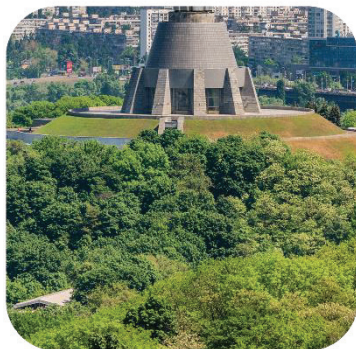




Microjustice



Legal Rights Protection Barometer

UKRAINE Report 2023

Microjustice is a Dutch foundation that works for the legal empowerment and inclusion of marginalized people and victims of humanitarian disasters. To achieve this aim, the foundation enables these people to exercise their fundamental legal rights and facilitates their access to legal aid through its Legal Rights Protection Program. Since 2018, Microjustice has developed the Legal Rights Protection Barometer of Civil Justice, which aims to map the justice gap from the perspective of ordinary people in society, and to identify how to set up a Digital Legal Aid Platform. So far, Barometer research has been undertaken in Serbia, Bolivia, Kenya, Egypt, Jordan, and Ukraine.

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I. Introduction

A. Research method

The Microjustice Legal Rights Protection Barometer has been developed by Microjustice as a tool to scan, monitor, and enhance the access to justice component of United Nations Sustainable Development Goal (SDG) 16. So far, Barometer research has been conducted in Bolivia, Serbia, Kenya, Egypt, Jordan, and Ukraine.

This report concerns the Barometer research for Ukraine: a quick overview of the legal rights protection situation through indicators on a country level. The research questions relate to the extent to which all people in Ukraine – both Ukrainian citizens and foreign nationals residing in the country, including migrants and refugees – are legally protected and included in society through the analysis of **three indicator categories**: 1) the financial and educational capacities of the **general population and particular vulnerable groups**; 2) the **accessibility and efficiency of the way the Ukrainian state** has organized the **procedures** for legal rights protection in private and administrative law, and the effectiveness of the available enforcement mechanisms, and 3) the accessibility and **affordability of quality legal aid** in Ukraine.

The research has been implemented through social interaction with various Ukrainian and international organizations. A large number of consultations and interviews were conducted with Ukrainian attorneys, legal experts, civil society representatives, representatives of state institutions such as the Ministry of Justice, National Council for Human Rights, Bar Association of Ukraine, women's legal organizations and their private and state leaders, social organizations, and churches.

Microjustice conducted field research in Ukraine between November 2021 and February 2022. During this period, Ukrainian attorneys with experience in private and administrative law related to the basic legal needs of people also entered the data regarding the research questions related to the above three indicator categories into the Legal Rights Protection Barometer database. On the basis of this research, the Justice Gap was defined, and as a solution, a proposal for setting up a digital Legal Aid Platform was developed.

In late 2022, further research was conducted on the specific legal needs of the population in order to prepare this platform.

The identification of the problematics of legal practice in regard to the main legal needs of the population is the focus of this Barometer report, which will in turn enable us to identify precisely which legal services are needed. This report serves as a baseline for setting up a digital Legal Aid Platform in Ukraine, which will provide legal services that have been identified in the report. The document will be a living document, developing according to the issues the network of lawyers encounters as they solve the legal cases of people who visit the Platform.

B. A different perspective

There is a large number of reports on Ukraine related the state of justice sector.

1. REPORT according to the research results "Attitude of Ukrainian citizens towards the judiciary" <https://rm.coe.int/report-razumkov-final/16809537f0>

2. Judicial reform: a fresh start is needed <https://drive.google.com/file/d/1kZ72SkCwM-lsetxw2df7w6WydOuyT-1o/view?usp=sharing>
3. 2020 Performance report
4. Strategies for reforming public administration of Ukraine:
<https://www.kmu.gov.ua/storage/app/sites/1/reforms/zvit2021-ukr-web.pdf>
5. SIGMA report 2018 <https://par.in.ua/en/overview-in-ukraine/progress/sigma-assessment/public-administration-review>. In the case of Ukraine, SIGMA used an assessment framework, which is usually used for EU candidate and potential candidate countries. Thus, Ukraine was rated to a higher standard than one formally required. This evaluation framework uses 9 key requirements for government and analyses the situation on the basis of 37 indicators and over 200 sub-indicators.

In a departure from many of the reports on the state of the justice sector in Ukraine, this Barometer research report analyses the justice system from the perspective of the people. Rather than describing the system from an institutional perspective, this report aims to show the challenges involved in obtaining legal rights protection from the people's point of view: how can people have their basic legal needs met? What problems do they face? All people need to be embedded in the system of the country in which they live to access the benefits of the system and to be able to protect their rights. The key question of this study is: to what extent are people in Ukraine able to protect their rights? As a first step towards answering this question, this study aims to identify the precise and often technical problems people face on the procedural level.

C. Legal environment background

The legal context in Ukraine is influenced by its historical context:

Ukraine has an established legal system based on continental law. This system is referred to as a civil law (continental) system as opposite to the common law (Anglo-American) system. Even in the worst days of Communist rule, the core of Ukrainian civil law was quite viable - it was BGB, the German Civil Code.

The first significant law in *Kievskaya Rus* was *The Russkaya Pravda*, which was a consolidated legal act of many laws. The *Russkaya Pravda* was based on norms of customary law and many laws, especially civil, criminal and processual laws.

https://bti-project.org/fileadmin/api/content/en/downloads/reports/country_report_2022_UKR.pdf

Continental law system, based on the German civil code

The modern legal system of Ukraine is based on legal concepts and principles that are characteristic of the Romano-Germanic type of legal system. As a result, there are similarities in the main principles of state regulation, which creates an identity with the continental family.

The legal system of Ukraine is considered a legal system in transition from the previous socialist system. While its formal legal features gravitate towards Romano-Germanic law, it inherits the Western legal tradition. At present, the domestic legal system is influenced by globalization processes and requires optimization. The main trends in the development of the legal system of Ukraine include:

- The recognition of the principle of the rule of law and the priority of human rights
- Ensuring the leading role of the normative legal act in the system of sources of law
- Codification of legislation
- Emergence of new branches of law
- Convergence of public and private law

The implementation of European legal standards in rulemaking and law-enforcement practice offers a challenge.

Russian-USSR legislation in the time that Ukraine was part of it, with no private property and only state property.

The economic system of the Ukrainian SSR is based on socialist ownership of the means of production, including state (public) and collective-farm cooperative ownership. Trade unions and other public organizations also had socialist property necessary to fulfil their statutory duties. The state was responsible for protecting socialist property and creating favourable conditions for its growth, and no one was allowed to use it for personal gain or other mercenary purposes. Property is considered the common property of the entire Soviet people.

Personal property of citizens in the Ukrainian SSR was based on earned income and may include household items, personal consumption, conveniences and auxiliary household items, residential buildings, and labour savings. The state safeguarded citizens' personal property and their right to inherit it. Citizens may use land plots for farming, horticulture, and individual housing construction in accordance with the procedure established by law. They were also obligated to use their land plots rationally. The state and collective farms provide assistance to citizens with their subsidiary plots.

Property Law 1991 - 2007

The labour of citizens was the basis for the creation and enhancement of their property. A citizen acquires the right of ownership to income from participation in social production, individual labour, entrepreneurial activity, investment in credit institutions, joint-stock companies, as well as property received as a result of inheritance or other transactions not prohibited by law.

Private Property:

The Ukrainian constitution, as well as the country's civil and commercial codes, guarantee the right to private property. However, property rights are inadequately protected due to deficiencies in the judicial system and widespread corruption. This situation is gradually changing thanks to ongoing reform efforts, such as the creation of anti-corruption institutions, ongoing judicial reform, multiple anti-raiding laws, and laws strengthening intellectual property rights. According to the Global Competitiveness Report 2019, Ukraine ranked 128th out of 141 countries regarding the protection of property rights and 118th for the protection of intellectual property rights, both of which represent a slight decline. However, in the World Bank's Doing Business Report 2020, Ukraine ranked 45th in the "protecting minority investors" category, a significant improvement from its 72nd place ranking a year earlier. The reforms aimed at strengthening the protection of intellectual property rights (IPR) continue. Ukraine has aligned its legislation with EU norms for patents, industrial samples, and trademarks. The State Authority for IPR Protection has passed a law. However, the specialized Supreme Court on Intellectual Property did not become operational during the review period.

The Ukrainian economy is dominated by six private companies, and the compound index measuring the share of state-owned enterprises (SOEs) in the economy based on income, profit, employment, number of enterprises, and assets was 11.5% in the first half of 2020, down from 14% in 2018. The economic share of SOEs based on sales is approximately 10%. The state's role remains significant in several areas, including energy (*Naftogaz*) and transportation (railways). While an SOE corporate governance reform project is still incomplete, it has improved the efficiency of several publicly owned giants, including *Naftogaz* and *Ukrposhta*. In 2020, the state did not nationalize assets or purchase equity stakes in struggling firms to prevent bankruptcies, including those caused by the pandemic's effects. Despite the economic slowdown, the privatization process continued, and in 2020, privatization revenues totaled UAH 2.3 billion, the highest level since 2017, thanks to the acceleration

of "small-scale privatization" through the official electronic auction system *ProZorro Sale*. Large privatizations of major companies were suspended in 2020 due to the coronavirus crisis but are set to restart in 2021.

Post-USSR transition to new laws

According to the *Verkhovna Rada* a Ukrainian website, there are currently around 70 different acts from the Ukrainian SSR period that remain in force, including three codes and more than a dozen basic laws. In total, over 1,000 valid legislative acts adopted before August 21, 1991, are registered in the legislation database on the VRU website. Although Ukraine has been building a liberal economy for the past 25 years, many economic processes are still regulated by Soviet laws, which differ significantly from the current state system and economic and social trends.

However, legal regulation for businesses in Ukraine is at a sufficiently high level. There are several regulatory legal acts, including a specialized law on entrepreneurship, the Economic Code, the Civil Code of Ukraine, and the Tax Code, which regulate the sphere of business. Government regulations are not overly strict, allowing anyone to open a private limited company to start a business. Taxes are acceptable, and reporting is not overly complicated. However, obtaining relevant permits and licenses can be challenging and often involves corruption.

Ukrainian companies do not currently have significant authority in the world, though this may change after the war. During the war, many concessions were made for businesses, such as tax reductions and various support programs, including those aimed at purchasing generators, since businesses cannot operate without electricity. Another positive trend is the opportunity for businesses to participate in the discussion of bills that concern them. Since the beginning of Zelensky's rule, business has become more closely aligned with the state, which is a positive development. Big businesses suffer greatly during the war, but this pales in comparison to the difficulties faced by small businesses.

While the quality of legislative activity in Ukraine is generally high, the implementation of laws faces numerous problems. Frequent reforms often accompany government changes and the reorganization of government bodies. Additionally, imperfect procedures, collisions, corruption, low salaries for some categories of civil servants, and inaccessibility on a territorial basis are significant challenges.

Privatization & Oligarchs

Privatization is a process of transferring government/community property to persons or legal entities. It started in 1991. *Verkhovna Rada* of Ukraine created a special government body – the Fund of Government property of Ukraine. The goal was to transfer ownership of state-owned enterprises and assets to private individuals and companies in order to promote market competition and economic growth.

There were several methods of privatization used in Ukraine, including voucher privatization, auction privatization, and direct sales. Voucher privatization was the most common method, which involved distributing vouchers to citizens that could be used to purchase shares in state-owned enterprises. Regarding the acquisition of real estate, during the privatization process, state-owned land and buildings were also put up for sale. However, not all real estate was sold to private individuals or companies. Some properties were sold to managers or employees of the state-owned enterprises, while others were sold to investment funds or foreign companies.

The process of privatization in Ukraine was not without controversy and there were many allegations of corruption, insider deals, and illegal sales of state-owned assets. As a result, some individuals and companies were able to acquire large amounts of real estate and other assets at a fraction of their true value.

Ukraine has a long history of oligarchs who have accumulated wealth and power through various means, including privatization of state-owned assets, corruption, and political influence. These oligarchs have been known to own significant amounts of real estate in the country.

According to a 2018 report by Transparency International Ukraine, 50% of the country's real estate is owned by 5% of the population. This includes oligarchs, politicians, and other wealthy individuals who have used their power and influence to acquire large amounts of property.

Positive trends

The war has had a significant impact on Ukraine's legislation, particularly in light of its candidacy for membership in the European Union. As a result, the country is expected to undergo a range of changes to its legal framework across all sectors. Notably, the tax system and registration requirements for legal entities have already undergone modifications.

“Diya” is a digital transformation program launched by the Ukrainian government in 2020. The program is designed to improve the quality of public services in Ukraine and to make them more accessible and efficient for citizens. The word "Diya" means "action" in Ukrainian.

The program includes several initiatives and projects, including the development of a digital ID system, the introduction of e-services for various public agencies, and the expansion of the country's digital infrastructure.

The main goals of the Diya program are to:

- Improve the quality and accessibility of public services: By introducing e-services and digital solutions, the government aims to make it easier and faster for citizens to access the services they need, such as registering a birth or obtaining a passport.
- Increase transparency and reduce corruption: By digitizing many government processes, the program aims to increase transparency and reduce opportunities for corruption.
- Stimulate economic growth and innovation: By expanding the country's digital infrastructure, the program aims to attract foreign investment and promote innovation and entrepreneurship.

Overall, the Diya program is part of Ukraine's broader efforts to modernize and reform its public sector, reduce bureaucracy, and improve the country's business environment. The program is expected to have a significant impact on the country's economic and social development in the years to come. There are a lot of tax benefits now. It should help individuals and businesses in Ukraine to work during the war and pay taxes which are necessary. Now it is much easier to provide almost all types of activity in Ukraine. It is also related to licenses and permits. You can provide activity which needs a license or permit without the last, but you should get it after the war.

D. Highlights

The main issues regarding legal rights protection and the justice gap in Ukraine have been identified as follows:

- **Lack of information:** there is a shortage of information on a procedural level as to how to file legal and administrative documents. This makes it difficult for individuals who lack legal assistance to fill out and submit documents correctly. The system is formalized, which leads to a high level of application rejections.
- **High frequency of reorganizations of state services:** When state services reorganize, ordinary citizens may become confused, as the new service may have a different name or address than

the old one. This can lead to unnecessary confusion and frustration when individuals try to submit documents.

- **Lack of transparency due to the existence of 264,369 legal acts:** : Ukraine has many acts and a laws, and even legal professionals may not know about all of them. This can create a situation where ordinary citizens may unknowingly do something wrong without realizing it.
- **Lack of government support for citizens and refugees:** While Ukraine's government is still in development, it is often unable to help its citizens and refugees to a significant extent. Instead, NGOs and charity funds are the ones who provide assistance to those in need. As a result, Ukraine's government is unable to help refugees from other countries while still struggling to support its own citizens adequately.

According to the official website of Ukraine's legislative body (<https://www.rada.gov.ua/>), there are 264,369 legal acts in the country. Despite having approximately **220,000 lawyers**, it is not easy to obtain high-quality legal assistance in Ukraine. Many individuals either do not know how to protect their rights or do not have the financial means to do so. Additionally, there is a problem with the quality of legal assistance because lawyers and advocates in Ukraine often engage in price undercutting, resulting in unsettled prices for legal services. This issue persists because government and self-governance organizations do not regulate the prices of legal services.

Key Legal Needs:

- Real estate, property registration, and transfer of property titles. The key legal need here is digitalization, which should solve problems such as corruption and bureaucracy. Reforms in this area are also necessary to address the issue of corruption. Legal assistance is also essential in this area, particularly for those who do not have the means to protect their rights.
- Inheritance procedure. The main legal need here is to establish a control institute over a will with a condition. Reforms are needed related to the process of notarizing a will, particularly the legal capacity of the person who will sign the will. Legal assistance is also crucial to initiate and assist with the inheritance procedure until its completion.
- Enforcement procedure. There are two main legal needs here: first, a reform that makes it impossible to hide a person's income; and second, some incentives for public servants to work better in this area.
- Business sector. The registration of a company can be challenging and obtaining permits and licenses can also be difficult. Corruption cases related to sanitary epidemic checks, fire inspections, and other areas also pose significant challenges. Key legal needs in this sector include improvements in the regulations of permits and licenses and protection from monopolies. Businesses in crisis also need better procedures to help them during challenging times.
- Labour contracts. Many citizens in Ukraine receive minimum wages according to their labour contracts, and there are cases of gender discrimination. Employers may indicate preferred gender in a vacancy. The key legal need here is to inform employees of their rights, enabling them to submit complaints to the State Labour Service and hold employers accountable. Legal assistance is also necessary in cases related to work, such as reinstatement at work or salary debts.
- Civil society sector. Many citizens face issues related to income, legal rights protection, and housing. Members of a society can come together to solve these problems through civil organizations, charity funds, religion organizations, or associations of co-owners of an apartment building.
- Consequences of the war. There are many advocates and notaries who have stopped working, and public services have become less accessible due to restrictions on certain services. Administrative buildings have also been destroyed, and public government work hours have been reduced. There are no exact procedures and practices regarding new situations that

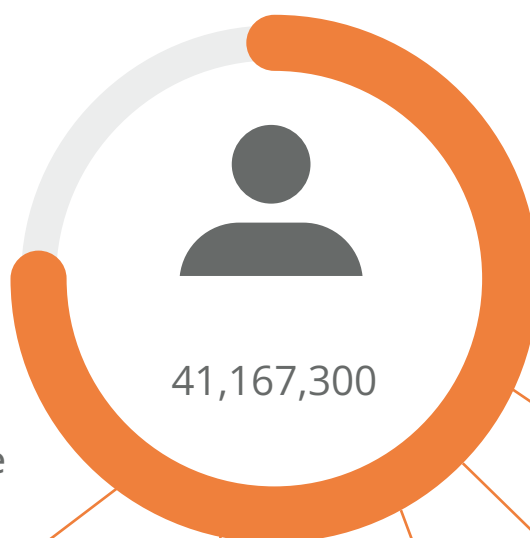
arise during the war in Ukraine. For refugees in other countries is hard to protect and access their rights in their places of origin in Ukraine. Nevertheless, it is still necessary to address these basic legal needs during the war.

II. The capacity of the population to access and protect their rights

01

Of which a major part is displaced due to war, according to UNHCR Global Focus Ukraine at the end of October 2022:

- over 6.5 million people are estimated to be internally displaced
- 7.8 million refugees from Ukraine have been recorded across Europe, most of them women and children while young men serve the army in Ukraine



02

Low-income groups:

Minimal salary - 6 700 UAH (~ 220\$)

Average income - 14 016 UAH (~ 467\$)

Poverty line - 2 400 UAH (~ 80\$):
- ca 2,5% of population under the poverty line

Gini coefficient 74.3% (latest in 2019)

GDP = US\$4,835 (2021)

03

Formality indicators:

- Percentage of shadow economy - 31%
- Percentage of tax & social security on salary 18% and 20%
- Around 3 million people have no employment contract which means that they are at big risk to be legally unprotected.

Other indicators defining risks of legal exclusion

- Language: 76% of Ukrainian people can speak Ukrainian. 20% of Ukrainian people speak Russian. Other are language minorities.
- Education level: 79% of people have a higher education. Internet: 76% of the population has access to the internet at a normal speed. It is harder to get internet in rural places.

III. The state: Affordability and accessibility

A. Procedures and institutions

Identity-related documentation



Birth certificate

Problematics: The main issue arises when the child is not born in a medical institution, as obtaining a certificate from a medical institution is a special procedure. If the parents choose not to contact a medical institution, they will not be able to obtain a certificate and therefore cannot issue a birth certificate. Additionally, errors in spelling of names and surnames can complicate the process further. A birth certificate is an essential document for citizens of Ukraine, similar to a passport. It is required for various purposes such as admission to schools, kindergartens, and hospitals. It is also needed when travelling abroad with the child. To receive financial aid for the birth of a child, the following documents must be provided:

- Passport or any other document confirming the identity of the parents;
- A statement from one of the parents or guardians with whom the child permanently resides, as per the form approved by the Ministry of Social Policy;
- A copy of the child's birth certificate.

At-risk groups:

- people with low income
- people with disabilities
- single mothers
- women whose husbands were involved in the war
- children who are born as refugee abroad

Legal assistance needed: in exceptional cases, such as when an individual requires legal aid abroad but lacks language proficiency, or when a birth certificate needs correction due to mistakes in the original document.

Recommendations to solve legalities: digitalization, upgrade the affordability of procedures and establish rules related to Ukrainian refugees.

ID cards/citizenship

Problematics: The biggest issue are mistakes in dates, names and surnames (translation from Russian into Ukrainian, etc.). Sometimes, even people from the same family have different surnames in their documents. This can happen due to various reasons such as marriage, divorce, adoption, or name changes. However, having different surnames in official documents can lead to confusion and difficulties when it comes to legal and administrative procedures. It is important to ensure that all documents are consistent and accurate to avoid any complications.

At-risk groups:

- pensioners,
- people with low income,
- people with disabilities,

- people who live far from the institutions/ embassy/consulate
- refugees

Legal assistance needed: in special cases people do need consultations, explanations and legal assistance while the procedure.

Recommendations to solve legalities:

- procedure has to be digitalised;
- create centres in Europe, which will help Ukrainians to acquire some services.

Death certificates

Problematics:

The biggest issue are mistakes in dates, names and surnames (translation from Russian into Ukrainian, etc.).

At-risk groups:

- military servants
- relatives of people who died abroad or in the occupied territories
- refugees

Sources of discrimination:

- Nationality

Legal assistance needed: People need legal assistance.

Practical solution: seek advice with relevant bodies and institutions.

Recommendations to solve legalities: to regulate the procedure during the war, make the procedure easier, and add such a service in Poland (for instance, there is a centre in Warsaw and Ukrainian people can make passports there. It means that we need to create special centres on EU territory, where Ukrainian people could get some services.

Family related documentation

Marriage

Problematics:

There are several potential issues to consider when it comes to legal agreements, particularly in the realm of real estate and marriage. Technical mistakes in names, surnames, and dates can cause complications in the accuracy of these documents. In some cases, there may be unfair terms of the agreement, making it important to review it carefully. It's also important to note that it is impossible to transfer real estate through a marriage contract. Completing such an agreement can also be difficult, particularly in cases where medical notice is required. Additionally, marrying an alien citizen can be challenging due to the need to prove that the alien does not have another marriage in another country.

At-risk groups:

- Couples who are separated due to war could not register a marriage, because it is necessary for the personal presence of both spouses.
- Refugees

Legal assistance needed: Typically, individuals do not require legal aid unless they are in need of a comprehensive marriage contract. The process of registering a marriage is relatively straightforward, and there are various organizations available to assist with compiling and submitting necessary documents. However, should one wish to execute a high-quality agreement, it must be drafted by an advocate.

Practical solution: conclude agreements in some other place or country

Recommendations to solve legalities:

- Digitalise procedure

Prenuptial Agreements

Problematics:

It is not common for people to enter into marriage contracts, as most of the clauses are related to the use of property rather than transfer of ownership. Due to this, transfer of property is rarely done through a prenuptial agreement. Although the concept is socially acceptable, in practice, few people actually sign such contracts.

A marriage contract must be validated by a notary and only comes into effect after the couple gets married. If the agreement is made after the registration of the marriage, it also needs to be confirmed by a notary. This presents a problem when the couple is in different countries.

There may also be issues with completing such agreements.

At-risk groups:

- Uneducated people;
- Poor people;
- Refugees

Legal assistance needed: People need an advocate in order to create a Prenuptial Agreement in accordance with the law;

Recommendations to solve legalities:

- Educate people on Prenuptial Agreements;
- Lower the costs of drafting the Agreement;

Divorce in agreement

Problematics: Divorce in agreement is only possible if the couple does not have children. In such cases, it is an administrative procedure and generally straightforward. However, technical mistakes in documents or inactivity of state employees can cause delays. In many cases, there is no proper evaluation of the property, which can lead to a division without clear criteria. The real issue arises when it comes to enforcing the decision, as enforcement mechanisms are often slow and not entirely

effective. Individuals seeking a divorce face these issues both in Ukraine and abroad, with the only difference being that the process is conducted through the Consulate when abroad.

Legal assistance needed: it is highly recommendable

Divorce without agreement

Problematics: If there are children or common property involved, or if one party does not agree to the divorce, the couple must go through the judicial divorce process. This involves filing a lawsuit with a district court, providing evidence of the grounds for the divorce, such as infidelity, abuse, or irreconcilable differences, and attending court hearings. The court will also decide on the division of property and custody of children, if applicable.

Once the divorce is granted, the court issues a divorce certificate, which is required to update personal documents, such as passports and identification cards.

At-risk groups:

- people from rural places,
- people with low income.

Sources of discrimination: gender

Legal assistance needed: People need legal assistance throughout the entire proceeding

Practical solution: submit a complaint to the court's body of supervision

Custody

Problematics:

Acquiring custody of children in Ukraine can be a complex and challenging process, often involving various legal, social, and cultural factors. Some of the problematics of acquiring custody of children in Ukraine are:

- **Legal challenges:** In Ukraine, there is no unified family law, and family law cases are handled by different courts, depending on the nature of the case. This can make it challenging for parents seeking custody to navigate the legal system and understand the legal procedures and requirements.
- **Bureaucratic obstacles:** The legal process for acquiring custody of children in Ukraine can be lengthy, bureaucratic, and expensive. It may involve obtaining various documents, such as birth certificates, passports, and medical reports, and dealing with different state agencies, such as social services, family courts, and police.
- **Social and cultural barriers:** In Ukraine, there is a strong cultural tradition of family unity and extended family support. This can make it challenging for parents seeking custody to prove their fitness as parents, especially if they are single, divorced, or have a non-traditional family structure.
- **Gender bias:** In Ukraine, there is a strong bias towards granting custody to mothers, especially for younger children. This can make it challenging for fathers seeking custody to overcome gender stereotypes and prove their ability to provide a safe and stable environment for their children.

- Domestic violence: Domestic violence is a significant problem in Ukraine, and it can be challenging for victims to obtain custody of their children, especially if the abuser is a parent. In some cases, the court may require the victim to prove the abuse or seek mediation with the abuser before granting custody.

At-risk groups:

- Children
- Women

Legal assistance needed: People need legal assistance throughout the entire proceeding;

Recommendations to solve legalities:

- Simplify procedure

Child Support

Problematics:

Acquiring child support in Ukraine can be a complicated and challenging process, as there are several issues and problematics associated with it. Some of the main challenges include:

- Lack of enforcement: Even though child support payments are mandatory in Ukraine, the enforcement of such orders can be difficult. There is no specialized agency responsible for enforcing child support orders, and parents often have to rely on the courts to enforce the orders.
- Lengthy legal procedures: The legal process for obtaining child support can be lengthy and bureaucratic. This often involves multiple court hearings and can take several months to complete. In some cases, the process can drag on for years.
- Low payments: Even when child support is ordered, the amount of support can be relatively low. This is because the calculation of child support in Ukraine is based on a fixed percentage of the non-custodial parent's income, which may not always reflect the actual needs of the child.
- Unemployment and informal economy: In Ukraine, a significant proportion of the population works in the informal economy, making it difficult to calculate income accurately. In cases where the non-custodial parent is unemployed or working in the informal economy, it can be challenging to enforce child support orders.
- Lack of awareness: Many parents are not aware of their rights and obligations when it comes to child support. This lack of awareness can result in parents not pursuing child support payments, even when they are entitled to them.

At-risk groups:

- Children
- Parent with full custody whose former spouse has no formal income
- Poor people
- Refugees

Legal assistance needed: It is recommendable to have a legal assistance.

Practical solution:

- Use witnesses to prove financial status
- Keep financial and relevant records on the family practices

Inheritance



Drafting a Will

Problematics: Drafting a will in Ukraine can be a complicated process due to various legal requirements and potential challenges in the court. The process of drafting a will in Ukraine requires a good understanding of legal terms and procedures. Many people may not have enough legal knowledge to draft a will that will be legally valid and enforceable.

Ukrainian is the official language in Ukraine, and all legal documents must be in Ukrainian. For foreigners or Ukrainian citizens who do not speak Ukrainian, it can be challenging to find a reliable translator or interpreter who can assist them in drafting the will. Ukrainian law has strict formal requirements for wills. For example, a will must be in writing, signed by the testator, and witnessed by two individuals who are not beneficiaries. Failure to meet these requirements may render the will invalid. Family disputes over inheritance are common in Ukraine. Relatives of the deceased often contest the will, claiming that they were not treated fairly or that the testator was not of sound mind when the will was written. These disputes can be lengthy and costly and may require the assistance of an experienced lawyer. Ukraine has a complex system of property ownership that can affect how assets are distributed after death. Some properties may be owned jointly by family members, which can create complications in the distribution of assets after death.

At-risk groups:

- pensioners
- people with disabilities

Legal assistance needed: Yes, people cannot make a will without a notary.

Inheritance procedure with/without a will

Problematics: Inheritance procedure in Ukraine can be quite complicated and time-consuming due to various legal and bureaucratic obstacles. If the deceased person did not leave a valid will, the inheritance is distributed among the heirs according to the law, which may not always correspond to the deceased's wishes. If there are multiple heirs, the inheritance can be divided in a complicated and time-consuming process, especially if they disagree on the division of assets. The distribution of assets may not always be fair, as some heirs may have a stronger legal position or better access to legal resources than others. In order to inherit property in Ukraine, it must be registered in the name of the deceased. If the property was not properly registered, the inheritance process can become even more complicated. Legal fees and other expenses associated with inheritance procedure in Ukraine can be high, which can be a burden for the heirs, especially if the estate is not large. The Ukrainian legal system is often criticized for being inefficient and corrupt, which can lead to delays and complications in the inheritance procedure.

At-risk groups:

- Women
- Poor people
- Foreigners
- Refugees

Sources of discrimination: gender and ethnicity

Legal assistance needed: Highly recommendable to have an advocate.

Practical solution:

- Drafting a will and pre-dead arrangements makes the inheritance procedure easier

Property-related documentation



First registration of property

Problematics:

The process of registering real estate in Ukraine after it is transferred from state to private property involves several steps and can be quite complex. The first step is to obtain all the necessary documents, including the certificate of ownership, the technical passport of the property, and any relevant permits or approvals. The value of the property must be determined before it can be transferred. This is usually done by an appraiser, who will provide a valuation report. There may be fees and taxes associated with the transfer of the property. These must be paid before the transfer can be completed.

The property can be transferred by a notary or through the state registration service. The transfer will be documented with a deed of transfer. Once the property has been transferred, it must be registered with the State Register of Property Rights. This involves submitting the necessary documents, including the deed of transfer, to the registration authority. After the transfer is registered, new documents will be issued, including a new certificate of ownership and a new technical passport.

Ukraine has a long history of oligarchs who have accumulated wealth and power through various means, including privatization of state-owned assets, corruption, and political influence. These oligarchs have been known to own significant amounts of real estate in the country.

According to a **2018 report by Transparency International Ukraine, 50% of the country's real estate is owned by 5% of the population.** This includes oligarchs, politicians, and other wealthy individuals who have **used their power and influence to acquire large amounts of property.**

The presence of numerous registers and reforms in the real estate sector in Ukraine has led to confusion regarding land plot borders and property types, resulting in many court disputes. The person who can accumulate more documents often emerges as the winner of a dispute. Some common problems encountered in the registration of real estate include the complex and expensive procedure for registering a house, which requires an architect and engineer project, examination for multi-story buildings, and multiple permits. The process is time-consuming, and any mistakes can result in starting the process from scratch. Additionally, corruption is rampant in obtaining construction permissions, which necessitate obtaining certificates from numerous agencies, including gas, water, electricity, metro, and airports. Furthermore, technical passports have created issues, with some individuals possessing more than one.

At-risk groups:

- people from rural places,
- people with low income,
- people with property on the occupied territories

Legal assistance needed: Highly recommendable; people take legal assistance to help with all procedures with the real estate.

Legalization of Construction

Problematics:

One of the main problematics of the legalization process in Ukraine is corruption. In some cases, owners may be asked to pay bribes to expedite the process or avoid penalties. This creates an unfair advantage for those who can afford to pay bribes, while smaller owners or those who refuse to participate in corrupt practices may be left behind. Another problematic area is the lack of clear regulations and standards for construction. This leads to confusion and misunderstandings about what constitutes a violation and what measures are required to bring a building into compliance. In some cases, owners may face different requirements depending on the location of the building or the preferences of the local authorities. In addition, the legalization process can be time-consuming and expensive. Owners may need to obtain various permits, certificates, and approvals from multiple agencies, which can be a complex and lengthy process. The cost of legalizing a building can also be significant, as owners may need to pay fees for inspections, design and engineering services, and other related expenses. Overall, the legalization of construction in Ukraine is a complicated process that requires the involvement of multiple government agencies and the cooperation of property owners. While the process is intended to ensure compliance with building and zoning laws and provide legal recognition for properties, it is also plagued by corruption, lack of clear regulations, and high costs.

At-risk groups:

- people from rural places,
- people with low income,
- people from occupied territories

Legal assistance needed: Highly recommendable.

Recommendations to solve legalities:

Digitalise the system and procedures;

Transfer of property

Problematics: The process of transferring real property in Ukraine has some problematic aspects. Corruption schemes have caused confusion and unfair cases, particularly in instances where evaluators were unable to visit the property to conduct a proper evaluation. There is also a lack of detailed information available about the number of outlets, type of floor, and other relevant data. Property insurance prior to rental is not commonly practiced, and property evaluations are often falsified in order to reduce taxes. To transfer property, people often resort to using gift schemes for real property up to three years old, or sale schemes. However, taxes can vary greatly depending on the method of transfer, with up to 18% for a sale within the first three years of registration and 5% for a gift that is later sold by the recipient. Before transferring real property, the property must be registered, and while some relevant documents are easy to obtain, others are not. The government's law on the alienation of agricultural lands has also made the procedure for transferring a land plot more difficult, causing additional problems for those attempting to do so.

At-risk groups:

- people with low income

- pensioners
- people with property on the occupied territories

Legal assistance needed: It is highly recommendable.

Rent agreements

Problematics: Renting real estate is a common practice in Ukraine, as the majority of properties being owned by wealthy individuals. To ensure legal security, property owners must have a solid rental agreement and rent the property for its registered purpose, as renting against the registered purpose can result in government penalties. If a legal entity wishes to rent property, they must have a physical person act as a guarantor, and notarization is not required for valid rental agreements. However, the informal rental system and lack of official control can lead to issues such as fake property documents, false information in agreements, and fraudulent individuals posing as owners and renting to multiple tenants. The high level of corruption within the Cadastre Agency and the prevalence of corporate-owned real estate exacerbates these problems.

Legal assistance needed: It is highly recommendable.

Social-Economic activity related documentation

Constitution of company

Problematics: The registration process for a company in Ukraine is a challenge due to the formalities involved. It can be difficult to draft the necessary legal documents such as Articles of Association and other bylaws without the help of legal professionals. However, even with legal assistance, there is no guarantee of legal security. As legal assistance is not mandatory, many low-income individuals attempt the registration process themselves, leading to high rejection rates and fees. This results in an overload of the system and discourages people from establishing companies, causing them to operate in the grey area or as individual entrepreneurs.

At-risk groups:

- pensioners
- people with low income

Legal assistance needed: Highly recommendable.

Individual business registration

Problematics: The process of setting up an individual business as an entrepreneur is a simple, streamlined, and cost-free digital procedure.

At-risk groups:

people who do not have technical literacy (elderly, uneducated, ones without access to internet)

Legal assistance needed: Highly recommendable.

Practical solution: To make a registration by Diia.

Civil associations

Problematics: The process of registering a civil association encounters similar issues as registering a company, primarily due to the high degree of formality. The Ministry of Justice serves as the competent authority for registration and supervision, which has led to a prolonged registration process. However, this procedure is not very secure, and there is a significant risk of legal exposure when registering a civil association.

Legal assistance needed: Highly recommendable.

Recommendations to solve legalities: standardization and transparency for registering procedure.

Closing down company

Problematics: The primary concern pertains to the prolonged duration of the process. Additionally, there are challenges encountered while interacting with government agencies, necessitating the need for legal support.

At-risk groups: people who don't have access to notaries, people on occupied territories.

Legal assistance needed: Highly recommendable.

Permits

Problematics: In Ukraine, many business activities require obtaining a permit, which entails fulfilling certain conditions and gathering the necessary documents. However, there are significant challenges associated with this process, including:

- Rampant corruption, which often makes it nearly impossible to obtain the necessary permits without paying bribes
- Excessive bureaucracy, which can make the process lengthy and frustrating

Legal assistance needed: Highly recommendable.

Recommendations to solve legalities:

- Digitalise the system
- Reduce costs

Labour



Indefinite/Temporary employment Contract

Problematics: The Employment Contract in Ukraine must be in writing, but many employers use various forms of out-of-employment work, such as temporary or occasional work, volunteer work, and

additional work to avoid paying taxes and reduce costs. This leaves workers without the protections and benefits provided by the Labour Law, such as sick leave, overtime pay, paid holidays, days off, rest, and counting working years towards retirement. NDAs are not common in Ukraine, as there are no laws regulating confidentiality in employment contracts. Labour contracts are only effective in practice for public service, advocacy, and scientific positions. Many people in the shadow economy do not have Employment Contracts or are not familiar with their rights. Employers often pay minimum wages in contracts and pay the remainder in cash to avoid taxes and contributions, which negatively affects the Pension Fund. Some employers try to hide labor relations under service contracts to avoid taxes.

If they are not trying to hide and the service contract is real, the parties can face up the following problems:

- Payment delay or no payment at all
- Low-quality services
- Attempts to find reasons to pay less for services

At-risk groups:

- The majority of the population in the shadow economy
- People who work in factories
- People who work in Hospitality and tourism
- People who work in Grocery stores
- People who work in Sales
- refugees

Sources of discrimination: gender (receive lower wages)

Legal assistance needed: Highly recommendable

Practical solution: employees need to go to the Pension, and Disability Insurance Fund and check if their contributions have been paid by the Employer.

Recommendations to solve legalities:

- Government needs to control employers
- Submitting reports on contributions

B. Effective ways to enforce one's legal rights

Courts



The legally prescribed duration to obtain a solution is not more than 60 days. However, in practice, it can take 2 to 3 years. The judiciary system is slow and often fails to meet the deadlines set by the law, causing regular court procedures to last approximately 2 to 3 years. In contrast, if a peace agreement is reached during the court procedure, the immediate solution in civil law can be obtained. In such cases, the judge will confirm the agreement, and the dispute will end immediately.

Affordability

Due to the extended duration and expenses involved, pursuing a court case is often not a feasible option for 60% of the population. While individuals can represent themselves, legal assistance is typically required to navigate the court system. This results in a range of costs, including court taxes and fees, translation fees, and fees for hiring court experts and advocates. To provide examples, the minimal costs for initiating a court case and statement of claim security are as follows:

- Common court legal action: 840 UAH (~28\$)
- Civil process statement of claim security: 420 UAH (~14\$)
- Commercial court legal action: 2102 UAH (~70\$)
- Commercial process statement of claim security: 1051 UAH (~35\$)
- Administrative process legal action: 840 UAH (~28\$)
- Administrative process statement of claim security: 630 UAH (~21\$)

Enforcement body: There are two methods of enforcement procedures in Ukraine: one through the state executive service and the other through private executors. The latter is generally more efficient, but it does not ensure a successful completion of the enforcement procedure in practice, due to several issues such as:

- High costs associated with the enforcement process, especially when it comes to collecting debts from low-income individuals who are unable to pay their utility bills.
- Debtors who are not officially employed, thus lacking a formal income.
- Concealment of assets and submission of false financial statements by the debtor.
- Enforcement debt being lower than the actual costs incurred during the enforcement process.

Affordability: Upon completion of the execution process, the debtor will be charged an executory fee of 10% of the total amount being enforced. In cases where the enforcement involves intangible assets, the minimum cost is set at 13,000 UAH (~\$433). The executory fee will be collected from the debtor upon the conclusion of the execution process.

Problems: The debtor may not have any assets or a bank account, and government executors may remain inactive until a complaint is filed.

Legal assistance needed: It is highly recommendable.

Possibilities for alternative dispute resolutions (ADR)

Mediation, arbitration, and international commercial arbitration are alternative methods of settling disputes. Mediation involves regulating relations between parties without involving the judicial system, if possible. While not well developed in Ukraine, there are some cases where it is used. International commercial arbitration is only used in specific cases and is regulated by the Law "On International Commercial Arbitration." Arbitration can only be used in civil or commercial cases if the parties have entered into a special arbitration agreement.

These alternative methods of dispute resolution, including mediation, are becoming more popular. Due to long and sometimes unfair court processes, people are becoming distrustful of the judicial system and are turning to other ways to resolve disputes. However, only 6% of cases are currently resolved through these methods, and their competence is limited to civil and commercial cases, as long as it is not forbidden by law.

The use of alternative dispute resolution methods such as mediation and arbitration is not widespread in Ukraine due to various issues, including:

- The lack of emphasis on reputation and honour in Ukrainian culture, which diminishes the need for negotiation to save them.
- The absence of established practices for protecting the reputation of legal entities, resulting in difficulties proving damage to reputation in court.
- The lack of confidence in the enforcement of agreements in Ukraine.
- The involvement of unqualified lawyers in the arbitration process.
- Poor regulation by law.
- Public distrust of arbitration and a lack of judicial control over arbitration decisions.

While legal assistance is not mandatory for these methods, it is highly recommended. Decisions made through arbitration and international commercial arbitration are binding, but if the other party fails to comply, a statement can be submitted to the common court. Similarly, agreements reached through mediation are legally binding and can be enforced through court, if necessary, with a quick confirmation process of up to 15 days after submitting a statement.

However, there is a lack of established systems of control over these decisions, with arbitration decisions subject to court oversight but no such oversight in place for mediation.

IV. Affordability, accessibility, and quality of legal assistance

Commercial legal assistance - lawyers

Membership of Bar Association

Becoming a lawyer requires graduation from university, but to become an advocate, an internship must be completed, which costs 19,500 UAH (approximately \$650). Additionally, the bar association is financially supported by fees for passing the qualification exam, annual contributions of lawyers, deductions from qualification and disciplinary commissions, voluntary contributions from lawyers, law offices, bar associations, individuals, and legal entities, and other sources not prohibited by law. The amount of the bar's annual contribution to ensure the implementation of the bar association in 2022 is 2481 hryvnias.

Membership in the bar is required for both providing legal advice and court representation, with the exception of minor cases. The determination of a case as a minor can only be made by a court and in accordance with procedural codes.

The bar association has a complaint system consisting of the following bodies: the Congress of Advocates of Ukraine, the Council of Advocates of Ukraine, the Higher Qualification and Disciplinary Commission of Advocacy, and the Qualification and Disciplinary Commission of Advocacy.

Free advertisement and referral system for clients

Advocates are allowed to advertise their services and are not charged any fees by the state, only marketing fees by PR agencies. However, a notary cannot engage in entrepreneurial activities. With the necessary qualifications and experience, a lawyer can also become a politician.

Fees:

The average fee charged by advocates for their services are as follows:

- For consulting, the average rate is between 500 UAH and 1000 UAH (17\$ - 334\$) per hour;
- For drafting requests, statements, complaints, or responses to requests, the average rate is between 500 UAH and 2000 UAH (17\$ - 67\$) per case;
- For drafting legal actions, the average rate is between 4000 UAH and 10000 UAH (134\$ - 334\$) per case;
- For drafting agreements, the average rate is between 500 UAH and 3000 UAH (17\$ - 100\$) per case;
- For drafting wills, the average rate is between 200 UAH and 800 UAH (7\$ - 27\$) per case.

It is important to note that these prices are not standardized and are considered unofficial. However, they are generally considered to be affordable.

Although there is no set minimum price for legal services, there is an unspoken average price in the market for different types of legal practitioners. For instance, a very young advocate may charge a different price than a large company, and this can result in significant differences in fees. However, the crucial factor to consider is the quality of work provided.

The contract on the provision of legal assistance defines the procedure for calculating the fee, which may be a fixed amount or hourly payment, the grounds for changing the amount of the fee, the procedure for payment, terms of return, and other relevant details. The fee should be reasonable and take into account the complexity of the case, the lawyer's qualifications and experience, the client's financial condition, and other significant circumstances.

Ways to reach clients:

- Advertising;
- Referrals from social circles;
- Online marketplaces;
- Participating in events
- Active marketing;

Quality control in the legal profession:

In Ukraine, the following bodies oversee all advocates:

- Congress of Advocates of Ukraine;
- Council of Advocates of Ukraine;
- Higher Qualification and Disciplinary Commission of Advocacy;
- Qualification and Disciplinary Commission of the Advocacy.

Free Legal Aid

Governmental legal aid

The organization of the free legal aid system in Ukraine is well-regulated by law. There are two types of free legal aid: government and non-governmental. The government free legal aid system is only provided by advocates and is tightly controlled by the following bodies: Congress of Advocates of Ukraine, Council of Advocates of Ukraine, Higher Qualification and Disciplinary Commission of Advocacy, and Qualification and Disciplinary Commission of the Advocacy.

The free legal aid system covers all types of cases in Ukraine. Primary free legal aid includes consulting, drafting statements, complaints, and other legal documents, as well as helping individuals obtain secondary free legal aid. Secondary free legal aid includes defending individuals in court, representing them in other state services and local governments, and drafting processual documents.

Access to primary free legal aid is available to all subjects in Ukraine, while secondary free legal aid is only available to special subjects defined by law, such as individuals with low income, children, IDPs, and veterans of war.

The functioning and control of the system is supervised by the Ministry of Justice of Ukraine. The quality of free legal aid varies depending on the advocate, with the overall quality being average. The quality is generally good for non-criminal cases, but often poor for criminal cases. It is difficult for advocates to enter the system of free legal aid, and those who do often have inside connections or a long history with the system.

The annual state budget for free legal aid in Ukraine is approximately 385,200,000 UAH (~12,840,000\$). Despite its accessibility to citizens, the quality of free legal aid may not always be satisfactory, and individuals must meet certain legal requirements to be eligible for this service.

Non-Governmental Legal Aid

Organization: Non-governmental organizations (NGOs) can register to provide free legal aid. There are multiple ways in which non-governmental free legal aid can be provided. The legal services that this sector covers include consulting, providing connections, and helping with document drafting.

Legal matters of operation: non-governmental free legal aid is currently unregulated in Ukraine. Despite the lack of regulation, the quality of legal assistance provided by NGOs can often surpass that of specialized institutions or law offices, with great potential for further improvement.



Comparing segments 1, 2, 3, the indicator conclusions are as follows:

1) People at risk of not having access to legal rights protection

The vast majority of the population is at risk of not enjoying legal rights' protection due to a low income This is evident from the following indicators:

- a) **People with low income** are unable to afford legal rights' protection, except in special cases where free assistance is available. However, such help is often of low quality. The high rate of unemployment, which stands at 8.9% of the total labor force (modelled ILO estimate) / 5.9% lower middle income, further exacerbates this problem.
- b) **People with disabilities** also face a low level of legal protection due to the low poverty line in Ukraine. The money allocated for legal rights' protection is often insufficient for quality assistance. Additionally, some individuals with disabilities may not be able to go to relevant institutions without assistance. The number of people in Ukraine with disabilities was reported to be 2.7 million in 2014, which accounts for 6% of the population. This number is expected to increase significantly after the war.
- c) **The rural population** is another group that is at risk of being legally unprotected. They face challenges such as long distances from relevant institutions, courts and law offices, corruption risk, and small budgets for social needs. The lack of infrastructure development, unemployment, insufficiently available social services, and a smaller number of volunteer organizations further compounds their challenges. The Free Legal Aid project, which was initiated a few years ago to address these issues, stalled due to the retirement of its initiators. The situation is expected to worsen after the war, as it will be harder to access government services, legal and notary assistance.

- d) **Women** are at risk of being legally unprotected due to discrimination in civil and administrative law. Women are often fired due to pregnancy, suffer from domestic violence, and experience harassment and unfair treatment in the court system.
- e) **Children** are another group that is at risk due to their poor understanding of their rights, especially when their parents have addictions such as alcohol and drugs. In cases of domestic violence, it may be more helpful to contact volunteer human rights organizations than the police.
- f) **Ethnic minorities** such as Romas and Armenians face biased attitudes, difficulties in obtaining a residence permit due to corruption, and challenges in adapting to society. They also face language barriers, as they may not know English well, and may encounter problems with public services. Foreigners seeking to create a legal entity or make investments require the assistance of an advocate or translator.
- g) **Pensioners** have low pensions, and it is hard to obtain a subsidy. Government servants may provide their services grudgingly, and doctors may demonstrate dismissive attitudes. Nursing homes are also limited in number, and volunteers are needed to assist in their care.
- h) **Homeless people** in Ukraine do not receive social housing, unlike in the EU. As a result, they may resort to begging and fraud, and there is no penalty for not having a residence registration.
- i) **LGBT minorities** are not widely accepted by society, and same-sex marriage is not legal in Ukraine. Consequently, LGBT individuals face challenges in adopting children and enjoying legal protections. During the war, transsexuals were not allowed to cross the border.
- j) **People who work informally**, estimated to be 7.5% of the population, are also at risk of being legally unprotected.
- k) **Women with children who are located abroad** without knowledge of the local language and with a Ukrainian education face challenges in applying their skills in the new environment.
- l) **Children from boarding schools** or those whose parents died during the war are also at risk.
- m) **Military servants**. Despite being defended by the government, military servants and their families cannot be supported on a worthy level. Moreover, there have been instances where authorities have misused the benefits meant for military personnel. One such example is the use of military servants to acquire land plots.
- n) **Those who were involved in the war**, including doctors and other personnel, also deserve recognition and support.

Approximately 2.5% of Ukrainians live with low income, specifically in the lower middle and low-class categories, especially those who work in the informal sector. The vast majority of the population speaks Ukrainian without discrimination. Since the war, there has been an increase in the number of Ukrainian speakers, although there have been reports of bullying for using Russian. In comparison to 2003, statistics have improved by a factor of two. While there is still a portion of the economy that operates in the shadow, it is not considered to be critical.

In Addition, per definition there are some groups at high risk groups related to the war since 2014 and now massively since 2022:

- a) People in and from the occupied territories in the East of the country
- b) Internally displaced people
- c) Refugees
- d) Russian-speaking people

The displaced populations mentioned under a) until c) are per definition in need of legal assistance across borders to arrange and to protect their rights. We will describe their legal issues and how to address those in Annex 1.

2) Effectiveness of state organisation and procedures for legal rights protection

All groups that are at risk of being legally unprotected face resource constraints and difficulties in protecting their legal rights, primarily due to:

- High levels of corruption
- The shadow economy
- Lack of digitalization
- Bureaucracy
- Disrespect from public servants
- Inactivity of public servants
- Lengthy procedures

Procedures that require approvalIn particular, legal assistance is crucial for:

a. Real Property:

- Registration and transfer of property
- Legalization of illegal properties
- Obtaining property titles for previously socialized properties

b. Civil and Family Law:

- Divorce proceedings and related child custody issues
- Inheritance and property division matters

c. Business and Employment related issues:

- Registration and incorporation of businesses
- Day-to-day legal needs related to tax compliance, liability to third parties, and employee relations in the context of operating informally and complying with formalistic tax authorities.
- Execution of agreements and court decisions
- Employment contracts - enhancing formalism and integrating a certain level of security

See annex 1 all the legal issues and procedures faced by the refugees and IDPs

3) Accessibility and affordability of quality legal assistance

Commercial Legal Aid:

In general, medium-quality legal assistance is available for people in Ukraine. However, there are instances when legal service providers may offer low-quality services or even create a problem themselves and suggest a solution to the client.

Free Legal Aid:

Free legal aid is highly accessible to citizens in Ukraine. However, individuals must belong to the defined subjects to receive it. The overall quality of free legal aid is average, and there is still a chance of receiving poor legal aid. The quality of free legal aid in civil cases is typically better than in criminal cases. The law defines the subjects eligible for free legal aid, particularly vulnerable groups.

Legal assistance for displaced populations:

Proposal to set up a digital legal aid platform to provide information and connect the displaced populations where-ever they are now with an expert lawyer in all the daily legal needs they face due to their displacement. See the proposal for this in Annex 1.

Annex I: Legal needs of war-affected and displaced populations

We approach the analysis of the system from the perspective of the affected individuals, taking into consideration the normal situation in any given country. Furthermore, we conduct an in-depth review of the legal requirements for refugees and internally displaced persons, both in their country of origin and in their current location. Our inquiries extend to matters such as obtaining civil documents, accessing social security and pension benefits, fulfilling contracts in Ukraine, and completing all necessary paperwork to establish oneself in the host country. Moreover, we investigate the fundamental legal needs of those who are returning to their homes and participating in post-war reconstruction efforts. A major concern in this regard is the reconstruction of homes and property rights, as well as the reinstatement of contracts that were interrupted due to force majeure. While certain procedures may not yet be in place, we have conducted extensive research into the anticipated requirements and current procedures. By mapping out the gaps in the system, we can anticipate potential legal needs and take steps to address them.

1. Overview of the war-affected displaced population

The numbers of displaced are fluctuating: 626,000 IDPs in October 2022, among the **almost 6.5 million IDPs**. Across Ukraine, est. 785,000 IDPs currently plan to integrate in their current location. Conflict and safety remain the biggest push/pull factor, although family reunification, access to employment and services and accommodation are also commonly cited. The majority of IDPs continue to originate from, and reside in, the eastern part of Ukraine. The number of refugees from Ukraine is relatively static in Europe with over **7.8 million individuals** having fled the country, most of them women and children (Ukraine - UNHCR Global Focus).

Most European countries have faced numerous issues with document management, specifically with the passports and birth certificates including the loss and replacement of passports with an easily misplaced A4 paper. Additionally, individuals have encountered difficulties with the registration process. Moreover, many countries in the EU have faced issues with employment and long queues for conducting administrative procedures. There are also significant problems with labour related legal rights protection.

The main problem in most cases is finding accommodation and registering a temporary stay, bearing in mind a number of documents that must be obtained, including the visa, but also significant funds as an insurance for obtaining the temporary residence permit.

Number of Population Affected by the Problem (statistical data):

The internally displaced:

From:

- Kharkivska district - 21%
- City of Kyiv - 19%
- Kyivska district - 18%
- Donetsk district - 15%

- Luhanska district - 5%
- To:
- Dnipropetrovska district - 11%
 - Kyivska district - 10%
 - Lvivska district - 9%
 - Vinnytska district - 7%
 - Poltavska district - 7%

Refugees – EU Countries

~ 4,8 million

- Poland ~ 1.6 millions
- Germany ~ 900 thousands
- Czech ~ 500 thousands
- Italy ~ 170 thousands
- Spain ~ 160 thousands
- UK ~ 160 thousands
- Bulgaria ~ 150 thousands

Nature of Legal Problems and Legal needs and Related Cases/issues – An Overview

Potential or real problems faced by refugees returning to Ukraine or internally displaced persons (IDPs), as well as those who are currently outside of Ukraine, include:

- Many houses have been destroyed by Russian rockets and artillery, leaving people without a place to live.
- People returning to their previously occupied homes may face further problems such as robbery or destruction of their property.
- Loss of documents due to previous problems may lead to long queues of people seeking to repair or replace them.
- The government may impose tax penalties on individuals who left Ukraine without paying taxes, and could create tax benefits for those who lived in occupied territories.
- Pensions and social payments may be disrupted in occupied territories.
- Compensation for damages caused by Russia's rockets and artillery, such as broken windows, may be difficult to obtain.
- IDs or passports of some people may expire, leading to problems with customs and long queues.
- The government currently provides special permits and license terms for certain activities, but this system may face challenges after the war.
- Verification of high education diplomas, such as those of doctors, may be difficult.
- Children may not be able to travel without proper documentation.
- Mothers with children may face challenges if there are no kindergartens available.
- Informal work may be necessary for people to survive, but the mechanisms to facilitate it remains not be effective.
- There may be issues related to taxes and residency.
- Some countries may offer very low financial support to refugees or IDPs.
- Crossing the border may be difficult.
- Obtaining documents from Ukraine may be challenging.
- Opening a bank account abroad without proper documentation is nearly impossible.

CIVIL DOCUMENTS AND ADMINISTRATIVE PROCEEDINGS

During the war period, numerous essential documents, such as land registers, birth registers, citizenship registers, death registers, and others were destroyed. As a result, there are various issues related to obtaining the most essential civil documents.

Birth certificate

One of the most vital civil documents is the birth certificate, and the process to obtain a new one in case of loss or theft involves the following:

- Submission of a citizen of Ukraine passport or an equivalent document.
- A written statement to request the issuance of a new birth certificate.

Problematics:

- Deadlines related to various legal matters such as birth certificates, ID/citizenship, death certificates, state registrars, marriage, property registration, transfer of ownership, creating legal entities, permits, and licenses have been halted by legislation.
- Reduced working hours have resulted in longer queues than normal.
- Any employee in a medical institution can now certify a baby's birth.
- In case of unavailability of medical documents, free-form certificates in duplicate can be issued.
- Refugees possessing a resident card in Ukraine may encounter difficulties regarding their child's citizenship and obtaining a birth certificate.
- Mothers who give birth abroad must obtain a birth certificate from the Embassy or Consulate of Ukraine and formalize receiving benefits from Ukraine.
- The process of formalizing and receiving benefits from Ukraine for young mothers giving birth abroad is unclear.

ID/citizenship

To apply for a new passport of a citizen of Ukraine in the form of an ID card due to a lost or stolen passport, the applicant must provide the following documents:

- A statement on the loss of the passport;
- A copy of the extract from the Unified Register of Pretrial Investigations (if the passport was stolen);
- Proof of payment of the administrative fee, or proof of exemption from paying the fee;
- A certificate of residency from the authorized registration body (if available).

For passport renewal, the following additional documents may be required (if available):

- A certificate of registration number assignment for taxpayer's registration card or a refusal notice (for those who refused due to religious beliefs);
- Birth certificates of minor children (if applicable);
- Marriage or divorce certificate (if available);
- Certificate of registration of an internally displaced person (for IDPs);
- A 10x15 cm photo card of a person's face for digitization by the Registry's tools (for individuals with long-term health disorders);
- A certificate of registration of homeless persons (for homeless individuals);
- A court decision on identification (for individuals who were not identified during the identification procedure).

Death Certificate

In order to obtain a replacement death certificate, the following documents must be submitted:

- A written request for a replacement death certificate,
- Information about the deceased person,
- Information regarding the deceased person's birth and death.

Problematics:

- Deadlines have been suspended by the government for all civil documents, including death certificates, ID/citizenship, state registrars, marriage, property registration, transfer of ownership, creating any legal entity, permits and licenses.
- Reduced work hours may result in longer wait times than usual.
- Some individuals may be unsure of what steps to take if a family member dies abroad. In such cases, the deceased person's siblings or a designated representative can submit the request.
- In cases where a person dies in a collapsed building or in a war zone, obtaining a replacement death certificate may be more complicated.

Sources of discrimination: Technical problems and the complexity of the procedures can lead to discrimination. During times of war, the situation can be even more challenging due to different reasons for death, and the public bodies and Ukrainian legislation may not be adequately prepared for such special situations.

Legal assistance required: While people rarely need legal assistance under normal circumstances, during times of war, the need for legal assistance is more frequent due to the difficulties caused by the reduced work hours of administrative bodies. Moreover, during the early months of the war, some of the public servants and registrars did not work, exacerbating the problem. And when one is far away across borders as refugee, one needs help to arrange these procedures in Ukraine.

Practical solution: Cross border legal aid through a digital legal aid platform and to set up document centres abroad where there are many refugees
and to

Recommendations for resolving legal issues: To address the issue of discrimination, the procedure during times of war should be streamlined, simplified, and made more accessible to people. In addition, there is a need to establish special centres on the territory of the European Union where Ukrainian people can obtain necessary services, as is the case with the passport centre in Warsaw, Poland.

Pensions

Individuals can receive their pension either on their payment cards or by visiting a post office. In order to access their pension rights, individuals can submit the following documents to the offices of the State Pension Fund:

- Passport
- Tax number
- Employment history
- Any other relevant documents that establish a person's entitlement to receive a pension.

PROPERTY RELATED ISSUES AND RIGHTS

The ability to return to one's home or apartment largely determines the possibility of receiving restitution. Unfortunately, in many cases, this is impossible due to the destruction or occupation of the property or loss of tenancy rights. Often, houses are sold below market value due to pressure or abuse of circumstances, further hindering the possibility of return. It is crucial to consider the issue of acquired rights and property restoration for those who choose not to or cannot return. The war should not be a reason for expropriation.

As of June 1st, 3.5 million Ukrainians have homes that are damaged or destroyed. This includes 116,000 objects with a total area of 14 million square meters, with 12.3 thousand multi-story buildings (12 million square meters) and 104.1 thousand individual estates (1.7 million square meters).

To safeguard the occupancy/tenancy rights of internally displaced persons (IDPs), it is necessary to provide agreements proving that they occupied real property before or during the war. Other related documents such as bills, utility payments, and tax payments can also serve as proof. In case of the tenant's death, their family members inherit their contractual rights and obligations.

Hundreds of thousands of refugees require support for various administrative procedures. This support is particularly crucial for refugees and IDPs who are unable to initiate these procedures in their country of origin. In many cases, a statement from the court is necessary to access property and other rights in Ukraine.

In this regard, the displacement and destruction caused by the war in Ukraine have had significant impacts on people's ability to return to their homes and reclaim their rights and property. The high number of damaged or destroyed homes, coupled with issues surrounding occupancy and tenancy rights, make it difficult for individuals to return to their previous living situations. Additionally, the bureaucratic processes for accessing property and other rights can be complex and require legal support. It is important for the government and other organizations to address these challenges in order to support those affected by the conflict and ensure that war is not a reason for expropriation.

The key problem

Since Ukraine has a long history of oligarchs who have accumulated wealth and power through various means, including privatization of state-owned assets, corruption, and political influence, these oligarchs have been known to own significant amounts of real estate in the country. As mention above,

50% of the country's real estate is owned by 5% of the population, which includes oligarchs. Even if people have their property title regulated (which is mostly not a case), the reconstruction phase would result most in benefitting the oligarchs.

In order to prevent that from happening relief – rehabilitation phase, before conducting development/reconstruction phase, needs to mandatory include regulating the legal documents in terms of property ownership and registration.

INHERITENCE

If a refugee dies, his/her heirs (who are also refugees) may need to initiate inheritance procedures and obtain a ruling on their inherited property. However, it is important to note that people do not necessarily have to go to court to begin the inheritance process. In fact, a court decision can only determine a person as deceased or definitely absent. With this decision, people can then go to a notary to begin the inheritance procedure. There is no special list of proof of death.

To provide official proof of death, applicants can submit a statement of the fact of death, which should include:

- The fact the applicant wants to establish and the purpose of the request,
- Reasons why obtaining or restoring documents proving this fact is impossible,
- Evidence confirming the fact,
- Evidence confirming the circumstances stated by the applicant, such as written testimonies of eyewitnesses, photos from the burial place, medical documents about death, etc.

A certificate stating the impossibility of restoring lost documents, such as a written refusal by state civil registration authorities;

A copy of the applicant's identity document and registration number of their taxpayer's registration card.

Problems with inheritance proceedings, among all, as follows:

- Some notaries have stopped their activity due to war, particularly in conflict areas.
- If a will is not drafted by a notary or legal professional, there is a significant risk that it may not be legally valid in the future.
- Drafting and confirming/notarizing a will abroad can be a challenge.
- The safety and archival preservation of wills can be problematic in areas where homes and court infrastructure have been destroyed.
- Third parties may take advantage of the situation to influence a testamentary owner to change their mind or sign fraudulent documents due to lack of education.

WAR-RELATED OBLIGATORY CLAIMS: FORCE MAJEURE AND RELATED CONTRACTUAL OBLIGATIONS

During times of war, contractual obligations and acquired rights were frequently not met due to force majeure caused by the conflict and its related activities. However, this should not be an excuse to completely disregard contractual obligations such as salary and pension payments. On the other hand, claiming debts with high legal interests and penalties when obligations cannot be fulfilled due to insurmountable obstacles would be considered unjust enrichment. Unfair real estate transactions were also often forced during these times.

The cases that arise usually involve the request for the annulment of contracts for real estate transfers that were concluded under abusive circumstances or pressure, such as forgery, fraud, embezzlement, or threats to family members' lives. In most of these cases, the possibility of invoking legal remedies has already expired, and proving the existence of a criminal act that led to the conclusion of the contracts becomes a challenge.

Contracts can usually be annulled by both parties or by court, but during times of war, contractual obligations remain unstable, and legal professionals cannot rely on force majeure. The only remedy is through a court case, which is often impossible to initiate during war times. Thus, quality legal assistance is highly recommended to mitigate negative consequences and assist in the preparation or annulment of contractual obligations.

Support Business during war state and grant schemes

The Diia Business application is a national project in Ukraine aimed at promoting entrepreneurship and exports, which is being implemented by the Entrepreneurship and Export Promotion Office and the Ministry of Digital Transformation of Ukraine. This project is helping to enhance entrepreneurship during the ongoing war state in the country.

Through the Diia app, businesses can relocate and access all the necessary information through the support centre. Additionally, the national project agency also encourages start-ups and provides grant-giving schemes to promote income generation.

Unfortunately, the war state has not only damaged SMEs and large companies but has also brought a certain level of insecurity to the non-governmental sector. Some individuals are setting up NGOs for lucrative purposes, taking advantage of the tax deductions, easy ways of earning money, and other benefits contrary to their supposed purpose. Although some people set up NGOs for charity and volunteer activities, there are cases of money misuse, particularly with donations for the military.

Commercial legal assistance - Advocates in war state:

Running a law firm during a war is undoubtedly challenging, and it requires a lot of effort and dedication to navigate the unique circumstances that arise during a conflict. In Ukraine, the ongoing war has posed several challenges for lawyers and law firms operating in the country.

One of the most significant challenges for law firms is the impact of the war on the justice system. The courts and other legal institutions have been disrupted by the conflict, with many being damaged or destroyed. This has made it difficult for lawyers to access the courts and obtain necessary legal documents and information. In some cases, lawyers may also face challenges in protecting their clients' legal rights due to the instability and uncertainty of the situation.

Another challenge for law firms is the impact of the war on the economy. The conflict has caused significant economic disruption, with many businesses struggling to survive. This has affected law firms, as they may lose clients who are unable to pay for legal services or who have gone out of business. Additionally, the war may create new legal issues, such as disputes over property ownership or breach of contract, which can be difficult to resolve in the absence of a functioning legal system.

Despite these challenges, some law firms in Ukraine have been able to adapt and continue providing legal services during the conflict. For example, some law firms have turned to technology to facilitate remote work and communication with clients. They have also expanded their services to include more specialized areas of law related to the conflict, such as humanitarian law and international criminal law.

Overall, running a law firm during a war is challenging, but with determination, flexibility, and creativity, it is possible to continue providing legal services to those who need them.

CROSS BORDER DIGITAL LEGAL AID PLATFORM for the war affected displaced populations

Legal rights protection goes beyond just being legally protected. It gives people confidence, opens up opportunities, and supports them in their endeavours. It is a fundamental tool for peace building and democracy, ensuring the rights of the entire population regardless of ethnicity, nationality, religion, or language. To achieve lasting peace and democracy in Ukraine, it is crucial that all individuals in the territory, whether Ukrainian or Russian speaking, enjoy their basic rights.

Currently, many initiatives are assisting refugees and internally displaced persons (IDPs) with their immediate needs associated with migration, but there is a lack of focus on the justice gap in the mid and long term.

The Russian attack and war in Ukraine have affected the entire population, with increasing millions of people displaced within Ukraine and neighbouring countries. These people have lost their jobs, homes, land, offices, bank accounts, access to public services, pensions, and contractual obligations, among other things. They need to ensure their rights and organize all types of civil documents and

paperwork to access benefits and built-up rights. In addition, in the countries of reception, they need to organize paperwork to establish temporary new lives, including housing, subsidies, and possible work. They also need to access and protect their rights back home in Ukraine. When the war stops, arrangements need to be made for their return, reconstruction of their homes, and resolving legal issues such as fulfilling contracts that have been postponed due to the war.

To address these issues, Microjustice is proposing a program to inform people about their legal position and needs, facilitate access to legal aid by professionals, and find solutions for addressing these legal needs, both in their home communities in Ukraine and in their country of reception.

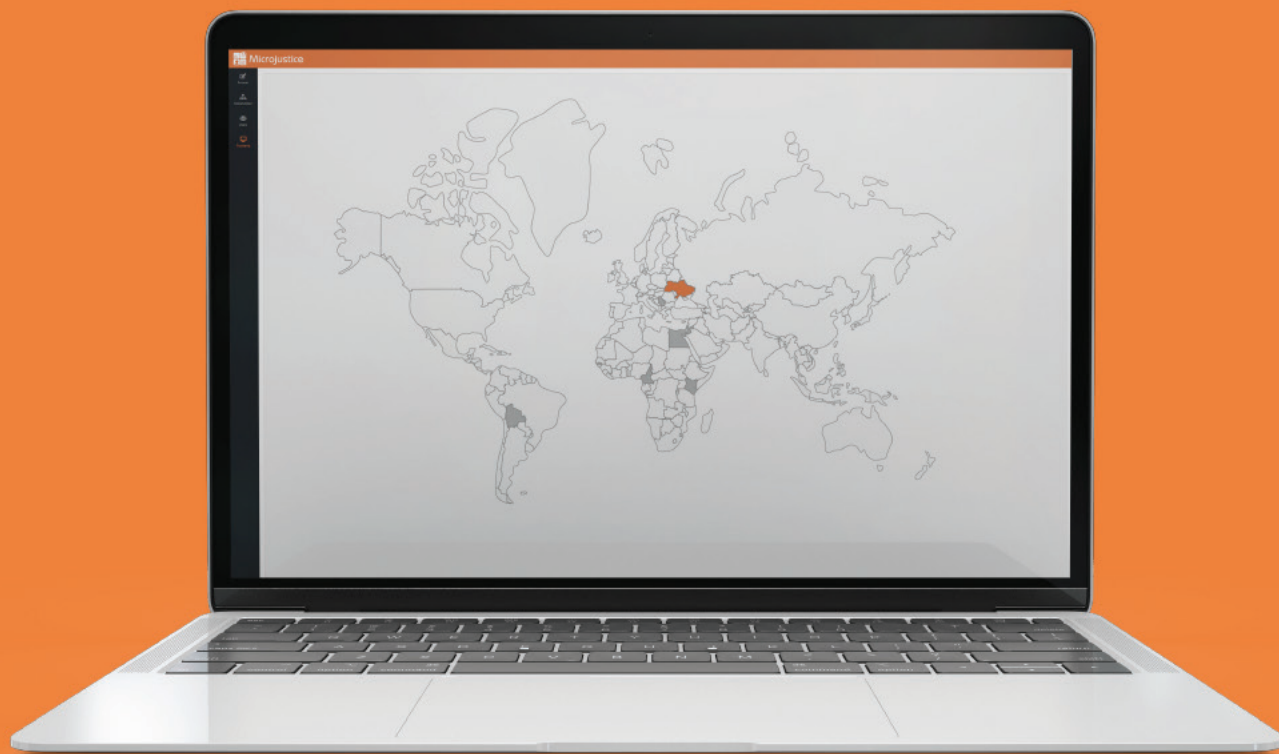
Cross-border digital Legal Aid Platform in the emergency and the transition to return/rehabilitation phase

- a. The Platform provides information on legal rights and how to exercise them to refugees and those affected by the war in Ukraine. If necessary, the Platform connects them to a legal aid provider where the legal issues arises (where they are right now or across borders in the place they are from):**
 - The platform provides easily accessible legal information regarding the basic legal needs identified in the Barometer research to the war-affected population in Ukraine and refugees.
 - The platform also connects them to a free or affordable legal service provided by an advocate in the necessary location, whether in the host country (especially bordering countries) or the country of origin.
- b. The Platform incorporates a Case Management System that performs the following functions:**
 - Tracks the referral of cases
 - Collects statistical data for evaluating legal needs and advocating for legal rights protection, including information on the most frequently requested legal services, the efficiency of procedures, existing loopholes, and the number of resolved cases.
 - Tracks the progress of individual cases.

The digital platform interface consists of:

- a. Legal Information Page:**
 - Accessible to the public
 - Provides a list of available legal topics based on the user's legal needs
 - Summarizes relevant legal information for specific cases
- b. Case Referral Page:**
 - Requires registration as a Client with name, email, and contact telephone number
 - Allows the Client to create a case for a specific legal issue
 - Assigns a Legal Aid Provider in the Client's municipality of origin in Ukraine or the host country with relevant knowledge
 - Sends an automatic email notification to the Client
 - Legal Aid Provider contacts the Client to analyze the case and agree on the best solution
 - CMS shows progress updates for both the Client and Legal Aid Provider
- c. Legal Aid Providers Page:**
 - Provides a list of free or affordable legal aid providers with their contact information
 - Accessible to the public for referrals

The urgent need for war-affected and displaced populations to address their legal issues necessitates the development of a digital cross-border legal aid platform that can anticipate their various needs during and after the war. Such a platform is essential to offer both mid-term and long-term solutions.



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