secondary legal aid on permanent and temporary basis



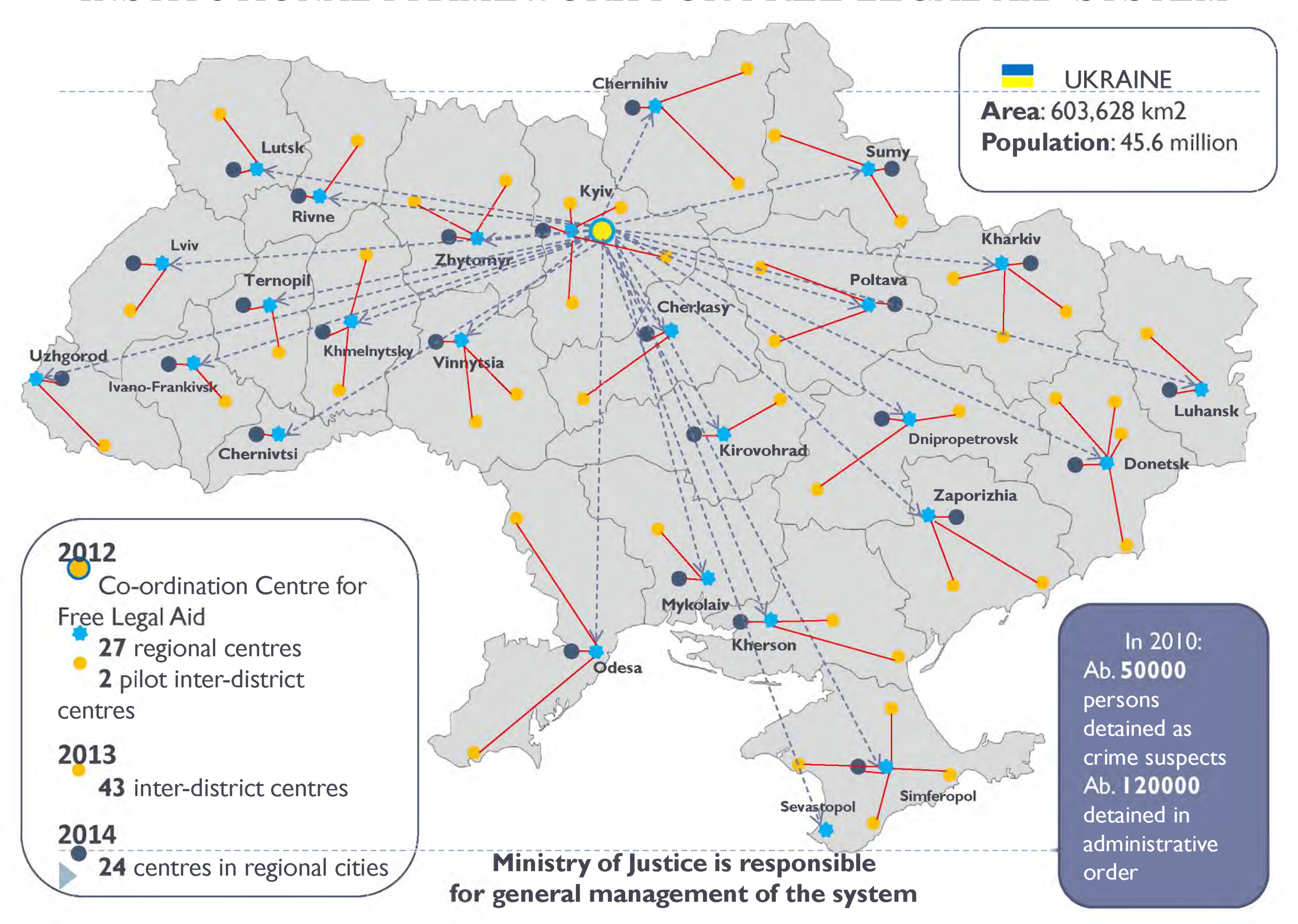
- Persons detained in administrative or criminalprocedure order
- Persons suspected in crime commitment, detained by inquiry and investigation bodies
- If participation of defender is obligatory
- Low-income persons
- Disabled persons
- Orphan children
- Homeless children
- Children suffered from violence
- Veterans of war, victims of political repressions

LEGISLATIVE FRAMEWORK FOR FREE LEGAL AID SYSTEM

- Criminal Procedure Code (12 April, 2012)
- Law on Free Legal Aid (2 June, 2011)
- Regulations of the Cabinet of Ministers of Ukraine:
 - **No. 1362** on Approval of Procedure and Conditions of Competition and Requirements to Lawyers to be Involved in Provision of Free Secondary Legal Aid (28 December, 2011)
 - **No. 1363** on Approval of Procedure of Informing of Centres for Free Secondary Legal Aid of Detainees (28 December, 2011)
 - **No. 8** on Approval of Procedure and Conditions according to which Contracts with Lawyers Providing Free Secondary Legal Aid Permanently and Agreements with Lawyers Providing Free Secondary Legal Aid Temporarily will be Concluded (11 January, 2012)
 - No. 305 on Remuneration of Lawyers Providing Free Secondary Legal Aid to Persons Detained through Administrative or Criminal Procedure, and in Criminal Cases (18 April, 2012)
 - No. 504 on Establishment of the Coordinating Centre for Legal Aid and Liquidation of the Centre for Legal Reform and Law Drafting under the Ministry of Justice of Ukraine (6 June, 2012)
 - **No. 522** on Conditions of Remuneration of Employees of the Coordinating Centre for Legal Aid Providing and its Territorial Departments (20 June, 2012)
- Regulations of the Ministry of Justice of Ukraine:
 - No. 483/5 on Approval of Model Statute of Agency on Free Primary Legal Aid (28 March, 2012)
 - **No. 891/7** on Approval of Procedure of Contracting Private Law Legal Persons by Local Self-Governmental Bodies to Provide Free Primary Legal Aid (15 June, 2012)



INSTITUTIONAL FRAMEWORK FOR FREE LEGAL AID SYSTEM



MANAGEMENT OF FREE LEGAL AID SYSTEM

Cabinet of Ministers of Ukraine



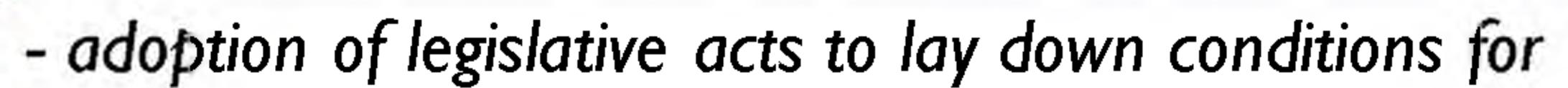
Ministry of Justice of Ukraine



Coordinating Centre for Legal Aid Providing



Centres for Free Secondary Legal Aid



- lawyers selection
- concluding contracts with selected lawyers
- informing of centres for secondary legal aid on each detainee
 by inquiry and investigation agencies
- adoption of legislative acts to lay down
 - model provision on centres for free secondary legal aid
 - procedure for filling up registries of lawyers providing free secondary legal aid
 - mechanisms for providing free primary legal aid by local selfgovernmental bodies (through creation of specialized agencies and through selection on competitive basis of private law legal persons)
- general management
- establishment of centres for free secondary legal aid
- decisions on selection of lawyers, other functions prescribed by Law on Free Legal Aid
- policy analysis and drafting policy proposals
- day-to-day management of system of free secondary legal aid
- consultancy to subjects providing free primary legal aid
- checking eligibility of applicants for free secondary legal aid
- contracting lawyers and managing contracts
- communication with courts, with inquiry and investigation agencies
- providing lawyers to eligible persons

QUALITY MANAGEMENT

✓ Ministry of Justice defines legal aid quality standards

Mechanisms

- Selection of lawyers providing free secondary legal aid (first ever competition took place in march-may 2012)
- Permanent training
- Quality checks

Types

Internal: conducted by centres for free secondary legal aid according to concluded contracts

External: conducted by special commissions established by Bar self-governmental bodies according to Draft Law on Bar (adopted by the Parliament of Ukraine in the first reading)

COOPERATION WITH CIVIL SOCIETY AND THE BAR

Non-governmental human rights organizations (cooperation, engagement in system building and monitoring)

Non-governmental lawyers' organizations (cooperation, engagement in system building and monitoring)



Coordinating Centre for Legal Aid Providing





International organizations (cooperation, engagement in system building)

Legal clinics (cooperation, engagement in system building)