

Analytical report based on the research findings

# Assessment of barriers and needs in receiving legal services by girls and women with disabilities



**Women's Peace &  
Humanitarian Fund** 

A United Nations & Civil Society Partnership

**FIGHT  
FOR  
RIGHT**



## **Assessment of barriers and needs in receiving legal services by girls and women with disabilities**

Analytical report based on the research findings  
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## Abbreviations

- FSLA** – Free Secondary Legal Aid;
- FLA** – Free Legal Aid;
- MMC** – Military Medical Commission;
- VRU** – Verkhovna Rada of Ukraine;
- IDP** – Internally Displaced Person;
- NGO** – non-governmental organization;
- LU** – Law of Ukraine;
- IRP** – Individual Rehabilitation Program for a person/child with a disability;
- IRC** – Inclusive Resource Center;
- CMU** – Cabinet of Ministers of Ukraine;
- MAC** – Medical Advisory Committee;
- MSPU** – Ministry of Social Policy of Ukraine;
- MESU** – Ministry of Education and Science of Ukraine;
- MJU** – Ministry of Justice of Ukraine;
- MSEC** – Medical and Social Expert Commission;
- SI** – Statutory Instrument;
- USD** – Ukrainian Society of the Deaf;
- FGD** – Focus Group Discussion.

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# Methodology for assessing barriers and needs in receiving legal services by girls and women with disabilities

## FEASIBILITY DEMONSTRATION

The full-scale invasion of Ukraine by the Russian Federation has dramatically affected the lives of millions of Ukrainian citizens. People with disabilities, who have always faced obstacles in exercising their rights, are still suffering violations of their rights, and the war has further aggravated those difficulties.

Legal aid represents one of the tools that allows people with disabilities to exercise and defend their rights. Legal aid for a person with a disability who has become an internally displaced person, who has survived the occupation, whose home has been destroyed, who has been injured, or who has experienced other effects of the war is a paramount need.

The fact that legal aid is available in the state at the level of creating a system for providing this service, including its funding, does not mean that it is accessible to anyone by default, including to people with disabilities who face additional barriers. This research is mainly focused on assessing the accessibility of legal aid offered by governmental and non-governmental legal aid providers for people with disabilities, in particular for girls and women.

Although we recognize that legal aid providers operating in wartime are already an achievement, it is worth emphasizing that many people may remain uncovered by such assistance. This research attempts to identify the barriers that prevent girls and women with disabilities from receiving legal aid equally with others.

The barriers discussed in this research are not specific to the period of martial law only, however, the war intensifies their impact on the capabilities of people with disabilities. The second important element of this research is the assessment of the legal aid needs of girls and women with disabilities. The circumstances in which girls and women with disabilities find themselves impose their own requirements, so it is crucial to get ready to remove barriers and develop inclusive approaches to providing legal aid to people with disabilities, both civilians and military.

**Objective:** Identify obstacles faced by women and girls with disabilities\* in accessing legal aid and assess their needs in this area by researching the accessibility of legal aid services offered by state institutions and non-governmental organizations.

**Tasks:**

- Explore the barriers faced by girls and women with disabilities in accessing legal services;
- Assess the needs of girls and women with disabilities in terms of the accessibility of legal services.

**Methods:**

- Desk study (analysis of current legislation and information received in response to requests);
- Situation modeling – requests for legal aid;
- Semi-structured expert interviews with representatives of state institutions and the public sector;
- Survey of legal aid recipients (women and girls with disabilities, mothers of children with disabilities, and female caregivers of persons with disabilities).
- Subject group:
  - Women and girls with disabilities, mothers of children with disabilities, and female caregivers of persons with disabilities;
  - No age restrictions;
  - Girls and women with physical, sensory, and psycho-social disabilities were invited to join the focus group discussions.

\* As part of this research, the authors focused on specific barriers for girls and women with disabilities, as they recognized the existence of common barriers for women and men, and hypothesized that sex is an additional factor of discrimination, and therefore aimed to study women's lived situations.

**Analysis of the current legislation** – an analysis of current laws and statutory instruments was conducted (Annex No. 1) to assess the accessibility of legal services to girls and women with disabilities equally with others, in particular:

- Presence or absence of discriminatory norms against people with disabilities;
- Requirements for accessibility of premises where legal aid is provided;
- Availability of information when receiving legal services;
- Qualification requirements for service providers, etc.

## Processing the disclosed FLA information

- The reports of the state FLA system for 2020-2022 were analyzed: This research was aimed at finding relevant data on the provision of legal aid to people with disabilities, including data on the physical accessibility of FLA centers; the involvement of sign language interpreters in the provision of legal services; the operation of consultation centers in social infrastructure facilities; the use of accessible formats for providing information, etc.

The information from the [Free legal aid without barriers](#) page was analyzed, in particular, information on the provision of legal aid to people with different disabilities and their accessibility.

[Two legal consultations](#) on the rights of people with disabilities from the [Wikilegalaid](#) legal advice platform were analyzed, in particular, regarding the relevance of the information (whether the explanation reflects the latest changes to the relevant SI); completeness of the information (availability of sample applications, appealing against refusal, deadlines for reviewing applications, etc.); and presentation of information (whether the explanation quotes the SI literally or whether the text is simplified as much as possible for people without the necessary legal experience to understand).

## RESEARCH TOOLS

**Information inquiries:** Relevant inquiries were sent to six ministries to check the availability of free primary legal aid from central executive authorities (Annex No. 2). Apart from checking whether the relevant legal consultations were provided, it was also found out whether the information was provided in an accessible format, such as Word. When drafting the texts of the inquiries, we selected issues that may be significant for different categories of people with disabilities.

**Situation modeling:** The same inquiries about the provision of free primary legal aid (Annex No. 3) were sent to all the proposed free legal aid (hereinafter referred to as FLA) channels<sup>1</sup> to check the possibility of receiving free primary legal aid and its quality from the [free legal aid system](#). The question that can be interpreted ambiguously was chosen for the inquiry: “What type of income of a person with disabilities is accounted for when determining the right of a person with disabilities to secondary legal aid?”

**Survey of girls and women with disabilities:** Initially, three focus group discussions (hereinafter referred to as FGDs) were scheduled, involving ten girls and women with disabilities each. Women who are raising children with

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<sup>1</sup> FLA channels – 0800213103; Free Legal Aid mobile application; Your Right mobile application; Telegram messenger (<http://legalaid.gov.ua/telegram.html>) and Viber (<http://legalaid.gov.ua/viber.html>); E-mail: [info@legalaid.gov.ua](mailto:info@legalaid.gov.ua).

disabilities or providing full-time care for a relative with a disability were also included in the category of girls and women with disabilities. Women with visual impairments and women with physical impairments were invited to take part in the focus group discussions separately. All girls and women with physical disabilities were also internally displaced persons. Girls and women with hearing impairments answered the proposed list of questions in writing. This survey was intended to collect information from girls and women with disabilities about the ways they know how to receive legal aid, their experience of overcoming obstacles in receiving such aid, and their assessment of their own needs for legal services (Annex No. 4).

**Interviewing legal aid providers:** Semi-structured interviews were conducted with legal aid providers from the FLA system, non-governmental organizations, and legal clinics operating at both the national and local levels. In particular, we managed to involve lawyers from the de-occupied territories and territories with ongoing hostilities (Donetsk, Kherson, Sumy, and Kharkiv regions (Annex No. 5)). The survey participants were asked about the collection of statistical data, categories of legal aid recipients, obstacles to receiving services, needs of legal aid providers, conditions for providing secondary aid, good practices, etc. (Annex No. 6).

During the interviews, the professionals talked about both the positive practices and drawbacks of the state in providing legal aid, especially under martial law. When processing the results of the interviews with non-governmental legal aid providers, all information was totally summarized, which prevented the identification of the NGO or service providers who shared their experiences and opinions. The interviewed lawyers have different experiences in providing legal aid to people with disabilities, different capacities, and different visions of the future development of their organizations. This research is not focused on the experience of a particular NGO, but rather on the opportunity to analyze the existing barriers and needs separately, and to develop recommendations for improving the situation both about removing barriers and addressing the real needs of girls and women with disabilities in receiving legal aid.

**Questions to the NGO Coalition for the Protection of the Rights of Persons with Intellectual Disabilities:** A separate list of questions was prepared for this organization, as no girls and women with intellectual disabilities who had experience seeking legal aid in person could be found for this research (Annex No. 7). This survey of an NGO involved in protecting the rights of persons with intellectual disabilities was aimed at studying the current situation to identify possible solutions to the existing barriers.

**Questions to the Coordination Center for Free Legal Aid Provision:** The Coordination Center is not directly involved in providing legal aid, so the questions for legal aid providers were partially modified, and several questions were added in the course of processing information on the FLA system (Annex No. 8).

## TERMS USED IN THE RESEARCH

This methodology uses the terms as defined by the [Law of Ukraine “On Free Legal Aid”](#) (a new version of the Law became effective on August 3, 2023, changing the Ukrainian word “правова” to “правнича” with equal meaning of “legal”). This research uses both terms, which are considered equivalent).

**Free legal aid** is a type of legal aid guaranteed by the state and provided in full or in part at the expense of the State Budget of Ukraine, local budgets, and other sources.

**Legal aid** means the provision of legal services aimed at exercising human and civil rights and freedoms, protecting these rights and freedoms, and restoring them in case of violation.

**Legal services** mean providing legal information, consultations, and explanations on legal issues; drafting applications, complaints, procedural, and other legal documents; advocating for a person in courts, other state bodies, local governments, and before other persons; defending a person against charges; assisting a person in receiving secondary legal aid and mediation.

**Free primary legal aid** is a type of state guarantee that consists of informing a person about his or her rights, freedoms, and obligations; the procedure for their exercise and fulfillment; restoration of rights in case of their violation; and the procedure for appealing decisions, actions, or inaction of state bodies, local governments, officials, and employees. Free primary legal aid covers the following types of legal services:

1. Providing legal information;
2. Providing consultations and explanations on legal issues;
3. Drafting applications, complaints, and other legal instruments (except for procedural documents);
4. Providing assistance in receiving secondary legal aid and mediation.

**Free secondary legal aid** is a type of state guarantee that creates equal opportunities for people to seek justice. Free secondary legal aid covers the following types of legal services:

1. Protection;
2. Representing the persons entitled to free secondary legal aid in courts, other state bodies, local governments, and before other persons;
3. Drafting procedural documents.

## Section

1.

# Legislation on Free Legal Aid

There are several studies on legal aid legislation that have been and are available in the public domain<sup>2</sup>. This assessment focuses only on those provisions that may affect the accessibility of legal services to girls and women with disabilities or the barriers that prevent them from receiving these services.

Legislation on free legal aid (hereinafter referred to as FLA) is governed by the Constitution of Ukraine, the [Law of Ukraine “On Free Legal Aid”](#) (hereinafter referred to as the Law), other laws, and statutory instruments.

The Law defines basic concepts, a list of legal service providers, a list of eligible persons for free legal aid, etc. According to the Law, there is primary and secondary legal aid.

## FREE PRIMARY LEGAL AID

The Law guarantees the right to such aid to all persons under the jurisdiction of Ukraine, which includes such types of legal services:

- Providing legal information;
- Providing consultations and explanations on legal issues;
- Drafting applications, complaints, and other legal instruments (except for procedural documents);
- Providing assistance in receiving secondary legal aid and mediation.

Article 4 of the Law forbids restrictions or privileges in the exercise of the right to legal aid. The list of grounds on which discrimination is prohibited does not correspond to the list specified in the [Law of Ukraine “On Principles of Prevention and Combating Discrimination in Ukraine”](#). The list of grounds excludes disability and health conditions; however, the list is open.

Imposing restrictions on the provision of primary legal aid only on certain issues for persons deprived of legal capacity and persons whose legal capacity is limited by a court is a discriminatory norm and, accordingly, prevents many girls and women with disabilities from seeking legal aid on their own, without the approval of their guardians. According to the amendments to Part 3 of Article 10 of the Law, effective as of August 3, 2023, the following shall apply: “Persons who have been recognized by a court as incapacitated or whose legal capacity is limited may apply for free primary legal aid personally only on issues for which they are allowed to apply to the court.”

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<sup>2</sup> Accessibility of legal aid under martial law. A comprehensive study // <https://legalaid.gov.ua/wp-content/uploads/2023/02/dostupnist-pravovoyi-dopomogy-v-konteksti-voyennogo-stanu.pdf>  
Provision of legal services in Ukraine and opportunities for their digitalization. Results of the study // [https://www.undp.org/sites/g/files/zskgke326/files/migration/ua/report\\_dig.tools-for-legal-services\\_UKR.pdf](https://www.undp.org/sites/g/files/zskgke326/files/migration/ua/report_dig.tools-for-legal-services_UKR.pdf)

Such a legislative measure has settled the issue of providing primary aid in cases where the relevant category of persons applies to the court, but persons deprived of legal capacity and persons with limited legal capacity may need clarification and consultation on other issues and still do not have the right to apply personally.

**The Law defines six entities to provide primary aid:**

1. Executive authorities;
2. Local government bodies;
3. Free legal aid centers;
4. Specialized institutions providing free primary legal aid, established by local government bodies with due regard to the needs of the territorial community;
5. Legal entities of private law entitled to provide legal aid and engaged by local government bodies according to the procedure established by law;
6. Lawyers and other specialists in the relevant field of law engaged by local government bodies according to the procedure established by law.

All of these providers have different formats for applying for primary care and different timeframes for processing them.

This August, a new Article 11.1 of the Law came into force, which stipulates that oral (during an appointment or by phone) and written (in particular, electronic) applications for primary aid to FLA centers can be submitted. Such applications must be considered immediately, but no later than three business days from the date of receipt (if the application is complicated, the consideration period may be extended, but not more than ten business days).

Such a detailed breakdown of the different ways of filing applications is not available in cases of applying for primary aid to executive authorities and local government bodies. They may provide primary aid for up to 30 calendar days from the date of receipt of the application, and if the person's application contains only a request for relevant legal information, no later than fifteen days.

Executive authorities and local government bodies must arrange personal appointments with persons in need of primary aid on issues within their scope of competence. Such appointments must be held regularly on specified days and hours. The schedule must be communicated to the legal aid recipients (see Section 2 for more details on the possibility of receiving primary legal aid from the authorities).

## FREE SECONDARY LEGAL AID

Free secondary legal aid is a type of state guarantee that creates equal opportunities for people to seek justice. It covers the following types of legal services:

- Protection;
- Representing the persons entitled to free secondary legal aid in courts, other state bodies, local governments, and before other persons;
- Drafting procedural documents.

Unlike primary aid, which is guaranteed to everyone, secondary aid is provided only to certain population categories. Eligibility is determined by a person's income level or certain status. Until August 2023, people with disabilities were entitled to all types of secondary aid if their pension or state social assistance did not exceed two subsistence minimums for a disabled person (in 2023, 4,204 hryvnias).

A new version of Article 14 of the Law came into force on August 3, 2023. It refers to the subsistence minimum for an able-bodied person (in 2023, 5,368 hryvnias). The current wording has not been modified and, therefore, causes doubts as to whether or not other income should be accounted for. There are cases when people with disabilities receive both state social assistance and a pension, and they may also get a salary or income from entrepreneurial activities. The question remains: Will they be eligible for free secondary aid in this case?

People with disabilities can be included in other categories of those entitled to secondary aid or certain types of aid, regardless of their income. In particular, these include children; internally displaced persons; war veterans and family members of deceased (dead) war veterans; family members of deceased (dead) defenders of Ukraine; persons who have special merits before the Homeland; persons subject to court proceedings on limitation or restoration of civil capacity of an individual, recognition of an individual as incapacitated, exemption from the powers of guardians or trustees of such persons; persons subject to court proceedings on compulsory psychiatric care; other categories of the population.

The Law defines 29 categories of persons who can receive secondary legal aid under certain circumstances, such as in certain criminal proceedings and upon belonging to certain groups. For example, victims of domestic or gender-based violence may receive legal services under clauses 2 and 3 of Part 2 of Article 13 of the Law on issues related to the protection of their rights under the Laws of Ukraine [“On Preventing and Combating Domestic Violence”](#) and [“On Ensuring Equal Rights and Opportunities for Women and Men”](#).

The previous paragraph cites a regulation on providing legal aid to victims of domestic and gender-based violence. A similar wording should be developed for legal aid to people with disabilities, as in fact a significant number of applications are exclusively disability-related in nature:

- Appealing the refusal to certify a disability or appealing the disability group in court;
- Appealing the discriminatory attitude that a person suffers because of his or her disability, in particular, refusal to provide reasonable adaptations;
- Appealing the refusal to receive rehabilitation or medical supplies;
- Appealing the actions or inaction regarding accessibility, etc.

Despite the need to impose income requirements for receiving secondary aid, it is still reasonable to foresee exceptions when aid is provided free of charge, such as in cases of disability. These are described in the previous paragraph. All in all, an approach to calculating the income threshold and a person's eligibility for free legal aid must be improved. Such a mechanism must specify clear criteria, be transparent and predictable for an individual, and ensure its equal applicability by all free legal aid providers.

Regardless of the fast pace of development of electronic technologies, the possibility to submit an electronic application for both receiving secondary aid and copies of documents is envisaged only from August 2023.

The [Procedure](#) for submitting an electronic application for the provision of free secondary legal aid and copies of documents confirming that a person belongs to one of the categories of persons provided for in Part 1 of Article 14 of the Law of Ukraine “On Free Legal Aid” by means of electronic communication<sup>3</sup> stipulates that an electronic application signed with an electronic signature based on a qualified certificate, together with documents, shall be sent to the E-mail address of the local FLA center. There is an exception (personal signature on scanned documents) only for persons residing in the temporarily occupied territories or territories affected by hostilities.

While there are various options for submitting applications and documents, including via E-mail, there should also be an option to submit an application via the Diia service or other electronic personal accounts. Submitting documents through electronic services normally requires filling out an application, a clear list of documents that are automatically checked, and an automatic response with the application number in case of successful submission.

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3 Order of the Ministry of Justice of Ukraine No. 2994/5 “On Approval of the Procedure for submitting an electronic application for the provision of free secondary legal aid and copies of documents confirming that a person belongs to one of the categories of persons provided for in Part 1 of Article 14 of the Law of Ukraine “On Free Legal Aid” by means of electronic communication” dated 18.08.2023 // <https://ips.ligazakon.net/document/RE40515?an=27&hide=true>

The FLA website [provides explanations](#) on the possibility of submitting an online application. There is a link to the Diia service with guidelines on how to create a digital signature and how to sign documents. There is a link to a document with a sample application, as well as links to the addresses of all FLA centers, where you can find E-mail addresses.

It is still possible to submit written applications by mail or in person to local FLA centers at the place of actual residence of persons in need of such aid.

The decision to provide/refuse to provide secondary legal aid is taken by the FLA center within ten business days. In case of a court decision to engage a lawyer for persons subject to decisions on legal capacity, guardianship, or compulsory psychiatric care, the FLA center must immediately approve the decision to appoint a lawyer and provide secondary aid.

A positive point is that a lawyer is involved immediately in such cases, but another Article of the Law states that the FLA center may authorize its employee to represent persons entitled to secondary legal aid in court, in particular, “represent minors and persons who have been recognized by the court as incapacitated or whose legal capacity is limited”. The issue lies as much in the fact that the interests of a person recognized as incapacitated will be represented not by a lawyer, but by an employee of the FLA center, as in the fact that neither lawyers nor employees of FLA centers<sup>4,5</sup> are [required to have the knowledge and experience](#) that would allow them to represent a person who is definitely unable to protect his or her rights independently. It may not be a matter of amending the qualification requirements, but additional training should be mandatory. The website of the [PRAVOKATOR](#) legal club has a [manual](#) developed in 2019 in collaboration with the NGO [Parostok](#) that provides recommendations for lawyers and staff of the FLA system on how to interact with people with disabilities. This manual includes rather generalized recommendations on how to communicate with different people with disabilities, which apply not only to the legal field. In fact, there are plenty of relevant recommendations in the public domain and they are constantly updated, but it is almost impossible to find specific recommendations for providing legal aid to people with disabilities. In this regard, we should go far beyond discussing the general rules of interaction to collect and describe the practice of providing legal aid to people with disabilities, which is present in the FLA system and among non-governmental providers, and focus on developing standards for providing legal aid to persons deprived of legal capacity.

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4 Order of the Coordination Center for Legal Aid Provision No. 156 dated 09.12.2021 “On Approval of Qualification Requirements for Employees of Structural Units of Local Centers for Free Secondary Legal Aid Provision” // <https://zakon.rada.gov.ua/rada/show/v0156419-21#n58>

5 Order of the Coordination Center for Legal Aid Provision No. 156 dated 09.12.2021 “On Approval of Qualification Requirements for Employees of Structural Units of Local Centers for Free Secondary Legal Aid Provision” // <https://zakon.rada.gov.ua/rada/show/v0155419-21#Text>

## SECONDARY AID FOR PEOPLE WITH HEARING IMPAIRMENTS

There is only one provision in the Law on creating additional conditions for the provision of services to people with disabilities, and, by the way, this provision appeared only in the latest revision of the Law of August 3, 2023. If a person entitled to secondary aid has a hearing impairment, the FLA center must engage a sign language interpreter at the expense of the state budget.

This [statutory instrument](#) fails to stipulate the possibility of engaging a sign language interpreter for all categories of secondary legal aid recipients. Regional FLA centers engage a sign language interpreter for persons specified in clauses 3-7 of Part 1 and Part 2 of Article 14 of the Law; local FLA centers engage interpreters for persons specified in clauses 1-2-4, 8-16 of Part 1 and Part 2 of Article 14 of the Law. Part one of Article 14 defines 29 categories of secondary legal aid recipients.

**Unclear how a sign language interpreter will be engaged, for example, for:**

- Veterans with hearing impairments (subclause 17);
- Victims of human trafficking (subclause 21);
- Victims of domestic violence (subclause 22);
- Other categories.

Hopefully, sign language interpreters will be engaged for all categories of persons with hearing impairments as defined in Article 14 of the Law, and this situation arises from untimely changes to the statutory instruments, but this issue must be resolved. Moreover, the analysis of existing statutory instruments failed to determine the remuneration of interpreters and whether there is compensation for their travel expenses. In 2016, the government adopted a resolution stating that “until the relevant issues are settled by law”, the FLA centers are allowed to engage interpreters (sign language interpreters) and conclude interpretation service agreements with them. The issue of paying for the services of interpreters (sign language interpreters) is covered by two subclauses in the [CMU Resolution](#), which concerns the allocation of budget funds to pay for the services and expenses of lawyers.

This Resolution details how the remuneration of lawyers and mediators is charged and how their travel expenses are accounted for, however, the issue of paying for the services of interpreters is merely generalized: payments are to be made by the FLA centers based on the interpretation service agreements. According to the information shared by the Coordination Center during the interview, as of mid-September 2023, a statutory instrument on the engagement of sign language interpreters and consideration

of these operational issues has already been developed and is currently under approval.

The above discussion describes the legal guarantees for the engagement of sign language interpreters at the level of secondary aid. There are no legal guarantees for the provision of such support when receiving primary aid. According to the data of the state FLA system, which will be presented in Section 2, sign language interpreters are engaged to provide both primary and secondary aid to people with hearing impairments. This issue is mostly solved through cooperation with NGOs at the level of primary aid.

Sign language users should be legally ensured that interpretation services are available when they need legal aid, both at the primary and secondary levels. The following sections will discuss the fact that people with hearing impairments often seek legal aid by engaging a sign language interpreter themselves. We consider that the hardship of finding a sign language interpreter for legal aid definitely should not be borne by a person with hearing impairments.

Not all sign language users in court proceedings are entitled to free secondary legal aid. Procedural legislation includes separate provisions for the engagement of sign language interpreters. This research puts no specific emphasis on the issue of accessible justice for people with disabilities, but when assessing the ability of people with hearing impairments to receive accessible legal aid, it is impossible to ignore the existing provisions.

The [Civil](#) (Article 75), [Commercial](#) (Article 72, paragraph 2), Procedural, and [Administrative](#) Codes (Part 2, Article 71, paragraph 2) stipulate that the engagement of an interpreter who is proficient in communicating with deaf, dumb, or deaf-mute persons is mandatory in a court proceeding involving a person with a hearing impairment. Whenever it is necessary to interpret explanations, evidence, or documents in [criminal proceedings](#), the parties thereto or the investigating judge or the court shall engage an appropriate interpreter (sign language interpreter) who is entitled to receive remuneration for the interpretation performed and reimbursement of expenses related to his/her engagement in the criminal proceedings (Article 68).

Other Articles of the [Code](#) indicate that interpretation costs are covered by the state budget. The Code of Ukraine on Administrative Offenses contains no details on the sign language interpreter, but it states that the interpreter is appointed by the body (official) in charge of the administrative offense proceedings. The issues of payment for the interpreter's services are settled by a separate [CMU Resolution](#) on criminal proceedings and administrative offenses. The remuneration of an interpreter, if the work performed is not his/her official duty, per hour of interpretation services equals 15 percent of the subsistence minimum for able-bodied persons. Regional coefficients are additionally applied to the amount of remuneration, but the total amount of payment may not exceed three times the subsistence minimum for able-bodied persons. There are also reimbursements for travel expenses to another locality and for housing rent.

Despite our positive attitude toward the state's efforts to make justice more accessible to people with hearing impairments, we cannot help but notice another issue: the lack of sign language interpreters. The official website of the State Judicial Administration of Ukraine provides [links](#) to the [registers](#) of sign language interpreters of the Ukrainian Society of the Deaf and the All-Ukrainian Association of Sign Language Interpreters and People with Disabilities. The USD website states: "Only certain sign language interpreters are authorized to interpret in the legal field. These are sign language interpreters who are officials of the USD and are responsible for their actions." No more detailed information was found on other criteria, such as passing appropriate courses on the use of legal terminology. As of May 10, 2023, 79 interpreters in this register are not authorized to provide legal services, while 126 are. The register of sign language interpreters includes information on 42 interpreters without specifying their ability to work in the legal field. This number of people, especially considering their involvement in various fields, is insufficient.

Currently, engaging sign language interpreters employed by non-governmental organizations is the only way to make justice accessible to people with hearing impairments. This decision can hardly be described as correct, however, separate research on the current situation is needed. At least, a survey should be conducted among those interpreters currently providing legal aid and those persons with hearing impairments who have received legal services with the assistance of a sign language interpreter. This assessment may lead to various decisions, such as increasing the capacity of those interpreters who are already providing services or the availability of relevant specialists in the FLA and justice system.

## FLA STRUCTURE

Free secondary legal aid is provided by free legal aid centers and lawyers included in the Register of Lawyers providing such aid.

The Coordination Center for Legal Aid Provision [was founded](#) to form and ensure an effective system of free legal aid, its accessibility, and quality. The Regulation "On the Coordination Center" fails to include any functions to assess the accessibility of legal services for people with disabilities or other vulnerable groups.

FLA centers [provide](#) both primary and secondary aid on the territory of the respective administrative-territorial unit. FLA centers fulfill a wide range of tasks, and in addition to primary and secondary aid, they also provide educational activities, disseminate legal information, etc.

Regional and local FLA centers should monitor the needs and level of satisfaction of persons seeking secondary legal aid. This activity is accom-

plished by having clients fill out a standardized questionnaire after visiting the center, which does not include questions about the clients' actual legal aid needs.

The [Model Regulation](#) lacks provisions that would ensure the creation of accessibility conditions in the premises where the FLA centers are located, the engagement of sign language interpreters to provide all types of legal aid and the dissemination of information about the services provided by FLA centers in different accessible formats. Local FLA centers are not monitored to assess the accessibility of legal aid to people with disabilities.

Regional centers covering more than two regions, as well as the Autonomous Republic of Crimea, the cities of Kyiv and Sevastopol, and local FLA centers, must run consultation centers providing access to free legal aid, and *“ensure that individuals, including single persons, elderly persons, persons with disabilities, attend these centers at their place of residence, as well as victims of domestic or gender-based violence, based on general and special support services for victims.”*

Addressed FLA (at a person's place of residence/stay) can be requested orally, including through a centralized telephone number of the FLA system (0-800-213-103) or in writing. Addressed aid can be provided to single persons, elderly persons, and persons with disabilities at their place of residence or stay. Once an application is received, the place, date, and time of such aid are preliminarily agreed upon with the client. Unclear why, but, if possible, FLA employees [are encouraged](#) to engage a representative of a local government body (LGB), social service, or district police officer during the client's visit. In this case, the [Methodological Recommendations](#) should specify that the involvement of third parties in the provision of FLA at the place of a person's residence or stay should be agreed upon with the client in advance, and if the client disapproves of the third party's participation, they are not involved.

Even though the [Procedure for Providing Legal Aid](#) sets no additional requirements for providing legal aid to people with disabilities, such aid may be available to people with disabilities within the declared provisions in practice.

**For example, when providing primary aid:**

- The FLA Center employee shall clarify in what form and in what way it is convenient for the client to receive FLA (orally or in writing);
- Information, consultations, and explanations must be presented in a simple, accessible, and understandable manner;

- The written consultation should follow a clear structure<sup>6</sup>;
- The FLA employee shall inform (invite) the client to assess the quality of the service by filling in a questionnaire/survey.

The [Sample Survey Questionnaire](#) includes common questions about convenience. This questionnaire should be supplemented with a subsection for people with disabilities to fill out. They should be asked questions about the (in)accessibility of the premises, engagement of a sign language interpreter, provision of written consultations in an accessible format, etc.

Recently, the FLA system has been devoting much attention to providing primary legal aid by phone and online (via Telegram). A survey of clients who have received legal aid through modern communication technologies should also include questions related to the accessibility or inaccessibility of the services provided.

According to the [Methodological Recommendations](#) for employees of local centers, the application for secondary aid should be made by the client/client's representative, but if the client/client's representative cannot make an application for secondary aid themselves, the department employee should help them to make such an application. The wording "if the client/client's representative cannot make an application themselves" is somewhat unclear. We would like to clarify that aid may be provided not only in drafting but also in writing the application for clients who, for whatever reason, cannot do so on their own.

The [Rules of Ethical Conduct](#) for FLA employees fail to provide additional recommendations for communication in cases where the client is a person with a disability. We are not insisting on the approval of separate rules of ethical conduct, but it is still worth providing certain recommendations. First, the rules of communication directly with the person, not their accompanying party; second, the prohibition to touch the person or their auxiliary means without the person's permission; and third, the methods of communication if it is impossible to use conventional methods, etc.

One of the steps to bring FLA closer to people who, for different reasons, cannot get legal aid in the FLA centers is to set up FLA consultation points. Such points [are arranged](#) "for vulnerable categories of persons, including persons with disabilities, the elderly or disabled, single persons, persons in places of detention, war veterans, victims of domestic and gender-based violence, children, internally displaced persons, persons living or staying in remote locations, including rural, mountainous areas, remote areas of cities, etc."

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6 8) Consultations/explanations on legal issues shall be provided to the client in writing within 10 days from the date of application and shall follow the following structure: the essence of the issue addressed by the client; references to legislative provisions; case law (analysis of practice and generalization of judicial authorities, if any); explanations of authorized state bodies (if necessary); samples of documents, civil contracts, etc. (if necessary); proposals for possible solutions to the issue addressed by the client, including alternative ways (if any); conclusion/recommendation for resolving the legal issue // Order of the Coordination Center for Legal Aid Provision No. 2 dated 28.01.2019.

Consultation centers shall be located on the premises of state authorities, local government bodies, institutions (organizations, establishments), public and volunteer organizations, etc. Based on the need of persons to receive free legal aid, the consultation center may operate on a permanent or temporary basis. It is crucial to ensure that consultation centers remain open regularly within the following premises:

- Geriatric boarding houses;
- Residential care homes for the elderly and persons with disabilities; territorial centers of social services (provision of social services);
- Administrative service centers;
- Labor and social protection departments;
- Territorial bodies of the Pension Fund of Ukraine, etc.

It is rather difficult to provide additional comments or suggestions to the Procedure since everything is quite clear in terms of studying the need for legal aid and informing about the operation of legal aid centers. However, we need to understand whether this approach is being implemented in practice, especially in remote settlements and residential institutions (this issue was not covered in this research).

## QUALITY STANDARDS

The [Quality Standard](#) for secondary legal aid in criminal proceedings fails to offer any additional guidelines for lawyers when they provide legal aid to a person with a disability. It would be essential to specify how a lawyer should act in cases where a person with mental or intellectual disabilities cannot fully understand standard explanations by lawyers.

The [Quality Standard](#) for secondary legal aid in civil, administrative, and criminal proceedings includes certain requirements related to people with disabilities. In particular, if a client is unable to move independently (persons with disabilities), a confidential meeting with a lawyer shall take place in a room convenient for the client. This paragraph should be supplemented by the fact that meetings with the lawyer may be held via video communication, and the lawyer, with the client's consent, should request that court hearings be held in video mode. The Standard stipulates that the lawyer must inform the Center of the need to engage an interpreter. Additionally, if the lawyer finds that the legal representative acts contrary to the interests of the client who has been recognized as incapacitated or whose legal capacity is limited, the lawyer shall take all available measures to protect the legal rights and interests of the client, in particular, notify the guardianship and trusteeship authorities, law enforcement agencies, etc.

Whereas the current legislation envisages the possibility of a person deprived of legal capacity to apply to the court for the restoration of legal capacity, as well as the engagement of FLA lawyers in the case of court hearings on involuntary hospitalization to a mental health facility and court cases on legal capacity, it is necessary to refine the quality standards for legal aid provision in terms of requirements for lawyers providing legal aid to people with intellectual and mental disabilities, taking into account international standards.

The above requirements to the [Quality Standard](#) for people with disabilities are the same as for employees of local FLA centers when providing secondary legal aid. The aforementioned recommendations for improving the standards of secondary legal aid provision by lawyers are also relevant for the legal aid provision by employees of local FLA centers.

Ensuring that lawyers comply with the [Quality Standards](#) for secondary legal aid involves observing the work of the lawyer in court, interviewing the person entitled to secondary legal aid, and checking the lawyers' acts. It seems that lawyers providing secondary aid to persons "who, due to their physical or mental disabilities, cannot exercise their right to defense or do not speak the language of criminal proceedings"<sup>7</sup> are subject to mandatory inspection. Such inspections are included in the annual program and are carried out by verifying the accuracy of the information provided by the lawyers.

While it is important to have mandatory verification when these categories of people are parties to the proceedings, it is still unclear why this provision is limited to certain cases. The above categories of people can be parties to civil and administrative proceedings, so the reliability of information from lawyers should be checked in all proceedings.

The [forms](#) for surveying secondary aid recipients should include additional questions for people with disabilities, in particular, about the availability of a sign language interpreter at all meetings with the lawyer; about the correct communication between the lawyer and the person with disabilities; about whether the lawyer communicates directly with the person with disabilities or with their accompanying party; about whether the lawyer took measures to ensure certain conditions for people with disabilities: transferring court hearings to accessible premises, holding court hearings via video communication, etc.

As for monitoring the provision of legal aid by the staff of the FLA centers, only [methodological recommendations for monitoring local FLA centers](#) are publicly available. Such monitoring is carried out by the regional FLA center.

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7 Part 2 of Article 52 of the Criminal Procedure Code of Ukraine states that mandatory involvement of a defense counsel is ensured in criminal proceedings against persons who, due to their mental or physical disabilities (dumb, deaf, blind, etc.), cannot exercise their rights from the moment these disabilities are established, as well as against persons who do not speak the language of criminal proceedings from the moment this fact is established.

As discussed earlier, according to the Law, the FLA center may authorize its employee to represent persons entitled to secondary legal aid in court, in particular, “represent minors and persons who have been recognized by the court as incapacitated or whose legal capacity is limited”. If the employees of local FLA centers represent persons with disabilities, additional criteria should be applied to check their activities. Therefore, when finalizing the relevant statutory instruments, it is necessary to include additional assessment criteria.

Finally, it is necessary to revise the terminology of statutory instruments, in particular, to reject the term “physically disabled person”, which can still be found in some statutory instruments.

## IN LIEU OF CONCLUSIONS

The national legislation on legal aid includes specific provisions for creating conditions for providing legal aid to people with disabilities. Recently, the state FLA system has taken several steps to bring legal aid closer to people with disabilities. In this case, we are talking about the adoption of SIs that regulate the operation of FLA consultation points, the possibility of providing legal aid at the person’s place of residence/stay, as well as the functioning of various channels to access FLA (telephone or Telegram messenger).

Recent amendments to increase the financial threshold for secondary legal aid for people with disabilities, the possibility for persons recognized as incapacitated or whose capacity is limited to apply for certain types of legal aid, the engagement of sign language interpreters to provide secondary legal aid to people with hearing impairments, the possibility to submit an electronic application for secondary legal aid, etc. were considered as well.

Despite progressive changes, however, the legislation fails to address all the obstacles that may prevent girls and women with disabilities from receiving legal aid equally with others:

- There are discriminatory provisions on the legal aid provision only on certain issues to persons who are deprived of legal capacity and whose legal capacity is limited by the court;
- Sign language interpreters may only be engaged at the stage of secondary legal aid provision;
- There are different formats for seeking primary legal aid from different providers, which makes it difficult to receive such aid;
- There is an ambiguous understanding of what kind of income of a person with disabilities will be considered when deciding whether to provide or refuse secondary aid;

- There are still plenty of unanswered questions about the provision of legal aid for people with hearing impairments and their access to justice.

The statutory instruments regulating the activities of the Coordination Center for Legal Aid Provision and FLA centers lack clear requirements that would guarantee architectural accessibility in the premises where FLA centers are located; engagement of sign language interpreters to provide all types of legal aid; and dissemination of information about the services provided by FLA centers in different accessible formats.

The state FLA system should devote more attention to assessing the needs and actual accessibility of legal aid for people with disabilities. It is best to supplement existing assessment forms (questionnaires and surveys) with questions that can reveal the accessibility or inaccessibility of legal aid for different groups of people, such as accessibility of premises, sign language interpretation, correct communication, different ways of providing information, etc.

The Quality Standards for the provision of legal aid lack specific rules on the provision of legal aid specifically to people with intellectual and mental disabilities. These rules are particularly relevant as legislation is being amended to allow persons without legal capacity and persons with limited capacity to apply for certain types of legal aid. Such amendments should be developed with due regard to international standards and practical experience in providing legal aid to people with intellectual and mental disabilities, which should be generalized.



## RECOMMENDATIONS

### **To the Verkhovna Rada of Ukraine to amend the Law of Ukraine “On Free Legal Aid”:**

- Supplement Article 4 with the descriptions of “disability” and “health condition”;
- Ensure an opportunity to apply for all types of legal aid for persons recognized as incapacitated and for persons with limited legal capacity in Part 3 of Article 10 and Part 5 of Article 18;
- Amend Article 10 to set identical requirements for reviewing applications for primary legal aid for executive authorities and local government bodies as envisaged in Article 11.1 for free legal aid centers;

- Amend the first clause of Part 1 of Article 14 to clearly specify which income of a person with disabilities will be considered when deciding whether to provide or refuse secondary aid;
- Supplement Part 1 of Article 14 with a new clause, which would allow people with disabilities to receive secondary legal aid on disability-related issues, regardless of their income.

#### **To the Cabinet of Ministers of Ukraine:**

- Develop and approve a clear and concise mechanism for engaging and remunerating sign language interpreters during the provision of secondary legal aid;
- Amend the Resolution of the Cabinet of Ministers of Ukraine No. 504 “On Establishment of the Coordination Center for Legal Aid Provision and Liquidation of the Center for Legal Reform and Legislative Work under the Ministry of Justice” dated 06.06.2012 to include tasks of assessing the accessibility of legal aid for people with disabilities and other vulnerable groups, as well as monitoring legal aid centers on these issues.

#### **To the Ministry of Justice of Ukraine:**

- Enable applications for secondary aid to be submitted through electronic personal accounts, in particular, through the Diia service;
- Provide rules in Order No. 967/5 “On approval of the Regulation on the Free Secondary Legal Aid Centers” dated 02.07.2012 that would ensure the creation of accessibility conditions in the premises where the FLA centers are located, the engagement of sign language interpreters to provide all types of legal aid and the dissemination of information about the services provided by the FLA centers in different accessible formats;
- Amend Orders of the Ministry of Justice of Ukraine No. 386/5 “On Approval of Quality Standards for the Provision of Free Secondary Legal Aid in Criminal Proceedings” dated 25.02.2014 and No. 4125/5 “On Approval of Quality Standards for the Provision of Free Secondary Legal Aid in Civil and Administrative Proceedings and Representation in Criminal Proceedings” dated 21.12.2017 taking into account international standards for providing legal aid to people with mental and intellectual disabilities.

### To the Coordination Center for Legal Aid Provision:

- Revise the terminology of statutory instruments, in particular, reject the term “physical disability”;
- Amend the orders of the Coordination Center for Legal Aid Provision No. 156 “On Approval of Qualification Requirements for Employees of Structural Units of Local Centers for Free Secondary Legal Aid Provision” dated 09.12.2021 and No. 155 “On Approval of Qualification Requirements for Employees of Structural Units of Regional Centers for Free Secondary Legal Aid Provision” dated 09.12.2021 to introduce mandatory training for employees of FLA centers on providing legal aid to people with disabilities;
- Amend the order of the Coordination Center for Legal Aid Provision No. 145 “On Approval of Methodological Recommendations for Monitoring the Activities of Local Centers for Free Secondary Legal Aid Provision” dated 26.04.2017 to introduce an assessment of the accessibility of legal aid to people with disabilities;
- Amend the order of the Coordination Center for Legal Aid Provision No. 2 “On Approval of Methodological Recommendations on the Organization of Free Legal Aid Provision by Local Centers for Free Secondary Legal Aid” dated 05.01.2023 to require prior approval of the involvement of third parties in the provision of legal aid at the person’s place of residence/stay;
- Amend the “Model Questionnaire for Surveying Clients of Local Free Secondary Legal Aid Centers” (order of the Coordination Center for Free Legal Aid Provision No. 145 dated 26.04.2017) by adding a subsection for people with disabilities to fill out, which should also include questions about the (in)accessibility of the premises, engagement of a sign language interpreter, provision of written consultations in an accessible format, etc. Include the issue of accessibility of legal aid, which would be provided through a hotline and electronic means;
- Develop amendments to the order of the Coordination Center for Free Legal Aid Provision No. 2 “On Approval of the Procedure for Providing Free Legal Aid by Employees of Local Centers for Free Secondary Legal Aid Provision” dated 28.01.2019 taking into account international standards for providing legal aid to people with mental and intellectual disabilities”.

### To the Coordination Center for Free Legal Aid Provision, State Judicial Administration of Ukraine, and other relevant parties:

- Review the practice of engaging sign language interpreters when providing legal aid and when people with hearing impairments are involved in court hearings. Develop recommendations for improving the situation.

Section

2.

## Analysis of the Practical Accessibility of Legal Aid

## PRIMARY LEGAL AID FROM CENTRAL AUTHORITIES

According to the Law, primary legal aid should be provided, in particular, by central executive authorities. As part of the research on the possibility of receiving primary legal aid, information from the websites of four Ministries was analyzed and requests for free primary legal aid were sent to six Ministries on disability-related issues. These requests posed questions in line with the competence of each of the six Ministries.

Multiple barriers, such as inaccessibility of infrastructure and premises, unavailability of information, and failure to speak sign language or simplified language, may prevent people with disabilities from receiving legal aid from the authorities, so this research sought to not only check the relevant work of the Ministries but also whether it is possible to send an appeal by E-mail (or through an online form on the website), which is far more convenient and accessible for many people with disabilities.

There were many appeals asking for a response in Word format, which was also meant to be part of the information accessibility check. All six responses were received in PDF format, which may be challenging to read for JAWS (Job Access With Speech) users. It is also worth noting that PDFs often contain photos of documents unreadable via JAWS. Response times varied widely, from 3 to 30 days.

In the [“Free Legal Aid”](#) section, the Ministry of Social Policy of Ukraine indicates the E-mail and address of the Ministry to send requests for primary aid. It is reported that regular in-person appointments for citizens have been suspended since 2020 due to the spread of COVID-19. There is no data available on the resumption of in-person appointments with citizens on primary aid issues, although the website of the Ministry of Social Policy provides [information on the in-person appointments](#) with citizens by the Minister and her deputies in 2023. The Ministry of Social Policy was asked to provide clarification on the issue of receiving social support services during inclusive education. The response we received from the National Social Service<sup>8</sup> (the Ministry of Social Policy redirected our appeal for primary aid to the National Social Service of Ukraine) can hardly be considered a full explanation of the way social services are arranged. Nearly four pages of the text quote provisions from laws and statutory instruments. Apart from an explanation of who can be a child’s assistant, there are no clear and concise answers to other questions that a person could use to develop an algorithm of action.

Back in 2011, the Ministry of Health of Ukraine approved the [Procedure for Providing Free Primary Legal Aid at the Ministry of Health of Ukraine](#), which has not been amended since 2011. This Procedure stipulates the possibility of sending or submitting appeals to the Ministry of Health of Ukraine, as

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8 Letter of the National Social Service of Ukraine No. 0000-00304-ПІ/254-2023/30126 dated 18.09.2023

well as arranging in-person appointments for primary legal aid. The official website contains [information](#) on the E-mail and postal addresses to send appeals to, and the Ministry promises to resume in-person appointments once the COVID-19 quarantine measures are lifted.

An appeal was sent to the Ministry of Health of Ukraine with a request to provide clarification on medical contraindications that prevent a person with a hearing disability from driving vehicles. Apart from a prompt response<sup>9</sup>, it is worth noting the clarity and completeness of the information provided. The Ministry also quotes the norms of the SIs, but only those that are directly related to the subject of the appeal. Each document is followed by a link to its full electronic version, and at the end of the answer, information is provided on the possibilities of obtaining legal aid from the FLA system.

The Ministry of Justice of Ukraine provides detailed information on the system of free legal aid in Ukraine on its webpage [“Free Legal Aid”](#) and provides addresses (electronic and postal) for sending appeals to the Ministry. The MJU is the only Ministry reviewed that has an [electronic application form](#) that allows you to choose the type of appeal for primary aid. An appeal was sent to this Ministry with a request to provide clarification on the issue of registration of a public organization of people with disabilities. The MJU provided clarification<sup>10</sup> on this issue. The Ministry of Justice’s response illustrates the lack of standards for providing explanations on legal issues. One part of the letter explains the difference between a public association and a public union, while the other part states that the list of documents for registration is defined in such an article of such a law, and it’s up to you to find this list.

The Ministry of Education and Science of Ukraine merely provided [general information](#) on the provision of legal aid without giving addresses where one can send requests for primary aid. There is a link to the [schedule](#) of in-person appointments and some generalized information about the rules of holding appointments. With a bit of effort, you can find the Ministry’s E-mail address in the Contacts section, which, theoretically, can be used to send a request for primary aid.

An appeal was sent to the Ministry of Education and Science of Ukraine with a request to provide clarification on the organization of inclusive education for children with visual impairments. The response of the Ministry of Education and Science of Ukraine<sup>11</sup> is incomplete. There are doubts about the sufficiency of the information received if the child’s parents are trying to understand the algorithm of actions to ensure inclusive education for their child. The appeal failed to pose any questions about the role of inclusive resource centers (hereinafter referred to as IRCs) in the organization of inclusive education, but in fact, the role of these centers is crucial. There

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9 Letter of the Ministry of Health of Ukraine No. 25-04/19/44657/0/1-23//9234-3B dated 19.09.2023

10 Letter of the Ministry of Justice of Ukraine No. 129875/X-31272/19.2 dated 04.10.2023

11 Letter of the Ministry of Education and Science of Ukraine No. 6/162-23 dated 11.10.2023

is no comment in the response of the Ministry of Education and Science about the need to apply to the IRC. One of the documents to be submitted is a conclusion on a complex (or repeated) psychological and pedagogical assessment of a person's development, but the Ministry fails to mention where to get this conclusion. The Ministry did not answer the question about the conditions that should be created to educate a child with a visual disability. The Ministry should have informed that the areas, level, and scope of support for a child with special educational needs, including the scope of psychological, pedagogical, correctional, and developmental services, are determined by the IRC based on the findings of a complex assessment.

The website of the Ministry of Education and Science of Ukraine offers detailed explanations of various issues. For example, the website features an [Inclusive Education](#) section, which contains a variety of information about educating children with special educational needs. An important point is that the information is published in a question-and-answer format. A large portion of this information is in text format, enabling different users to access it. On the other hand, the section [“About inclusive education in a nutshell”](#) offers pictorial content that is not readable by JAWS users. There are certain doubts about the frequency of information updates. For example, the webpage [“Admission of Persons with Special Educational Needs to Higher Education Institutions”](#) provides information on additional requirements for taking an external independent evaluation, but it is not clear whether this information is relevant for the summer of 2023 when testing was held as a national multi-subject test.

Despite appreciating the Ministry's efforts to provide clarifications on various issues that may arise, for example, from parents of children with disabilities, applicants with disabilities, or other categories of citizens, it is worth pointing out a few things:

- First, relevant information must be updated;
- Second, the standards of information accessibility must be adhered to, which will allow different categories of people with disabilities to read it freely;
- Third, there is a lack of expanded explanations, which means that a person must seek additional information from the authorities or look for it on other resources. Therefore, not only general explanations should be provided, but also more detailed information: a sample application, the timeframe for reviewing the application, the list of documents to be submitted, where and how to appeal refusals, etc.

The Ministry of Communities, Territories and Infrastructure of Ukraine was asked for clarification on how a citizen could act if he or she discovered that a facility in his or her locality was clearly inaccessible to people with

disabilities. In its response<sup>12</sup>, the Ministry failed to provide the requested clarifications. The Ministry's response contained nothing but quotes from laws and state building codes. A person with disabilities who would ask for clarification on how to dispute the construction of an inaccessible facility should look elsewhere for answers.

The Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine received an appeal to provide clarifications on the procedure for obtaining temporary housing for IDPs with disabilities, which is accessible to wheelchair users. The response failed to mention accessible housing for wheelchair users with disabilities. The Ministry's response<sup>13</sup> contained general references to various statutory instruments on the rights of IDPs to temporary housing. "The appeal is accompanied by the documents specified in clause 12 of the Procedure for the allocation of housing funds intended for temporary residence..." This is part of the response, which means that you have to find even the list of documents yourself in the relevant CMU resolution. This Ministry's response is completely inconsistent with the content of the appeal and fails to provide any information on accessible housing for IDPs with disabilities, while semi-structured interviews with legal aid providers have shown that there are currently a lot of appeals from IDPs, including IDPs with disabilities requesting accessible housing.

Our experiment within this research has revealed that receiving quality primary legal aid from Ministries by sending these appeals to existing E-mail addresses is extremely difficult. Obviously, the conclusions drawn in this research regarding the content of responses to appeals for primary legal aid can be disputed. Each individual has a different experience in processing the information obtained. One can assume that someone having experience in protecting his or her rights is quite satisfied with references to statutory instruments. If people apply to the Ministry for clarification, they are likely to have no access to the legislation or find the language of the legislation incomprehensible.

Therefore, central executive authorities should develop clarifications on legal issues and make them publicly available, regardless of whether there are any appeals. For example, if a new standard for a social service has been approved, it is worth sharing this information as much as possible; placing it in a section on the website where it can be easily found; preparing this information in different formats; and amending the explanations if there are changes in the legislation.

Moreover, developing a standard for publishing explanations on legal issues is critical to ensure that information is conveyed to legal aid recipients in clear language. Feedback under the explanations on the websites could show how clear the existing explanations are to people who are seeking

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12 Letter of the Ministry of Communities, Territories and Infrastructure of Ukraine No. 6504/30/3BF-23 dated 10.10.2023

13 Letter of the Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine No. 22/X-18257-4.3-9939 dated 15.09.2023

them. Furthermore, the state should at least start working on presenting information in an easy-to-read format that is suitable for people with intellectual disabilities.

## OPPORTUNITIES TO RECEIVE LEGAL AID FROM THE FLA SYSTEM

[According](#) to the Ministry of Justice of Ukraine, as of July 2023, the FLA system consists of:

- Coordination Center for Legal Aid Provision;
- 16 regional centers providing free secondary aid;
- 62 local centers providing free secondary aid;
- 504 legal aid offices;
- 5 Pravokator legal clubs.

Legal aid is provided to clients by more than 1.1 thousand full-time lawyers in the FLA system; the Register of Lawyers includes 8664 lawyers. [The MJU reports](#) that since February 24, 2022, the FLA centers have not ceased their activities, and by July 1, 2023, more than 742.6 thousand appeals were registered; of these, more than 679.9 thousand cases involved primary aid, and more than 62.6 thousand involved secondary aid.

Credit should be given to the state FLA system, which is constantly evolving and currently offers several different ways to obtain legal aid:

- Call a centralized contact phone number, including via Telegram<sup>14</sup>;
- Written appeals<sup>15</sup>;
- Read existing consultations<sup>16</sup>;
- Apply to the nearest FLA office<sup>17</sup>;
- Visit an offsite consultation point<sup>18</sup>;

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14 You can call the contact center of the FLA system from Ukraine at the following number: 0 800 213 103 (toll-free); calls from abroad: +38 (044) 363 10 41 (international calls are charged at the telecom operator's rates); or by Telegram: <https://t.me/+380677213103>.

15 Write to a lawyer via Telegram: <https://t.me/LegalAidUkraineBot> («Write to the lawyer» button).

16 At the reference data platform of legal advice WikiLegalAid (<https://wiki.legalaid.gov.ua/>).

17 Contact the nearest legal aid office ([https://bit.ly/bpd\\_buro](https://bit.ly/bpd_buro)).

18 Visit an offsite consultation point (you can find out the schedule of the consultation point at the nearest office ([https://bit.ly/bpd\\_buro](https://bit.ly/bpd_buro))).

- Get home-based assistance as part of addressed legal aid<sup>19</sup>.

The first section analyzed the lack of income assessment for people with disabilities. A person may have other income besides state social assistance or pension, such as salary or entrepreneurial income, and may receive both state social assistance and pension at the same time. We contacted the FLA system through various channels for clarification on this issue.

The authors of this research faced certain difficulties when installing the Free Legal Aid («Безоплатна правова допомога» in Ukrainian) and Your Right («Твоє право» in Ukrainian) mobile applications, so they failed to contact FLA center through these communication channels. The link to Viber from the Ministry of Justice's webpage shows an error. The Facebook page offers to go to Telegram or call the hotline. It is worth mentioning that the Ministry of Justice should regularly update information on the possibility of receiving FLA since information on the possibility of receiving FLA via Viber and mobile applications is taken from the website of the Ministry of Justice in the [“Scope of Activities”](#) section.

Consultation on the above-mentioned issue was received via a chatbot and a Telegram call, as well as by E-mail at [info@legalaid.gov.ua](mailto:info@legalaid.gov.ua).

#### **The answers turned out to be different:**

- While giving an oral consultation, the lawyer of the FLA center informed that all income documented by the State Tax Service of Ukraine is taken into account.
- The chatbot provided alternative information: “If you are receiving social assistance, this amount will not be taken into account when deciding whether to provide you with free legal aid. Only your pension and salary (official) will be taken into account, which in total should not exceed 5,368 UAH.”
- The Coordination Center provided an extremely detailed answer<sup>20</sup> to the question by E-mail: “Based on the above provision, it appears that when deciding whether to provide or refuse to provide free secondary legal aid, the amount of pension or relevant state social assistance should be taken into account, not the total income of such a person. Meanwhile, the issue when a person with a disability receives a pension, in particular, a survivor's pension, and relevant state social assistance at the same time is not regulated.” There is also a provision that when deciding whether to provide or refuse to provide FSLA to persons with disabilities, the FSLA centers may consider only those

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<sup>19</sup> Home-based assistance means addressed legal aid. This service is only for people who, due to their health or life circumstances, cannot apply in other ways. You can leave an appeal by phone: 0 800 213 103.

<sup>20</sup> Letter of the Coordination Center for Legal Aid Provision No. B-1926/001/2064 dated 29.09.2023

payments that are assigned and paid to such persons based on their status. According to the Coordination Center, the amount of salary is not taken into account when calculating income.

Finally, we managed to get legal aid via Telegram messenger. Consultations were provided promptly. Having two options for communication – voice and written – is extremely helpful. The response from the Coordination Center was received in 17 days, however, the written response was detailed and all questions were answered.

We feel that different answers from the FLA system to the same question demonstrate the need to regulate this issue at least at the level of standardizing answers from FLA providers, presumably through amendments to the regulatory framework. This will allow people with disabilities to receive a definite answer, and specialists in the FLA system will apply a unified approach.

The FLA's Telegram channel publishes information on legislative updates. This information is presented in formats that are not accessible to people with visual impairments. For example: "The grounds for military service discharge have been expanded. More details are in the figures." In fact, the information is displayed in pictures that are not reproduced by JAWS. The standards for presenting information must be revised. It should be noted that the requirement to disseminate information in accessible formats is part of national legislation, as compliance with DSTU EN 301 549:2022 (EN 301 549 V3.2.1 (2021-03), IDT) "Information Technology. Requirements for accessibility of ICT products and services" [is mandatory](#).

The [Free legal aid without barriers](#) webpage features several tabs, including the "People with disabilities" tab, which provides generalized information on the income level to receive secondary aid for people with disabilities, as well as an illustrative list of questions that can be addressed. After clicking on the "Get legal aid" link, the hotline number of the FLA system pops up, as well as links to Telegram and "in the office". The last link takes you to an interactive map, which cannot be consulted by JAWS users. Contact information about the FLA centers and their work schedules should be published in accessible formats, including text.

**This webpage might include other no less important information on:**

- The possibility of receiving legal aid at home;
- The consultation points;
- The physical accessibility or inaccessibility of the premises of the FLA centers;
- The possibility of engaging a sign language interpreter, etc.

## CONSULTATION POINTS AND ONLINE COUNSELING

The FLA website features updated information on how the [consultation points](#) operate in Ukraine. A brief look at the available schedules shows that one can indeed find scheduled consultations, in particular, in residential care facilities. Making the relevant information public on the FLA's official website is only the first step to ensuring that potential legal aid recipients get this information. However, in addition to making this information available in PDF format, it is necessary to publish this data in text format.

[According to the MJU](#), some consultation points suspended their activities in 2022 due to the hostilities, but new points were opened, especially in places with many IDPs: in humanitarian headquarters, dormitories, school and kindergarten premises, and even the railway station in Uzhhorod. In [2021](#), 62,847 clients turned to the consultation points, and 20,209 offsite and online consultations were arranged. In 2022, there were fewer counseling sessions (18,965), but more clients were consulted (71,597).

While between 2016 and 2021, the FLA system focused on establishing an extensive network of legal aid offices, after the full-scale invasion, the focus shifted to providing remote legal advice. In 2022, the FLA Contact Center handled 313,705 phone calls.

## QUALITY OF EXPLANATIONS ON LEGAL ISSUES

This subsection assesses the accessibility, clarity, and relevance of the published explanations on legal issues related to disability from the WikiLegalAid platform. The availability of prepared explanations simplifies access to FLA for people who, for whatever reason, cannot directly contact FLA providers or for people who find it easier to analyze written information. Besides, the availability of clear and concise explanations on legal issues reduces the workload of the FLA system employees.

WikiLegalAid, a reference data platform for legal advice, was created by the Coordination Center for Free Legal Aid Provision to increase legal awareness of the population. The WikiLegalAid webpages had 5,684,881 views in 2020, 14,963,077 views in 2021, and 29,675,800 views in 2022.

### **People were interested in legal advice on disability and other issues:**

- Registration of permanent care had 58,586 views in 2020 and 100,009 views in 2021;
- Disability and the procedure for its confirmation had 41,045 views in 2020 and 94,307 views in 2021;

- In 2022, the above-mentioned topics were not included in the most frequently reviewed legal consultations, but the issue of military service discharge for health reasons was among the top ones.

The first striking thing about the “Persons with disabilities” section is the lack of explanations on issues undergoing active change. These are issues of social services, inclusive education, disability confirmation due to injuries for military and civilians, etc. The majority of clarifications relate to social payments, allowances, and other social guarantees. During the survey, girls and women with disabilities mentioned the impossibility of obtaining comprehensive and clear information on the above issues, so the need for such clarifications is high (see Section 4 for more details on the legal aid needs of girls and women with disabilities).

Additionally, this section should be supplemented with information for persons with mental and intellectual disabilities on the rights related to civil capacity and the possibility of its restoration, involuntary treatment, psychiatric care, etc. These issues can be partially found through a search engine, but for the sake of convenience, they should be included in the section about people with disabilities. By the way, the practice of publishing materials in an easy-to-read format can be started with the adaptation of such content.

## PROCEDURE FOR PROVIDING PERSONS WITH DISABILITIES AND CHILDREN WITH DISABILITIES WITH HEARING AIDS AND OTHER MEDICAL DEVICES

There are several comments on the completeness of the information.

**First**, one should follow the link to the [statutory instrument](#) itself to find out the entire list of medical supplies, since only a part of these products is described.

**Second**, when referring to the list of persons entitled to free legal aid, the legal consultation refers to the Law of Ukraine «On Rehabilitation of Persons with Disabilities in Ukraine» (it mentions veterans of various categories), which is rather inconvenient, since the relevant law must be reviewed to identify the most important information.

**Third**, there is no information on the time limit for providing medical supplies; where and how to apply in case of refusal to provide medical supplies; how to appeal against the decisions of the MAC, MSEC, and MMC in cases of refusal to determine the need for medical supplies. These issues are indeed not addressed in the relevant [CMU Resolution](#), but their absence makes legal advice incomplete.

Part of the unresolved issues are reflected in other statutory instruments, for example, regarding the appeal of the decisions of the MSEC. It might be appropriate to note that the Procedure fails to specify a time limit for the provision of medical supplies, but in the absence of the required type (kind) of medical device, a person is provided with it in a priority sequence. This explanation should contain information about changes in the activities of the MSEC due to martial law.

## PROCEDURE FOR PROVIDING TECHNICAL AND OTHER MEANS OF REHABILITATION FOR PERSONS WITH DISABILITIES

This [Procedure](#) is a rather complicated instrument and covers a wide range of issues, which means that it will be very difficult to understand the [Procedure's](#) provisions independently without appropriate training and knowledge. While a detailed explanation of this issue is crucial for people with disabilities, it is unlikely that a person will be satisfied with prepared legal advice. The text of the explanation consists of individual quotes from the Procedure including complex terminology and long sentences. If this legal consultation is to be studied by a person with visual or hearing impairments who is entitled to compensation for self-purchased rehabilitation equipment and may not have access to an individual rehabilitation program for a person with disabilities, such a person will have to piecemeal the information among the large text.

The relevant Resolution also contains information on the peculiarities of providing prosthetic and orthopedic devices, and, for example, information on the timing of prosthesis production, but the legal consultation lacks these explanations. There is nothing about the repair or maintenance of rehabilitation equipment. As a recommendation, it may be useful to split this legal consultation into several consultations on separate issues related to the provision of rehabilitation equipment and its maintenance. By the way, there is a link to the [webpage](#) of the Ministry of Social Policy under the legal consultation, where only part of the information is disseminated in text format, and the rest is presented in infographics that are not accessible to JAWS users.

## WHAT INFORMATION ABOUT DISABILITY IS INCLUDED IN THE FLA REPORTING

This subsection covers the information from the annual FLA reports for the last three years. It is assumed that only a minor part of the work is included in the annual public reports, so the conclusions and recommendations are limited to what should be reflected in subsequent annual reports.

The information in the reports on the FLA provision to people with disabilities is mostly reflected in figures that do not allow us to see the changes over the reporting year. These reports provide no information on the extent to which the published data covers the existing demand for legal services.

The 2020 report indicates that the Right Bank Kyiv Local Center employs a dactylogist who provides sign language interpretation services. There is information that other persons with hearing impairments can also receive sign language interpretation by appointment. No conclusions can be drawn from this information as there is no mention of the need for sign language interpretation. By the way, the 2021 and 2022 reports fail to contain any information on the engagement of sign language interpreters to provide legal aid.

In [2020](#), 8,167 (13.9%) appeals for secondary aid were received from persons with disabilities. Most often, persons with disabilities appealed against decisions of state bodies, divorce and division of joint property, resolving housing disputes, collecting alimony, compensation for moral and material damage, confirmation of injury or the fact of dependency to grant a survivor's pension, conclude and terminate contracts, etc. There are no such details on the appeals of people with disabilities in subsequent years. All that is available is the total number of people with disabilities who applied to local FLA centers. These are 9,733 people in 2021 and 5,498 in [2022](#).

The above number of legal aid recipients among people with disabilities is not representative, because some people with actual disability will not experience obstacles in obtaining legal services, and people who do not receive legal services due to obstacles will not be included in any statistics. To assess barriers to legal aid, it is necessary to report on the types of barriers that may exist:

- Physical barriers;
- Unavailability of information;
- Communication barriers, etc.

We would like to see annual reports showing those people who seek legal aid on disability-related issues (disability confirmation, rehabilitation, rehabilitation equipment, etc.). At least, this will allow us to see those people who require legal services on disability-related issues. In the coming years, this will be especially important due to the increase in the number of such appeals caused by injuries and illnesses of civilians and military personnel.

The FLA system takes great pains to bring legal aid closer to people who may not be able to receive it due to certain barriers. It might be useful to include these activities in the reports. For example, FLA consultation points have recently been set up in various residential care facilities. This is another important step in bringing legal aid closer to those who cannot apply for it themselves. Certainly, if the staff of the FLA centers provide legal aid

to the clients of these facilities, they need some training, especially in the case of providing legal aid to people with intellectual and mental disabilities. It would be beneficial to determine the number of residential facilities in the region that have legal aid centers. If such dynamics persist for several years, we can track whether the provision of legal aid to inmates of residential facilities is increasing. It is also important to identify and analyze the difficulties that arise in providing legal aid to people with mental and intellectual disabilities, and to look for ways to solve them.

## **LEGAL AID TO PEOPLE WITH DISABILITIES: EXPERT OPINION OF THE FLA SYSTEM**

The above information was collected by studying public records and it describes the results of applying for legal aid. Obviously, it is difficult to give an objective assessment of the accessibility of legal aid for people with disabilities in this way. Expert semi-structured interviews were conducted with the administration of the FLA system (see Annex 5). The interviewees detailed their activities but some of these activities have already been described above, so only what needed to be elaborated on or left unsaid was taken from the interviews. We realize that an interview with three specialists cannot reflect all the achievements of the state in providing legal aid. However, there are plenty of public materials on the work of the state FLA system that were used for this research, while these interviews were aimed at clarifying certain issues, observing the FLA system from the experts' point of view, and hearing about what was left aside by the authors of this research. Comments from the FLA system on the first draft of this report were also taken into account.

The above points highlight the need to include more detailed information on legal aid recipients among persons with disabilities in the statistics. Representatives of the Coordination Center indicate that when applying for secondary legal aid, people with disabilities must submit documents confirming their respective status, so the statistics include complete and clear information about a person's disability. However, the law does not require any documents from a person when receiving primary legal aid, so if a person's disability goes unnoticed or if the person has not reported such a status, primary legal aid will still be provided, but the person will not be included in the statistics of providing legal aid to people with disabilities.

From the array of its data, the Coordination Center can extract information on the type of human rights violations. As well as three types of disability: sight, hearing/speech, and physical disabilities. Moreover, it is possible to extract information on appeals regarding a specific type of human rights violation – disability discrimination.

People with disabilities are among the top five categories of legal aid recipients at FLA centers. As for secondary aid, this category accounted for more than 11% in the last few years. When it comes to the issues addressed by people with disabilities over the past year and a half, it is difficult for experts to identify specific blocks of issues, but many of the appeals were related to pensions and other social allowances, disability confirmation under martial law, provision of social services, confirmation of work experience, divorce, alimony payments for children with disabilities, etc. The heads of the Coordination Center talk about a large number of legal awareness activities for people with disabilities. They also talk about the ongoing analysis of appeals, and if they observe an increase in the number of appeals on a particular issue, they develop and post appropriate explanations in the public domain.

The state FLA system regularly collects and updates information on the physical accessibility of premises. However, there is no public analysis of this information or data on how many premises are architecturally accessible. Representatives of the Coordination Center assure that they have not received any complaints about the inaccessibility of premises in recent years: “One of the recent cases I recall was a person complaining that he had an old phone at home and could not use our voice menu to select an option to call a lawyer. We are currently thinking about how to solve such exceptional and unusual cases. Earlier, back in 2016-2017, we would receive some information, complaints, or appeals regarding inaccessibility, and we used to analyze them carefully, but now we don’t even receive such appeals.”

The director of the Right Bank Kyiv Local Center for FSLA provision mentions the physical accessibility of their head office. He further emphasizes that they do not require documentary evidence of any complex form of disability to provide legal aid at a person’s home. According to him, it is sufficient to report difficulties in getting to the FSLA center, and the specialists will see the person wherever it is convenient.

There have been some changes in the way appeals are processed in recent years, making legal aid more accessible. Following the first call to the hotline, a person is called back from a legal aid office close to the person’s place of residence. Then the possible way of providing legal aid is discussed, including a possible visit to the person’s place of residence. The interviewees also described offsite activities in social protection agencies, at NGOs, and other facilities with many people, as mentioned above. The director of the Right Bank Kyiv Local Center for FSLA provision recommends contacting the centers for FSLA provision. If you decide to arrange counseling for a group of people, they will definitely be there.

The state FLA system is looking for ways to reach new clients. In particular, they launched active cooperation with the Secretariat of the Ukrainian Parliament Commissioner for Human Rights to develop a redirection system. For instance, if the hotline of the Secretariat realizes that the applicant

needs legal aid, then, subject to his or her consent, his or her contacts are passed on to the FLA center. Then this person will be called back by the FLA center to provide legal aid. The specialists of the Coordination Center believe that such experience, when they receive contacts of those in need of legal aid from state and local authorities, will make this aid more accessible.

The Coordination Center closely interacts with NGOs advocating for people with hearing impairments, including the USD. These organizations often host awareness-raising events and counseling sessions directly for people with hearing impairments. They also claim that lately, most deaf people bring their own gadgets and engage their own sign language interpreters. The director of the Right Bank Kyiv Local Center for FSLA provision gave a more concrete example: “People with hearing impairments have a certain community. It is rather private. Sometimes they don’t even want to talk about their problem in front of an interpreter. They are afraid that the interpreter may share their story with others. But one of the principles of legal aid is confidentiality. We’ve had repeated cases where a person says to us: “No, no, no, I want to write.” Today, they often bring their tablets with an interpreter connected, and we communicate that way. Sometimes they come with their own interpreters. We were looking for an interpreter some time ago. It was not an easy job. Many people refuse because they believe that legal language is a rather difficult language. Finding sign language interpreters with legal knowledge is extremely hard.” By the way, it was the Right Bank Kyiv Local Center for FSLA provision that employed a full-time sign language interpreter for some time.

As mentioned above, consultations by phone and through online resources have increased in recent years, and training in telephone communication skills is being actively provided. The Coordination Center expects an increase in the number of Ukrainian defenders who will apply for FLA, some of whom may have PTSD. Therefore, lawyers providing consultations should be prepared to work with different clients. The specialists of the state FLA system are constantly looking for additional resources to increase the capacity of lawyers on topical issues: for example, there is currently a need for further training on the protection of the rights of people affected by the war. There is also a demand for the development of digital resources, in particular, the introduction of quality assessment of legal services provided through electronic means.

The director of the Right Bank Kyiv Local Center for FSLA provision recalls many clients with visual and hearing impairments, as well as people with physical disabilities. Recently, legal aid has been provided to a woman with mental disabilities: “My recent case was a person with mental disabilities. She was accused of domestic violence. The police wrote an administrative report against her and submitted it to the court. Without summoning my client, the judge declared her insane without any evidence or examination and dismissed the case. We filed an appeal to prove that she was sane and did not commit any domestic violence, because mental disorders do not necessarily mean that a person is unstable and can commit offenses. Just

last week, we proved in court that she was sane, stable, well-mannered, and did not commit domestic violence. My client was declared not guilty.”

The director of the Right Bank Kyiv Local Center for FSLA provision also talks about other problems related to access to legal aid, which are extremely difficult to address: “There is a direct provision in the Civil Procedure Code. When it comes to involuntary hospitalization in a mental health facility, the court must consider such a case involving a lawyer. By the way, I talked to colleagues from other regions, for example, from Chernihiv. They receive up to ten court rulings per week. Kyiv is a many million city. We have never received a court ruling. A colleague just approached me and said that they were calling from the Podilskyi Court and asking to engage a lawyer for involuntary hospitalization in a mental health facility.” When asked to clarify the reasons for the failure to comply with the direct rule, the expert said: “This is a matter for the judges. We have the principle of judicial independence, and no one can interfere with their work. Civil society plays an important role here, as it can cooperate with the judiciary to ensure that they comply with the rules on protecting the rights of people with mental disabilities to receive legal aid when considering involuntary hospitalization.”

The expert identifies other shortcomings in the legislation. He believes that the issue of involving lawyers in cases where a person is in a vulnerable state and cannot seek aid on their own should be regulated. He provides an example: a person in intensive care is unable to express his or her will. This person is a victim of a crime, and the police intend to involve a lawyer. In fact, this is impossible. They try to involve the guardianship and custody authorities in this particular situation, but it all depends on the initiative of individuals. It’s essential to regulate the issue of providing aid to people in such situations at the legislative level.

As for secondary legal aid, the Coordination Center’s specialists point out that if a person cannot be provided with secondary legal aid due to low income, they, through cooperation with partners, can involve Pro Bono specialists. In addition, it was suggested that even if there is an understanding that the income exceeds the established threshold, it is still better to apply, because many issues can be resolved through primary legal aid, which anyone can receive free of charge. The director of the Right Bank Kyiv Local Center for FSLA provision is aware that there are people with disabilities who really need secondary aid but cannot get it because of their slightly higher income. He suggests a way to address this: “It would be great if the court when it finds that a person needs free legal aid because of a disability, could provide such legal aid by court ruling. The current principle, which is reflected in the Law of Ukraine “On Free Legal Aid,” requires a personal appeal to the FLA centers. Today, the court must involve a lawyer from the FLA system only in criminal proceedings.”

He also emphasizes the inadequacies of the legislation on legal aid. Relatives of people with disabilities do not pay court fees and do not pay for psychiatric examination in cases where they apply to the court to deprive

a person with disabilities of legal capacity. However, free secondary legal aid will depend on their income level. He believes that these categories of people should receive secondary aid regardless of income. He believes that another problem is the need to obtain income certificates to receive secondary aid. According to him, the Ministry of Justice is currently developing a way to receive relevant information from the registers automatically.

An interview with the director of the Right Bank Kyiv Local Center for FSLA provision, who deals with clients every day, also reveals problems related to the imperfect work of state bodies, which keep increasing the number of appeals: “I read the decisions of the Pension Fund every day. If we ask something, they answer us differently. We submitted an application for a pension in August, and they told us that they had accepted our application, but then sent us a refusal issued in July. And that’s it... A full stop and a signature. And what about August? Reaching the executor in the Pension Fund is absolutely impossible. For example, there was a situation with a person with disabilities. We compiled an application for a pension and submitted it through an electronic cabinet. There was an inscription: “Denied”. And that’s it, just one word. We called the Pension Fund and they said: “Well, it was just written to you that you were denied, but we are still checking your documents, and in a month, we may change our minds.” If the word “denied” is displayed, how should it be interpreted? It’s clear that it’s a denial, and a person starts looking for a solution. It doesn’t say “As of now, we cannot decide because your documents are being checked”. In my humble opinion, the answer “denied” is incorrect. For lawyers, it is incorrect, and for a person who does not have a law degree, it is even more difficult to understand what is wanted from him or her.”

## IN LIEU OF CONCLUSIONS

As part of the experiment, six Ministries received E-mail appeals for free primary aid on issues that may be relevant to people with disabilities. With a bit of effort, one can get responses, but none of them were in Word format, which was requested to make the response accessible to girls and women with visual impairments. Assessment of the explanations provided by the Ministries may be biased, but the language of the legislation is difficult for an average person to understand, so just quoting the provisions of laws and SIs in response to an appeal for clarification can hardly be considered a full explanation, and therefore does not meet the criterion of accessibility of information.

The state FLA system is indeed making strides to bring legal aid closer to people who may not be able to receive it due to certain barriers. The ability to receive legal aid by phone, via Telegram messenger, at consultation points based on social infrastructure facilities, or at home is what brings legal aid closer and makes it more accessible.

Primary legal aid from the state FLA system can be received quickly and in various ways, but there has been no definitive answer to the question of how the income of a person with disabilities is calculated for the provision or refusal of secondary legal aid.

There are many recommendations for existing clarifications on the Wiki-LegalAid platform. The fact that such explanations are prepared and published is significant. Viewing rates prove that they are in demand. It would be important to pay attention to the structure of the explanations, refrain from complicated language and excessive quoting of legislation, and instead focus on explanations of the law and clarity of information.

Drawing accurate conclusions about the ability of the state FLA system to provide legal aid to people with intellectual or mental disabilities is quite challenging. There is a lack of open generalized data on the experience of the FLA system in providing legal aid to people with disabilities, in particular, the experience of offsite consultations in residential institutions where people with mental and intellectual disabilities are staying, or analysis of advocacy for people without legal capacity in court.

Providing sign language interpretation during legal aid is another challenge that, in our view, remains unsolved. We believe that the state FLA system should refrain from relying on the capacity of NGOs or the fact that a person with hearing impairments will engage an interpreter independently. These issues should be addressed by recruiting specialists with legal expertise who will provide regular services. Another way to systematically address this issue is to invest in the development of sign language skills for FLA professionals.



## RECOMMENDATIONS

### To the central executive authorities and the Coordination Center for Free Legal Aid Provision:

- Develop standards for presenting explanations on legal issues, as well as presenting information in clear language, ensuring a precise and logical structure of the explanation, and meeting the criteria for accessibility of information for people with different disabilities;
- Develop and publish regular explanations on topical issues, in particular, when new laws or regulations are adopted or amended;
- Hold regular surveys of people who get clarifications on legal issues regarding clarity, accessibility, relevance, and completeness of information, etc.;

- Review the accessibility of websites and the information published therein for people with different types of disabilities;
- If necessary, amend and comply with DSTU EN 301 549:2022 (EN 301 549 V3.2.1 (2021-03), IDT) “Information Technology. Requirements for accessibility of ICT products and services” when disseminating legal information through websites and social networks;
- Start developing and publishing regular explanations on legal issues in an easy-to-read format.

### To the Coordination Center for Free Legal Aid Provision:

- Regularly update information on ways to receive free legal aid and its availability;
- Develop explanations for employees of the FLA system on a unified approach to calculating the income of a person with disabilities for making a decision on whether to provide or refuse secondary aid;
- Disseminate information in accessible formats on the Free Legal Aid Telegram channel, in particular, the information on the “figures” should be backed up with text;

Supplement the [Free legal aid without barriers](#) page with information on the possibility of receiving legal aid at home, on offsite consultation points, on the physical accessibility or inaccessibility of the premises of the FLA centers, on the possibility of engaging a sign language interpreter, etc.;

Regularly update the [WikiLegalAid](#) legal advice platform with explanations on issues that have been actively addressed in recent years: inclusive education, social services, rights of people with intellectual and mental disabilities, etc.;

Regularly assess the accessibility of legal aid for people with disabilities, in particular, summarize the experience of providing legal aid to people with mental and intellectual disabilities;

Develop recommendations for employees of the FLA system and lawyers involved in providing secondary legal aid to people with mental and intellectual disabilities;

Study the issue of providing legal aid with the engagement of sign language interpreters. In particular, such a study should be aimed at developing a mechanism for providing sign language interpretation to all people with hearing impairments who apply to FLA centers (including a mechanism for providing professional interpretation at the expense of the FLA system, not NGOs);

When publishing statistical data, highlight not just the number of people with disabilities who have applied for FLA, but also the types of barriers they may face in receiving legal aid. This will allow tracking the results of activities to remove barriers;

Include appeals for legal aid that relate directly to disability issues in the statistical data;

Update the information about each center on the official FLA website in the subsection “All Centers” with data on its accessibility or inaccessibility for low-mobility groups.

## Section

3.

**Provision of Legal Aid  
to Girls and Women  
with Disabilities by  
Non-State Providers  
during Martial Law**

## LEGAL AID TO GIRLS AND WOMEN WITH DISABILITIES; COLLECTION OF STATISTICAL DATA

Collecting disaggregated data on disability poses certain challenges. Non-state legal aid providers at the level of primary legal aid usually do not require detailed information about their clients. This mostly refers to the disaggregation of the following data in the statistics: sex, age, region, subject of the appeal, disability, IDP status, etc. “The key point at the level of legal advice is to reach as many people as possible who need such advice, so lawyers are often not required to input detailed information about a person as a way to save time,” said one of the interviewed lawyers.

« *I don't ask questions to avoid causing the person any pain. Well, if I see something, I write it down. If I don't see, I'd rather not ask if they have a disability. What's my point? If we record this category of vulnerability, it is not always valid. Not everyone will be comfortable talking about their disability. I think it's not proper to ask if a person has a disability,* said another lawyer about the reasons for the impossibility of obtaining objective statistics. Several respondents stressed that it is not just the number of people with disabilities who have applied for help that is important to them, but it would be useful to get information about people in cases where a person with a disability needs additional conditions or when it comes to issues related to a person's disability, including discrimination.

Two non-governmental organizations mentioned the approximate percentage of appeals from girls and women with disabilities. It is about 60% of the total number of appeals in the first case and 65% in the second.

First of all, the interviewed lawyers referred to women with hearing, visual, and physical disabilities as legal aid recipients, as well as to appeals from relatives and guardians of people with disabilities. During the interviews, they also raised some cases of legal aid provision to people with psychosocial disabilities. There are no reported cases where legal aid was provided directly to a girl or woman with intellectual disabilities.

When it comes to collecting statistical information, the experience of one of the non-governmental organizations where a lawyer is exclusively engaged in providing legal aid, and all information about a person and his or her needs is collected by hotline advisors who refer the person to a lawyer, may be useful. From its data set, this organization can extract information about the disability type of the person who has applied for legal aid.

« *Between February and June 2022, we experienced a lack of collected and summarized information. That is, the state authorities seemed to be more confused at that time than the NGOs. People had our contacts and asked us about evacuation. So, we embarked on the evacuation,* said one of the lawyers about the working specifics of martial law.

There is another crucial point raised by almost all lawyers from NGOs. Under martial law, they are often addressed with issues that are not related to the legal aid provision at all. For example, people ask for charitable assistance, evacuation assistance, housing, rehabilitation, etc. That's why NGO lawyers have recently been providing not only legal aid, but also searching for and disseminating information about charitable foundations, international organizations, and volunteer initiatives, i.e., undertaking other social activities.

## ACCESSIBILITY OF LEGAL AID

As described above, today lawyers perform such functions as social support, because they understand that unless such services are provided, people will not be able to solve their problems. "I have experience in providing such support. The woman had no disability confirmation, but she had some mental problems. She was constantly forgetting what she had to do. She did not understand the algorithm of her actions. She was an IDP. We provided physical support. We accompanied her by car, and I personally approached all the specialists with her. And we solved all the problems. We unblocked her pension account and avoided mismanagement at Oschadbank because they wanted to force her to get a credit card and insurance. They attempted to sell her insurance because they realized that she didn't really understand what was going on and said it was a mandatory option. It was our personal initiative to accompany that client. For example, if an elderly person comes to us and does not fully understand where to go and what to do, we develop algorithms: Take such a bus to such a place... And then I realized that this would not be enough," one of the interviewed lawyers said.

The survey participants share the same view that certain barriers to legal services still exist. Notably, they pointed out a certain list of barriers that they could not overcome on their own.

- **First**, it concerns the physical inaccessibility of the premises, which is practically unavoidable if they are rented.
- **Second**, it includes physical inaccessibility of the environment, which makes it difficult to get to the premises where legal aid is provided.
- **Third**, the issues of sign language interpretation remain relevant.
- **Fourth**, information about legal aid may remain inaccessible to people with visual impairments.

All interviewees claim that, despite the barriers, not a single person who applied for aid was left unassisted. During martial law, the experience gained from the COVID-19 pandemic was also useful. It was during this period that the emphasis shifted from providing legal aid in person to working by phone and online.

The surveyed lawyers provide legal aid in a variety of ways. These include appointments at certain times in certain premises, telephone consultations, and online services: in particular, requests for legal aid can be received via social media and E-mail. As mentioned by almost all respondents, it is possible to hold appointments at a place convenient for the recipient, for example, at a place of residence or stay.

Over the past year and a half, legal aid providers faced extremely different situations due to the hostilities. Their main focus has become crisis response and the provision of legal aid in the current situation. The development of long-term solutions, including standards for providing services to different categories of the population, has been indefinitely postponed – at least until it is possible to resume full-course work. One interviewee describes how it has been extremely difficult to arrange legal aid in recent years. She regrets the shelling and destruction of the premises.

Before 2014, one of the NGOs adopted standards for public reception offices. These standards included requirements for barrier-free premises. The organization's management realizes that it is extremely difficult to comply with these standards under current conditions. However, there are requirements for lawyers: visits to clients' homes for consultations; and meetings where it is convenient for clients. The NGO is currently updating its work standards.

Another organization rents inaccessible premises. Legal aid is mostly provided over the phone. If necessary, meetings are arranged in accessible catering establishments. There have also been cases of providing services in the car of a client with physical impairments.

Another organization receives people with hearing impairments with their own interpreter, but when this is not possible, communication is done in writing. Their lawyer has learned several phrases in sign language, and this immediately improves communication. One more organization has a long-standing cooperation with the USD and thus provides legal aid to people with hearing impairments. This cooperation did not cease during martial law.

As for the accessibility of legal aid for people with visual impairments, the interviewed lawyers mainly spoke about the difficulties for blind people to get to the places where legal aid is provided. One of the lawyers was not sure about the legal aid announcements posted on social media and stands, especially whether they were accessible to people with visual impairments. Another lawyer shared her experience of providing services to people with visual impairments who were referred to her by an NGO. She believes that there are no peculiarities in providing legal aid to such people. If a certain document needs to be produced, the NGO is fully engaged in this, regardless of whether the client has a disability. Then, the person just has to sign, submit, or send the document. Organizations did not report that their electronic resources were checked for accessibility, but several people suggested that this issue should be prioritized.

Legal aid in the de-occupied territories and the frontline zone remains problematic as well. One lawyer says that for safety reasons, consultations are mostly provided by phone, in writing, or arranged offsite. The premises and equipment of the public reception center were damaged by the shelling. The lawyer says that some legal aid providers have ceased their work because they have left the dangerous areas. For the same reason, the NGO has had no full-time sign language interpreter in recent years.

« *I travel across villages. I provide legal aid in places where it is convenient for people to come. There are a lot of destroyed buildings out there. I can provide legal aid at a bus stop or in the middle of the street where people are gathering to receive humanitarian aid. For example, old women with disabilities cannot get to the settlements where legal aid is provided. Even they sometimes cannot come to the location where I provide legal aid. That's why I can even drive to the person's home,* one of the participants shared her experience of working in the de-occupied territories.

The issues of life safety, lack of specialists or their absence, difficulties in getting to rural areas and communication, inconsistent work of the authorities, and destroyed infrastructure are just some of the additional problems that are typical for many regions. These problems directly affect the accessibility of legal aid. Even though many people, including girls and women with disabilities, have left these areas, the demand for legal aid in these regions keeps growing. The issues include damage to housing, injuries to civilians, restoration of lost documents, resumption of social payments after de-occupation, etc. A lawyer tells us that there are many lonely people with disabilities in the city where he works, previously assisted by their relatives who have left. These people are now actively seeking help in obtaining social services that they did not need before.

« *Just yesterday I was helping a woman. She is from ... – this is the occupied territory. This woman was a captive. I noticed that she had mental health problems. A social worker confirmed this to me later. But this woman said to me: "You are the first Human being who listened to me and did not say: "Oh, what are you talking about?". I tried to talk to her in the language she wanted to hear, not in the legal language we like to use,* says another lawyer about her experience working with a person with mental disabilities. We managed to find limited practical information on legal aid for people with mental and intellectual disabilities, especially for people in residential facilities.

One of the NGOs has considerable experience in providing legal aid to people with mental disabilities, including assistance in restoring legal capacity. Their experience in providing legal aid to people with mental disabilities would be worth summarizing. It might be possible to develop recommendations for legal aid providers based on the results of such practical experience.

«« *I had two different clients. Both of them had schizophrenia. The first one came and spoke quite coherently, but warned me that he might go through a difficult period when he would just vanish for a while. And another woman came and told me that “they are going to take off her skin because it can be sold profitably.” In both cases, there were issues of restoring labor rights. I am not confident that any training would have helped me in such situations. I don’t know... there must be empathy for sure. The most difficult matter for me is to decide which of the above facts is true and which is not. The lawyer builds a defense strategy on what the person says and on the documents,” one of the lawyers emphasized these difficulties in providing legal aid to people with mental disabilities.*

Another lawyer expressed a similar opinion, as it is extremely difficult to provide legal aid when it is impossible to understand “what really happened and what is just in a person’s head.” However, he added that, in his view, this demonstrates his lack of communication experience as a lawyer, and over time he will learn to work more effectively in such situations.

«« *They find my phone number and call me. I was at a residential care home because a woman there did not want to leave her room to have it repaired. She was absolutely against it because she would not be allowed to live in that room afterward. I listened to her, then talked to her for about 10 minutes. I assured her that she would be settled in this room in 3 days. When the room was repaired, she was moved back in. This is all being done manually. I cannot see any systematic approach. Apparently, it will take much longer to find it in our society. It is not only the public that should be observing this. Government agencies should also monitor this and communicate with people. As I understand it, the authorities are not credible, so people do not ask them for any help. They don’t believe that the authorities can restore their rights, said one of the interviewed human rights activists.*

«« *All residential care homes have a notice board with contacts to contact in case of any issues. If residential care homes, especially psycho-neurological and geriatric ones, get to know that one of their inmates has contacted a lawyer, a public organization, or journalists for help, they usually send the person to a psychiatric hospital or lock him or her up in an isolation ward. The person’s phone and other gadgets are seized, and the Internet is turned off so that the person has no contact with the outside world, said one interviewed specialist.*

One lawyer believes that the biggest problem with residential care homes is the attitude of the staff and inspection bodies towards the inmates. He considers that people are not talked to enough about their problems, their needs, and their concerns. That’s why they often call not to protect their rights, but to have someone listen to them. According to human rights activist, another problem is that inmates of residential care homes have no experience in protecting their rights, so in such cases, the consultation

they receive does not solve the problems they face. If people call one of the hotlines, listed in each residential care home, most likely they will receive generalized explanations they can't use on their own. The human rights activist believes that full social and legal support for people with intellectual or mental disabilities should be introduced.

Speaking about the availability of notice boards in residential care homes, one of the human rights activists clarified that many inmates cannot read or write at all, so such boards are useless for them. Another expert mentioned the large number of people who cannot read and write.

While talking about her own experience of visiting residential care homes and communicating with inmates, another human rights activist said she was not aware of any cases of legal aid in such facilities since the introduction of martial law. The woman recalls that it is much easier for human rights activists to get to geriatric boarding houses than to psychoneurological ones. She believes that even if the public is willing to provide legal aid to people in psychoneurological institutions, they will not be allowed to enter, because these institutions, in her opinion, are closed to the public.

◀◀ *If there are cases of raping girls or boys, and there certainly are, they call people they know, like me. They call me and say: "I was beaten by an orderly". And I say: "We'll solve it". Only then we resolve the issue. They know they won't be trusted, even by lawyers. Why? Because in our system - I'm talking about neuropsychiatric residential facilities - they cook up a diagnosis for inmates. Who will believe them? one of the civil society activists comments on the difficulties of seeking help.*

One respondent believes that legal aid providers are not informationally accessible for women with intellectual disabilities, as well as for men. She notes that people with intellectual disabilities often do not know who to contact and what issues to address. According to her, when people ask for free legal aid online, the search engine often gives them links to organizations with similar names but with paid services. It will be difficult for lawyers to understand a person with intellectual disabilities if they do not have an attendant or a personal assistant.

## NEEDS OF LEGAL AID PROVIDERS

Almost all interviewees reported several needs that would improve the accessibility of legal aid for girls and women with disabilities. The main needs include resources for creating accessibility conditions; training on various issues, including accessibility and specifics of providing services to people with disabilities; resources for providing secondary legal aid, etc.

«« *The first step should be an assessment of what we have. We must understand what are the peculiarities of providing legal aid to people with disabilities remotely and in person. When we produce legal awareness content, we try to make it accessible. For example, we add audio descriptions or visualize them for people with hearing impairments. Still, I think that our second need is specialized training from those who are well-versed in these issues. We have a website. It seems a bit unsuitable for people with disabilities. We post legal awareness information. So, our third request is to improve the website's accessibility. And the fourth is to make changes in the work, both in the architectural approach and in the approach to working with people. We are addressing all of these issues, but we understand that our efforts can be intensified,* said one lawyer about the needs of her organization.

Another lawyer highlights several problems. Finding clients who are willing to follow through to resolve their problems is extremely difficult. This situation is impacted by both the general level of uncertainty in being able to defend their rights and the lengthy proceedings, especially when the case ends up in the European Court of Human Rights. The lawyer emphasizes that people often do not even know that their rights are being violated, and even if they do, they defer the matter until later.

«« *Last year, a woman provided her personal data to a charitable foundation. Then they call me from the Center for Territorial Services for single people and say that they have an old lady who is summoned to court as a defendant in a civil case to recover a debt of \$23,000. That is, the personal data that people give to some charitable foundations to receive humanitarian aid becomes a reason for fraudulent actions. So, this old lady now has to appear in court and prove that she did not take \$23,000 from anyone. Anyway, this lady is a loner, but now she needs help. She is not eligible for secondary legal aid because her pension exceeds the income level for such aid. These cases are not rare because we live in a time when fraud is rampant,* one lawyer explained his organization's need for resources to provide secondary legal aid.

A lawyer from another NGO also discussed the problems with the inability to provide secondary legal aid. According to him, it is often not enough to provide consultations and explanations on legal issues. To get a service or claim a payment, you have to go to court. Not everyone is ready to do so. Moreover, one needs resources to accompany a person in court, but NGOs lack such resources. According to the lawyer, there are a lot of such situations in the field of social services.

«« *I was in ... and ... the day before yesterday. These places are right on the banks of the Dnipro, and they are often shelled. There are no regular buses at all. So people cannot travel and they need 3,000 hryvnias to hire a car to go somewhere. A woman with disabilities contacted*

*me. She cannot apply for a pension because she cannot get there. She does not have the money. There are no social workers in this territory now. There are no specialists in military administrations to drive this person there and apply for a pension, said a lawyer.*

She believes that people in the de-occupied territories require offsite consultations with field lawyers. The activist speaks about lots of lawyers working in big cities, but people, especially people with disabilities, cannot reach them. The public activist encourages legal aid providers to focus on working directly with people in de-occupied and remote settlements. She believes that legal aid can only be provided by visiting people.

◀◀ *I can tell you as a lawyer. For some reason, we are always late. Our state is always 2-3 steps behind. It is good when volunteers can be there to support. But this won't be the case with the legal system. Volunteers won't be there to support. We are expecting a lot of people who will get some kind of mental disorder because of the war. They will have questions about guardianship and legal capacity. There will be a lot of questions. It is crucial to create conditions now so that there is no need to turn to human rights activists, says a female respondent about the state's readiness to work with military and civilians with mental disorders.*

Another activist talks about several problems with the provision of legal aid in residential care homes. There is no way to ensure access to legal aid without changing the entire system of providing services to people living in such institutions. For example, if the heads of residential care homes have not changed for years, the staff has not changed, all inspections are known in advance, and the heads of residential facilities are often the guardians of people, then arranging legal advice in such circumstances will not have any effect: "We came and gave advice. Just spent three hours and left. But the people stayed..." the activist adds. As a positive side (if it can be called positive), the woman notes that there are young boys and girls in the residential care homes who understand what human rights are and, provided they are safe, could speak out about violations of their rights. The public activist believes that many volunteers and philanthropists are now visiting such facilities and she thinks that these people can be a kind of bridge between people in the facilities and society.

Another participant believes that easy-to-read materials could improve the situation with access to legal information. The human rights activist clarifies that these should be legal professionals who are familiar with the terminology and have undergone basic training in plain language and easy-to-read format, and they should be aware of the standards for presenting information in plain language. Alternatively, she believes that this should be done in close cooperation between a lawyer and a specialist in presenting information in an easy-to-understand format.

## MATTERS ADDRESSED BY GIRLS AND WOMEN WITH DISABILITIES, STARTING FROM FEBRUARY 24, 2022

### PRIMARY AID

The interviewed lawyers agree that the most difficult period was from February to July 2022. The majority of appeals during this period concerned evacuation, IDP status, social assistance and humanitarian aid, finding housing, disability recertification, traveling abroad, issuing bank cards, and remitting pensions for those people who received them through the post office in the occupied territories. Subsequently, almost all of these issues remained relevant, but they were supplemented by appeals for various services in the territorial communities to which people had moved.

«*I believe that a person displaced to another place of residence becomes more vulnerable, including psychologically. There is a certain level of mistrust in state official institutions. People often approach us even before they go to the Social Security Administration or the Pension Fund. If you recall, there were just crazy queues. Probably, for the first six months, people were queuing for a week, and so they had to make sure that they had all the necessary documents before applying. By the way, it took us much time to train people to use online services. However, if we look back, signing up with Diia caused a big public uproar because these applications simply disappeared and people did not receive their social payments for some time. They then had to go back to social protection authorities, one lawyer, whose clients were mostly internally displaced persons, recalls the first months of her work.*

As for internally displaced persons, participants emphasize the lack of state support programs. For example, people were settled in residential care homes due to lack of housing. After a year and a half, there is still no way for people to resume independent living because there is no affordable housing for them. The situation with shelters is similar. People with disabilities live there, but there is no accessibility, and there are no signs of change. People with disabilities turn to human rights activists with these issues, but legal aid alone cannot solve these problems.

«*A resolution was passed by the Cabinet of Ministers of Ukraine concerning social payments. When people got the information that social payments would be suspended, they just freaked out calling us. They didn't know who would be ineligible, what would be suspended..., one lawyer shares his experience.*

Other human rights activists have faced similar situations. For example, the media reported on amendments to the Law of Ukraine "On Mobilization". Immediately, people approached us with inquiries about who could be mobilized, under what conditions, etc. People lack clear information, and most

importantly, plain language, about changes in legislation. Another lawyer mentioned the frequent changes in the resolution concerning social payments to IDPs. She said that even the social protection authorities often did not know how to deal with cases of people with disabilities. For example, an automatic payment to an IDP was reduced from three to two thousand hryvnias per month because of the expiration of the disability status during martial law.

« *I remember they canceled the MSEC certificate for crossing the border, as there was no photo on it. To cross the border, you could only use an ID card. And if a person checked the procedure one day, and the changes came into force the next, he or she would not be allowed to travel abroad with the MSEC certificate, one lawyer recalls frequent changes to the Rules for Crossing the Border.*

The issue of crossing the border by people with disabilities and their male family members remained relevant throughout the research period. Over the past year and a half, the Rules for Crossing the Border have been amended several times. Therefore, as already mentioned, when the media reports on such amendments, the phones of human rights activists are ringing off the hook.

The issue of confirming or prolonging disability under martial law is also among the most frequently asked questions. Changes in the legislation were intended to facilitate the procedures, but the rules are not clearly defined. A lawyer from one of the organizations talks about a certain number of appeals from people with disabilities who, for whatever reason, could not personally appear at the MSEC meeting. According to him, the law stipulates the possibility of passing the commission in absentia, but the grounds are not clearly defined. People, especially those abroad, have repeatedly appealed against refusals to undergo the MSEC in absentia.

Recently, the number of appeals for rehabilitation and treatment of civilians and military personnel who have been injured and ill due to the war has increased.

Another problem is inaccurate or even incomplete information about the opportunities to receive services. People watch high-level officials on TV talking about drastic changes in the social services system. In practice, lawyers face difficulties. One lawyer says:

« *Reimbursement for professional care services was once highly promoted by our government. They said that it would greatly improve the quality of social services because they would be provided according to state standards. Those providing these services would be properly rewarded. Unfortunately, there are problems with implementation. They either do not want to conduct training or they say they don't have the software. They do everything they can to avoid implementing this. So, people have to apply to court and defend their rights.*

A suggestion was made that one of the reasons for mass appeals to human rights activists is the lack of information about their rights and opportunities. For example, one of the human rights activists says that family doctors do not inform their patients about the possibility of receiving free medicines. Thus, people with disabilities seek help in purchasing medicines, and he or she explains to them how to obtain medicines for free. This problem is not exclusive to the period of martial law, but given the significant number of displaced people, they depend on such explanations to get assistance.

We cannot ignore the appeals reported by the interviewed lawyers, which evoke mixed emotions. For example, relatives of people with disabilities submit appeals regarding deprivation of legal capacity and placement in institutional care facilities. One lawyer says that she has a request from a woman concerning changes in the legislation on lifetime guardianship over people who lack legal capacity:

« *It is clear that she, as a guardian, promotes the interests of guardians. I am not sure that we will support her as an organization. In this case, we stand with people who lack legal capacity. They should have the opportunity to restore it.*

## SECONDARY AID

As mentioned above, many people with disabilities seek secondary aid, as it is often within the competence of the court to resolve their issues. But on the other hand, secondary aid implies the involvement of highly qualified specialists, whose services are expensive. Not all NGOs find the resources to provide secondary legal aid. One of the interviewed lawyers, based on his experience of working with civilian victims of war, believes that Ukraine is expecting a large number of court cases related to the confirmation of the status of a person with a disability as a result of war. He speaks about the imperfection of the legislation, the difficulties in collecting documents about the injury, as well as confirming treatment abroad, the inability to receive payments, etc. According to the lawyer, there are many contradictions in the legislation that even stump experts. Therefore, he thinks that people will be trying to prove the correlation between disability and injury in court, and the court proceedings will require secondary legal aid.

« *In our organization, secondary legal aid comprises, for example, drafting applications, and filing lawsuits, but not representing a person in court. That is, we do not represent a person in court. We can draft a statement of claim, give it to a person, and tell him or her how to send it, but we don't provide further support. The organization's own policy states that it is better to provide 1,000 consultations than to handle two cases in court, one of the interviewed lawyers describes these types of secondary legal aid.*

« We provide secondary aid in case of human rights violations. But it can consist of both drafting procedural instruments and representing our clients in international institutions. We have limited resources. We run 21 reception offices, but in fact we have 25 lawyers. Of these, about 7 can draft an application to an international court. That is, if they can do it within a 12-hour working day, we take the case. It is important that our lawyers have the appropriate specialization. We have no experts in commercial law or intellectual property law. We actually have a partner organization to which we can refer. Protection against discrimination is something we can take on. This is our specialization. On the other hand, our lawyers can decide how we can help. We draft paperwork for the court, and if a person can handle everything alone, we don't provide support. We don't even consider it secondary legal aid, one of the interviewed lawyers explains the principles of providing secondary legal aid.

Another lawyer says that typically if a person has the status of an internally displaced person or a war victim, they will receive secondary legal aid. “The policy of the NGO is such that legal aid is rarely denied,” the human rights activist said. “Our organization has certain specifics. It was founded by IDPs. When we started working in 2015... we had to gain respect and trust from people. Therefore, we did not refuse to help anyone.” Another lawyer provides secondary legal aid limited to drafting claims: “Our coordinator is currently serving in the Armed Forces of Ukraine. He was a defense attorney. I am just a lawyer, so I cannot provide legal support personally, but I can help with drafting simple statements of claim. For example, in cases of divorce, marriage, alimony, appealing against the refusal of the Pension Fund.”

## SUCCESS STORIES

The surveyed lawyers found it difficult to pick out those stories in which they managed to protect the rights of a girl or a woman with disabilities over the past year and a half. However, all of the stories of legal aid provided by the survey participants, some of which are described above, can already be considered success stories. Dealing with such a difficult environment, especially knowing that the war has also affected the families of legal aid providers, is extremely important for legal aid recipients. Moreover, everyone is looking for additional solutions to make legal aid accessible to girls and women with disabilities.

There have been many cases of resumption of payments during this period. If you look at it from the outside, it may seem that these cases are hardly success stories. The lawyers interviewed disprove this. When a person has lost everything (housing, property, or family) and has to start a new life in a new place, the resumption of pensions or social payments becomes extremely important for such people.

A lawyer working in the de-occupied territories shares such a story:

« I had a case in ... when I was approached by two women. One of them had a disability. In May 2022, they became eligible for an old-age pension. But they stayed in the occupied territory. They could not apply for a pension either physically or online. If you apply within three months, the pension is accrued from the date of retirement age. If you apply later, the pension is accrued from the date of application. ... was de-occupied on September 4, and people were allowed to leave on September 15. So these women went to ... . They applied for a pension. And they were entitled to this pension from approximately September 19, because they missed the three-month period. These women appealed to me saying that it was not their fault that they missed the deadline. I suggested they apply to the Pension Fund and, if they were denied, prove in court that the deadline was missed due to circumstances beyond their control. And we wrote a letter. As soon as we wrote the letter, our lawmakers adopted the changes, and people were allowed to receive a pension if they were from the occupied territory. But here's the rub: if a person doesn't apply to the Pension Fund for a re-calculation, their pension won't be recalculated. A woman from ... addressed me with the same issue. She was not paid for 7 months. We also wrote to the Pension Fund to recalculate her pension. And when she called me, she said: "You know, we have a lot of such people now. I told everyone to write letters, and they are writing now. They told us that next month we would receive an additional payment. With this money, we will be able to repair our homes." Many of them have no windows, no doors, and many of them need little money for reconstruction, so they will be able to use their pensions to rebuild.

Another human rights activist also shared her success stories. These stories happened outside of martial law, and their subjects are men, but such stories should be made as public as possible.

« The more the inmates of residential care homes know their rights, the easier it will be for them to file a lawsuit to restore their legal capacity. In practice, it is possible. In 2017, we managed to rescue two boys from the most terrible residential facilities. They had four courts each. It lasted quite a long time. They experienced emotional and psychological violence from the management of the residential care home. Currently, one boy, supported by his friends, has bought a house in the Chernihiv region. He lives there alone and even has a job. Another guy lives in Western Ukraine. He is studying and developing. As a rule, the more they know and the more they are told about their rights, so much the better. Having these boys' experiences shared in public is important because then more girls and boys will be able to decide to leave the residential care homes, the civil activist said.

## THE IMPACT OF THE ACCESSIBILITY OF LEGAL AID ON THE WILLINGNESS TO DEFEND ONE'S RIGHTS

Both human rights organizations and the representative of the legal clinic acknowledge the impact of obstacles on the willingness and/or ability to assert one's human rights. The interviewees identified disability-related barriers and challenges to accessing legal aid that are not directly related to health impairments, but have the same impact.

Having access to both legal aid and information on how to obtain such aid has become a prerequisite for women and girls with disabilities to protect their rights.

« *A lot of people do not seek legal aid because they do not know about such opportunities. If a person is confident that he or she will be heard and can be given all the necessary information about receiving professional legal aid, it will increase their determination, says one of the lawyers.*

The physical inaccessibility of free legal aid centers mentioned by the interviewees may also prevent women and girls with disabilities from seeking legal aid.

Proper communication and professional competencies would also be important. Representatives of human rights organizations emphasize the importance of proper communication between professionals providing legal aid to people with disabilities. According to several lawyers, people with disabilities highly require legal support in court, which, unfortunately, is not enough.

The way people with disabilities perceive human rights organizations also plays a significant role. Will they be able to help? In fact, this echoes aspects of information and communication, but there is another element: will the aid be really professional and will the person avoid losses from applying? Another component is whether legal aid is free of charge. "When I say to a person "Let's try," he or she immediately hesitates. I say that it's free, and then the person agrees," says one of the lawyers.

The fact that the process of defending one's rights in court can take too long is often a reason for refusing to apply to court. One of the lawyers emphasizes the need to keep convincing people to proceed with the case.

« *There is no doubt that women and girls with intellectual disabilities in detention facilities must be provided with access to legal aid," says one of the interviewees. However, she knows that even if you ask for such aid, you will not always be able to get it: "Quite often, people from neuropsychiatric residential facilities or psychiatric hospitals who can ask for legal aid are simply not believed. Unfortunately, it's a vicious circle. We all must learn to believe and understand each other.*

## IN LIEU OF CONCLUSIONS

The interviewed non-governmental legal aid providers did not cease their activities during martial law. Despite the difficult situation, they keep providing legal aid, including to girls and women with disabilities. It is very difficult to assess the actual number of primary legal aid recipients among women with disabilities. The reason for this is that primary legal aid usually does not require any documents confirming their status.

Inaccessibility, which is most acute during the war, becomes an additional barrier to receiving legal aid. However, the lawyers interviewed in such cases are looking for a way out by investing their own time and resources. Many of them have knowledge and experience in providing services to people with physical disabilities, but their competence in providing services to people with visual and hearing impairments is much less, so they often have to rely on their own intuition or seek advice from specialized organizations. Human rights activists also share some experience in providing legal aid to people with mental disorders. This experience requires generalization, and lawyers need additional training, as they have repeatedly stated. Services for people with intellectual disabilities are not yet available.

The accessibility of services has been significantly affected by the war: destruction of available premises, lack of public transportation, shortage of social professionals, inability to engage a sign language interpreter or translator due to lack of electricity or communication, etc.

Girls and women with disabilities remain dependent on legal aid for a variety of issues. Traditional issues related to social payments, allowances, social services, family law, and inheritance cases have been supplemented by war-related issues: registration of IDP status, crossing the border, disability confirmation during martial law, mobilization of relatives of persons with disabilities, confirmation of injury-related disabilities, rehabilitation and treatment for military and civilians, etc.

The needs of legal aid providers to make their legal aid more accessible can be divided into several blocks. First, it is difficult to work under flawed legislation and incompetent work of government and local authorities. These conditions make it almost impossible to provide primary aid that would really help a person solve his or her problem. Second, there is a lack of resources to ensure accessibility. More so, we are talking about resources to make services more accessible on the part of service providers. While it is almost impossible to improve the accessibility of the environment and the availability of support services.

These demands have been augmented by the realities of martial law: the need for security (both for clients and providers); working in conditions of no communication or electricity; the need to travel to clients because they cannot do so on their own; the constant need for training on new issues, including damaged property; the need for social guarantees for veterans; disability as a result of the war, etc.

The interviewed lawyers avoided speaking about it directly, but another need emerged from these discussions. It is the support of legal aid providers themselves. The conditions in which they often work and the stories they hear from people about evacuation, captivity, or torture are unlikely to escape them.

People with disabilities need secondary legal aid. However, few NGOs can offer such aid.

## **GUIDELINES FOR STATE AND PUBLIC LEGAL AID PROVIDERS – PART ONE**

- Statistics should separately display data on the different types of disabilities that FLA clients suffer from. This will allow us to see whether all groups of girls and women with disabilities are properly protected by legal aid. It is important to identify and analyze the barriers faced by girls and women with disabilities: physical inaccessibility of premises, lack of information in various accessible formats, failure to provide sign language interpretation, lack of communication skills with people with intellectual and mental disabilities, etc.
- Accessibility of legal aid for girls and women with various forms of disability can be assessed through regular surveys of female clients.
- Both client surveys and assessments in cooperation with NGOs of people with disabilities can provide you with an estimate of the actual accessibility of legal aid, including physical accessibility of premises, presentation of information in accessible formats, communication skills with people with disabilities, etc.
- Inclusive legal aid policies should be developed and approved together with activists from people with disabilities and civil society organizations working in the field of disability rights. Such policies should include a prohibition on renting inaccessible premises, criteria for different formats of accessible information, a code of ethics and rules of communication, etc.
- It's time to start a systematic process of informing people with disabilities about the accessibility conditions that NGOs can currently provide. For example, it should be written that the organization is located in an accessible building, or that sign language interpretation is guaranteed once a week on a certain day, or if there is no accessible building, an option to meet in a place convenient for a person with disabilities is provided. This should become part of the “default” work.
- It is necessary to assess the accessibility of electronic resources for compliance with Web Content Accessibility Guidelines (WCAG) 2.1 to

make definitive changes and be able to state that the electronic resource is accessible without hesitation.

- Training for lawyers on the specifics of communicating with people with various forms of disability should be conducted regularly. Both NGOs and many open online learning resources can be partners in this regard.
- It is also worth developing cooperation with NGOs that protect the rights of people with mental and intellectual disabilities to gain experience in providing legal aid directly to such people, as well as to produce explanations of legal issues in an easy-to-read format.
- NGOs find it difficult to provide inclusive conditions for all categories of girls and women with disabilities at once, but it is important to ask legal aid recipients about the most accessible way of receiving legal aid and try to ensure that they get it.

Section

4.

## Legal Aid – The Experience of Girls and Women with Disabilities

## WHAT DO RESPONDENTS KNOW ABOUT LEGAL AID?

The majority of the interviewed girls and women with disabilities defined what legal aid was, but several women with hearing impairments had a narrow understanding of legal aid, just as representation in court. One participant with a visual impairment pointed out the difficulties in obtaining it:

« Unfortunately, based on what I have seen here as an IDP, no organization, at least in my experience, provides legal aid services. Everyone provides consultations, but Google also provides consultations. Everyone can tell you about the article of the law. Whether my rights are violated or not. But how exactly can I protect myself? Nobody tells me, and even more so, nobody provides support services to protect my interests as a person under stress, as a misguided person, and so forth. This feels like a big problem to me, that recipients and providers understand needs differently.

Girls and women with physical disabilities failed to answer the question about the list of legal services that can be obtained for free and struggled to identify the categories of people entitled to free legal aid. They assumed that some categories of people, such as people with disabilities, low-income people, IDPs, and veterans, might be entitled to receive some services free of charge, but this was more of a question than an answer.

« I suppose in some cases the state can provide some sort of assistance free of charge, but I haven't had that experience. I think you must trust the person who is helping you to get qualified aid. You must be sure of this person. That's why it may not be free. But I think that we, as IDPs with disabilities, can look for free help, said a woman with physical disabilities.

The respondents with visual impairments are better informed about the possibilities of receiving legal aid but are confused about the differences between primary and secondary aid. For example, one participant believed that primary legal aid is provided free of charge to vulnerable groups only.

The answers of girls and women with hearing impairments were different. They mentioned various categories of people who are entitled to free legal aid.

« You can ask a question in social protection authorities or hospitals for free, but often the employees do not respond. They may insult you or shout at you, said one of the survey participants.

## WAYS TO RECEIVE LEGAL AID DURING MARTIAL LAW

« Let me share my experience. If we need any help, we always check the Internet. We look at where we can go. How much it will cost. Or it may be free. And then be as it may, said a participant with physical disabilities. Over the past year and a half, girls and women from this FGD have mostly received information via the Internet through online search engines and social networks. Facebook, Telegram, and TikTok were mentioned. Women and girls followed other people with disabilities and sought useful advice from the personal experiences of other people with disabilities.

One of the respondents with physical disabilities seeks electronic services as much as possible and at the same time relies on online explanations.

« As for me, I prefer applying online. I guess, when searching for information, I came across the websites of state organizations, but I don't remember it now. All the information seemed to be more or less complete, so there were no problems with the documents. And I think this is the result of the fact that the information is complete, the woman adds.

Since all participants of this FGD with physical disabilities are active users of the World Wide Web, they were additionally asked about the websites they use. "Well, I usually type my question into a search engine. It definitely gives me more than one website. It can't be just a state website. It can't be the website of some kind of anonym. I check on different websites anyway, and if the information matches, it's already a certain level of trust. If the information doesn't match, I keep searching," one of the respondents shared her approach to finding information. Other participants referred to visiting the websites of major media sources, and one of them mentioned some cases of using the website of the Verkhovna Rada of Ukraine.

A woman with physical disabilities from Kherson, who now lives in Zaporizhzhia, shared an interesting experience of receiving aid. According to her, it is difficult to isolate the experience of receiving legal aid from other types of assistance. She gratefully tells us that when she arrived in Zaporizhzhia, she received aid almost everywhere she went: "Volunteers approached me and asked what kind of aid I needed, they handed out newspapers and leaflets with information on where to go and what issue to address, and various announcements were posted around the city about the addresses of centers that could provide aid." The woman is unsure which of the above is done by volunteers and which by the local authorities, but she assures us that she has not been denied. She also recalls receiving a piece of paper with the addresses and phone numbers of various aid centers in the district where she was going to live. The participant emphasized the importance of such aid, as she did not have to travel all over the city to get support.

Two respondents with visual impairments shared extremely unpleasant memories of not being able to get qualified legal aid in the first weeks of the full-scale invasion. In both situations, it was about crossing the border together with their husbands. By the way, a man with the first group of visual impairment since childhood, who lacked a “white card”, had problems crossing the border in the first case. His wife says that they could not get qualified explanations anywhere about obtaining a certificate of exemption from military service, so they searched for information on their own and engaged their lawyer friends.

« *In fact, he can cross the border without a white card, but unfortunately, in the Zakarpattia region, it seems that there are separate statutory instruments in force. Anyway, I can say that if it were not for my friends and acquaintances who are lawyers, we would not have gotten this issue off the ground at all, the woman with visual impairments concludes her story.*

« *My husband and I also crossed the border through Zakarpattia region. We traveled through 7 checkpoints to go abroad. Even though I am a person with a group 1 disability and I was leaving after an organ transplant (I just had an unsewn hole in my stomach), they wouldn't let us out, and they pointed guns at him at the checkpoints. Another border guard stopped us at one of the borders and told us to go to the nearest military enlistment office and get a military ID. We went to Uzhhorod to the military enlistment office. There we took this white card. It was valid only until May 20. I also wrote appeals about all these situations, that we were not allowed to go, even though we had the legal right, but no response, says another participant about her attempts to travel abroad.*

She claims that the difficulty stems from the fact that in the early days, no one at the checkpoints understood what documents an accompanying person with a disability should provide. She remains confused as to how her husband can return to Ukraine and extend the period of exemption from military service in his military ID.

Another woman with a disability and IDP status also expresses a negative opinion about the work of the authorities and local government:

« *My personal experience proves what I've heard from others I know. Basically, it is the state authorities that never explain anything. They do not tell us about the procedure that should be followed, nor about our rights. They only tell us about our responsibilities, as a fait accompli, i.e., in retrospect: “Well, you're overdue. Didn't you know? It's your responsibility to take care of it.” No one says that a service is provided for such a period, whether it is established or not, what sanctions will be imposed, etc. That is, social protection authorities and other departments do not provide comprehensive information. Unfortunately, this is my experience.*

Girls and women with hearing impairments have different experiences of receiving support during martial law. Several participants emphasized the need to ask their friends for help as an indicator of distrust in the work of state authorities. “If I need something, I first ask my friends, Google, and if it doesn’t work out, I ask my lawyer. She is my friend,” a participant with hearing impairments shares her experience.

Other respondents with hearing impairments tend to solve their issues through modern technologies. “If I need some information, I usually check in different communities or just google it. If I can find some help online or get something done online, I try to do it because it’s convenient. You don’t have to talk to someone to get aid. You can just write in a messenger,” the woman says. I was searching for information through social media communities, Google, and the Border Guard Service’s website. It concerned the border crossing by my husband and my parents. My husband also has a disability, and we were worried whether he would be allowed to cross the border, says another survey participant with a hearing impairment.

## THE STATE FLA SYSTEM AND THE EXPERIENCE OF APPLYING TO IT

Only one FGD participant among girls and women with physical disabilities had never heard of the state FLA system. Other participants from the same group recalled the possibility of applying to the state FLA system through the telephone, social networks, and FLA centers. None of the participants in this group had any experience applying to the state FLA system. In fact, the absence of appeals is surprising because all girls and women in this group are internally displaced persons, so they should have had to apply to state authorities on various issues over the past year and a half.

A participant with visual impairments has not applied to the state FLA system, but she talked about the experience of her friends: “Often the issue hinges on the income level. My friends had situations when their family income exceeded the threshold by two hryvnias or one and a half hryvnias. So, they were denied secondary aid. My acquaintances say that the free legal aid that is provided is not worth a dump. They give superficial information. When it comes to court, for example, it turns out that not all the rules have even been explained, and, unfortunately, the person ends up losing.”

Girls and women with visual impairments also lack experience receiving legal aid from the state FLA system. One participant says that information on websites is largely inaccessible: “Therefore, you can only get such information through word of mouth from your friends, acquaintances who already know about this system, or who have faced certain issues.”

Respondents with hearing impairments have repeatedly seen announcements on social media and city streets (one woman mentioned seeing an announcement at a train station) about free legal aid; another woman re-

called an invitation to a training session with a non-governmental organization. The women reported no experience in applying for legal aid. One participant relies more on her friends: “I heard about a specialized website with legal advice from these legal centers. When I had to apply for IRP, I read the information there, but then I asked my friend (who works as a lawyer in a non-governmental organization). She gave me full information on where to go and what documents to bring to get an up-to-date IRP.” This may confirm the unclear nature of the existing explanations and the need to make information more accessible, maybe as step-by-step algorithms.

## APPLYING TO THE AUTHORITIES AND LOCAL GOVERNMENTS

Girls and women with physical disabilities shared several opinions about their experience of searching for information on the issue they plan to address to the authorities or local government on their own, including through the Internet. “Let me describe my experience. First, we found all the information on the Internet about how to apply for IDP status. Only then we went to the Administrative Service Center,” says one of the participants of this group about the process of obtaining IDP status. When asked to clarify, the woman said that she had received the necessary consultations on matters of doubt: “They answered us cordially. It seems to me that nowadays people realize that everyone is facing difficulties, so they try to help each other. Well, not everyone, of course, but as for the Administrative Service Center, everything was fine,” the woman added. “To save time, I still try to find all the information on the Internet first. But when something is unclear, then I go there and ask what I’m interested in. But most of the information, well, I’ll speak up for our family, we try to find on the Internet ourselves,” another woman from this group explains her position.

Speaking about communication with the state, respondents with hearing impairments mostly talked about their specific experiences with obtaining IDP status. One participant had her children apply for IDP status through Diia, and she is glad to have a “modern phone” with a variety of useful applications to install. “I got the IDP certificate in Diia without in-person attendance. It’s more convenient. If I apply in person, I think I can just tell people that I can’t hear and write a text or ask for an interpreter. But now almost everyone has a phone, and I think it’s okay to write,” said the participant. Another respondent visited social protection authorities with her children to apply for IDP payments. She added that the workers were sympathetic to the fact that she had to write a list of documents on a piece of paper: “Everything was clear. They answered my questions. They didn’t get angry, didn’t brush me off because I was deaf.”



*I found it complicated to register for IDP status at the Administrative Service Center because there was no sign language interpretation, another deaf respondent described her experience last year.*

Another participant with a hearing impairment was unable to contact local authorities for assistance when she needed it:

«*We applied for evacuation not to the city, because there were telephones only, and I could not speak. I could only write. That's why other people who wrote to me helped us.*

A woman with visual impairments reported her negative experience of communication with the local government. It was about changes in legislation that were not announced in time. Even if you apply personally (in the situation described, it was an appeal to the local social protection authorities), it is impossible to get any clear explanations:

«*I have an urgent matter. My husband is my caregiver. He has had official status since 2019. He went abroad with me under this status. In 2023, he stopped receiving those 200 or 300 hryvnias and that's how we knew something was wrong. So, when I was in Ukraine, I went to social protection authorities. I discovered that his status had been revoked. That's what I was told. I don't have any documents. It's just what I was told. As if everyone who left Ukraine was deprived of their caregiver status. Thus, my husband seems to have crossed the border legally, but it is a big question to re-enter Ukraine and then leave. So, I wrote to social protection authorities. I got a simple answer with a reference to the law, which says that people who stay abroad for a certain number of days are automatically deprived of their caregiver status. I recalled that this was not the first time when they just gave me a quote from the law. How can the issue be resolved? I don't know.*

## LEGAL AID FROM NGOS

Girls and women with disabilities face several reasons for seeking legal aid from NGOs.

- **First**, one of the participants with physical disabilities mentioned her previous negative experience of applying to the state. She refused to elaborate on her experience, but her distrust of state organizations and institutions influenced her choice to find alternative legal aid providers.
- **Second**, the participants emphasized how NGOs publish explanations. Another woman with physical disabilities noted: "I am the kind of person who would rather see with my own eyes. A phone consultation is fine, but then, over time, I forget everything. When everything is on the website, when you realize that you might forget something or need to clarify something, I can use it at any time."
- **Third**, people are impressed by the NGOs' openness to communication, which was supported by several participants. Moreover, when it

comes to an NGO that works in a certain area, such an organization is considered more professional than government agencies. “They can answer any question. That is, they live and breathe this every day. They see such cases much more than people who work in government institutions, where the percentage of such people is slightly lower. And such organizations are focused purely on people who need this aid,” a woman with physical disabilities said about her experience of receiving legal aid from NGOs.

«*When the war began, I decided to apply for a disability. I called the hotline of a non-governmental organization. A friend who had evacuated with a deaf driver and children told me about it. A lawyer advised me in writing on Viber and warned me: “It may take a long time”. But I was all set for it. They also explained all the benefits granted with the disability certificate. Everything is in writing, a woman with hearing impairments commented on her positive experience of contacting the NGO. Another participant with a hearing impairment seeks help from NGOs because she can get quality advice by applying online, which is much more convenient.*

## BARRIERS TO OBTAINING FREE LEGAL AID

We should start talking about barriers with a story shared by a woman with hearing impairments, as such situations force her to refuse certain services to avoid humiliation:

«*I didn’t apply. I don’t trust those people at the MSEC and the Pension Fund. I even take out my hearing aids deliberately when I go there. If they shout, I don’t hear them. I asked them for written communication, but they yelled at me that it was my fault and I had to come with someone, with my parents. That they don’t owe me anything.*

The first barrier mentioned by girls and women with physical disabilities was physical inaccessibility. “That’s why I prefer online services. I have a problem with my mobility. It is very difficult for me when there are some barriers. I need help. It is great that services can be applied for online, but I would like everything to be accessible. There are millions of steps in the Administrative Service Center in Kropyvnytskyi, which is definitely a problem,” said another respondent. The other woman talks about different situations in her life when issues of inaccessibility become the burden of her family members:

«*Sometimes there is some kind of urgent situation. And there is no way to do it online. I can’t wait. Then I bring my husband or someone else with me and head out to solve my problems.*

The second barrier mentioned by girls and women with visual impairments is the inaccessibility of information. “Well, this is what hurts the most. I

don't know how many years I have been living in that context: "Look, there is a sample application hanging up there." Does it matter that it hangs at a distance of two meters, and I can read it only at a distance of fifty centimeters?" the participant says about the barriers to receiving various types of services.

The third barrier is a lack of willingness to change the way they communicate. Difficulties with communication are the main barrier for girls and women with hearing impairments. One participant says that there are problems with officials at different levels being reluctant to provide advice in writing, and there is no translation. Another woman speaks about the problem when she can only contact by phone, which is unrealistic for a deaf person to do alone. Yet another woman with hearing impairments is convinced that it is difficult for people, regardless of their disability, to distinguish between true and false information, but for a person with hearing impairments, it is even more difficult to verify any data.

For instance, respondents with hearing impairments say that there are many informative videos available now, but they are also inaccessible to them due to the missing subtitles. Therefore, it is worth reminding them of the need to add subtitles to all kinds of videos.

## PREFERRED ACCESSIBLE WAYS OF RECEIVING LEGAL AID

Girls and women with physical disabilities favor having ready-made explanations on the Internet. "In most cases, when a new decree or law is passed, it is not entirely clear to most people. Therefore, online explanations would be a perfect solution," one of the women shared her expectations. She says that video is the most convenient format for her. She can accept other formats, but the main thing is that this explanation should always be available.

Feedback is what another respondent with physical disabilities expects. She cares that the E-mail addresses and social media pages offered for sending appeals are active. She emphasizes that she would like answers to be provided promptly and in text format:

« *I would love to get a personalized approach based on my situation. I need it to be written in plain text without milk and water, with all the documents and steps I need to take. That's why I stand for the text version.*

A similar opinion was expressed by one of the women with hearing impairments:

« *Online applications, messengers. A way to clarify the text message: "Repeat it to me, explain it, because I don't understand.*

A woman with visual impairments stresses that all people are different, and depending on the type of disability, they may have different priorities in receiving information. Some better perceive information by hearing, some better read text, while others prefer infographics. Additionally, people in Ukraine may face different circumstances in which they access information. For example, if the Internet connection is poor, it will be impossible to watch a video guide. So, she believes it is necessary to disseminate information in various formats, which will allow explanations to be conveyed to people with different disabilities. This means that any person will be able to choose a format that is convenient for him or her, depending on preferences or life situation.

Girls and women with visual impairments also talk about providing explanations in plain language. “There should be some clear and concise manual: where to go, whom to contact, what is the procedure from A to Z, what path I have to go through to get a particular service or restore my rights,” adds one of the participants.

Girls and women with hearing impairments find it essential to have sign language interpretation or the ability to communicate in writing. One woman emphasizes that institutions should have specialists who use sign language.

## **MATTERS WHERE GIRLS AND WOMEN NEED LEGAL AID**

The issues of social payments, pensions, medical services, humanitarian aid, inheritance, and family law remain relevant. These issues can arise at different stages of life, but part of them emerged during martial law with its realities dictating new needs.

One participant is currently looking for information about prosthetics for civilians. She knows that there are various programs for the military, but she is unaware of any rights a civilian has regarding prosthetics. By the way, this woman is going to seek advice on prosthetics from NGOs.

The majority of girls and women with hearing impairments spoke about problems with acquiring hearing aids, in particular, some of them received low-quality devices they just threw away. Other participants said they were tired of waiting for these devices, so they bought them on their own or asked for help from public and charitable organizations. Issues related to obtaining or prolonging a disability during the war, applying for an individual rehabilitation program, and receiving rehabilitation devices are relevant for female respondents with hearing impairments. “I had been to the sanatorium twice before the war, but not during the war. I don’t know how to sign up here and whether I’m eligible to go. At home, I just knew a woman from social protection authorities, and she would write to me if I needed anything,” a respondent with hearing impairments describes her needs.

Thus, additional explanations are required as to which medical and social services are currently available and which are suspended due to martial law.

Unfortunately, there are several opinions that girls and women with disabilities are now uncomfortable and reluctant to seek any help, because, as they believe, there are many other people highly concerned about such support. However, one of the participants added that many people with disabilities lost their jobs because of the war, so it is now more difficult for them to pay for legal services that were previously covered by their families.

## DEFENDING ONE'S RIGHTS IN COURT

None of the participants among girls and women with physical and visual impairments had any experience of defending their rights in court. Girls and women with hearing impairments mentioned cases when they had participated in court hearings, but before the full-scale invasion. One participant is about to take part in a court hearing and is worried about it:

« My friend's husband died during the war, but they were not officially married. And there is no testament. Now, to get an apartment, she has to prove that they were a family. This can only be done in court. She asked me to speak in court and confirm that I knew them. But there hasn't been a court hearing yet. I don't know how it will be. Will I be able to speak with an interpreter, write... I'm worried, but I knew them both and I can say it somehow.

One cannot ignore the fact that the participants with hearing impairments who spoke about participating in court hearings mainly referred not to legal aid, but either to the engagement of an interpreter or to worries about whether they would be able to communicate in court.

« My friends have a colleague. When he applied to the military recruitment office, they wanted to take him to war, but he had a deaf wife. Together they turned to the court and explained that he could not serve because his wife had a disability. The military recruitment office explained that the woman had a father. But her father now lives in the occupied territories and cannot help her. They are still being tried in court, there is no decision, but a sign language interpreter helps at the hearing. A special interpreter who knows how to work in court, says one of the participants.

A respondent with physical disabilities reflects that if she were to apply to the court for protection, she would decide based on her psychological state. She is convinced that if a person has moral support, it will be much easier to defend one's rights. On the other hand, the woman realizes that if there is no other option, she will apply to the court, even if she is unable to afford it. "If you are in deep trouble and need to apply to the court, you don't care whether you can physically do it or not... You look for different ways to solve

the problem. When you have a problem, you will do everything to solve it,” the participant summarizes.

Several girls and women with hearing impairments make it clear that the ability to communicate freely will be crucial for them in deciding whether they will protect their rights. “My son tells me that a trial can take a long time, a year or five years, sometimes longer. That’s not something I’d want to do so many times. If they say something unpleasant, you can bear it. It is unpleasant when they tell you bad things or call you names, but I would be scared to go to court. Especially without an interpreter, someone who knows me and my situation and can explain everything correctly in court. It would be great if those who work in court knew sign language and could talk to me without an interpreter,” one of the respondents shares her thoughts on protecting her rights.

Respondents with hearing impairments lack information about their rights in court, which raises certain concerns:

« *I love legal movies and it would be interesting to attend a court hearing, but all my favorite movies about courts are set outside of Ukraine. I’m a little scared to appear before a Ukrainian court. I think many women are also afraid to do so. You don’t know what questions will be asked, what answers are correct, whether you can use the phone (to write), whether there will be interpretation... If the courts published this information somewhere, people would be less afraid and attend court. But it’s still an unpleasant procedure, and you can’t do much without a lawyer.*

## RECOMMENDATIONS FOR FLA PROVIDERS FROM FGD PARTICIPANTS

Girls and women with physical disabilities refuse to speak much about barriers to legal aid, but they provide a lot of recommendations. Apparently, they have had experiences they don’t want to repeat. For example, they emphasize the need to communicate directly with a person with a disability, not with their accompanying person. The legal aid provider should be humane, professional, and not offensive to the legal aid recipient. It is imperative to involve people with disabilities in consulting at the stage of designing new services or assessing barriers to make services truly accessible.

The respondents with hearing impairments also mention the basic principles of communication with clients:

- Ask the person what type of communication is most convenient for him or her;
- Provide legal information in a plain language;

- Explain details without yelling at the person;
- Perceive deaf people as equals;
- Do not rush, give the person the opportunity to express his or her opinion or ask an additional question.

Girls and women recommend that legal aid providers, in addition to websites with available information, have mobile applications where they can address questions and receive answers quickly. They emphasize that it is not a question of being able to correspond with specialists 24/7, but they believe that there should be a clear understanding of when one can get an answer to his or her question.

Moreover, the respondents with hearing impairments often speak about the possibility of sending a request through social networks and mobile applications, but they raise the issue of older persons with disabilities who do not have smartphones and/or may not be able to use them. These people find it useful to have professionals who know sign language to communicate directly with people with hearing impairments. Additionally, the respondents stress the need to visit such people at home or in the hospital to help them file an application or appeal.

Another participant talks about the issue of trust in a sign language interpreter. People should have a choice because if they don't trust the interpreter, it is very difficult to get support. According to another woman, every institution should have at least one person who knows sign language and can advise people and help other employees communicate with a person with hearing impairments.

Girls and women with disabilities also express their wish to have one person (a lawyer) handling their case for the entire time needed to resolve the issue. "I really don't feel like explaining my problem to every person all the time. There should be one person in some kind of application with whom I keep in touch," a woman with physical disabilities explains. "I had this idea. There is a family doctor who takes care of the family and knows everything about diseases and problems. It would also be good if there were people who would become supervisors of certain people and help them," another participant adds.

The recommendations from girls and women with visual impairments resonated with the above recommendations identified in the desk study and expert interviews.

- First, the explanations must be clear: "It should be human-like communication. Not a quote, because I can read it myself. It should be explained in human language so that people can understand. I think everyone knows that legislative texts are extremely difficult to understand," the participant said.

- Second, it is not enough to simply provide an explanation on an issue. The same woman would like to be given the tools to appeal in case of refusal: “What can I do? I am not a lawyer. I don’t know how to write an appeal against them. I don’t know where, I don’t know to whom, I can’t physically write it. I understand that it’s a different kind of assistance. Yes, but at least minimal support would be wonderful.”

“We can’t know everything and keep track of all the changes,” said another woman with visual impairments. She recommends that legal aid providers do their best to inform people about changes in legislation and the possible impact of these changes on people. The woman recommends that the authorities and local governments should be sensitive to people who, for whatever reason, did something late, failed to submit something, or did something wrong. She emphasizes that this is often the case of lack of knowledge, rather than any other reason. She believes that in such situations, one should help the person to correct his or her mistake as soon as possible.

Girls and women with disabilities stress the importance of maintaining ethics in communication with people, including people with disabilities. One respondent has an invisible disability and often faces improper and humiliating communication: “I have dealt with such a situation in social protection authorities. If you say that you are a person with a disability, and you have a husband who provides care. Instead, they look at you and see that you’re feeling fine now, you’ve come all alone, you’re wearing makeup. And there is a kind of depreciation, saying, “How can you be a person with a disability?” This is just outrageous. The first group of disability is not assigned for nothing. You haven’t seen me when my heart went out there. I can suddenly fall into a coma at night. Now you see just a pretty picture. I believe that this is not OK. Especially in such bodies that deal with people with disabilities.”

Ethics in communication is something that also concerns one of the women with hearing impairments:

« Deaf people face barriers because they are not perceived as normal people, the same as hearing people. They don’t want to waste their time on us, and sometimes they assume we are insane, that’s why we can’t speak. It can be difficult to explain in a store, hospital, or cafe that you have a hearing problem. Although I can read lips well and write. Similarly, it is difficult to explain to people in some institutions that you need help, so please speak slowly, write on a piece of paper... People brush me off and ask me to bring someone with me. I’ve gotten used to this and tried to ask my family to accompany me. But they can’t always do so.

A participant with hearing disabilities suggests not being afraid of people with hearing impairments and keeping an open mind:

« Talk a lot about your services, promote yourself. Do not be afraid to take on deaf clients. If a lawyer knows 2-3 simple gestures, such as

*“hello” and “thank you,” and can say it to a deaf person, you will be immediately more trusted. You will be on a roll. So don’t be afraid to learn sign language and don’t be afraid to ask questions. Deaf people will tell you about themselves; about everything interesting and about their case.*

## IN LIEU OF CONCLUSIONS

Girls and women with disabilities lack sufficient knowledge of what legal aid is. Moreover, they do not know the differences between primary and secondary legal aid and therefore do not know that everyone has the right to receive free consultations and explanations. Nor do they know under what conditions they can receive secondary legal aid.

Aside from a few positive cases of receiving legal aid during martial law, the interviewed girls and women with disabilities have negative feedback on communication with the state. Girls and women with disabilities typically seek help from friends, search for clarification on legal issues on the Internet (not always trusting government websites), and apply for services online whenever possible. Girls and women with disabilities mentioned the following barriers: inaccessibility of premises, inaccessibility of information, inability to communicate in an accessible way, and superior or humiliating attitudes.

The interviewed participants were aware of the state FLA system but often had no personal experience of applying. They received services from the authorities and local government bodies during the martial law. This experience varies from full willingness to help in any way possible to inability to get the help they need. It is common for girls and women with disabilities to ask their relatives to accompany them if they are unable to receive services online, given their previous negative experiences with the authorities and local governments.

NGOs got more positive feedback. The reason lies in the provision of professional assistance and the ability to apply online, as well as the willingness to listen and support.

Girls and women with disabilities suggest their own vision of solving problems with legal aid: written explanations prepared in different formats; quick answers to questions that could be asked through social media; sign language interpretation; personalized approach; and completeness of explanations. The lack of ethics in communication is probably the major concern of girls and women with disabilities that they mentioned. The respondents also stress some positive changes, such as the rapid development of online services and specific positive practices of communication with the state, but it is still far too early to talk about the accessibility of legal aid for girls and women with disabilities with different types of disabilities.

## GUIDELINES FOR STATE AND PUBLIC LEGAL AID PROVIDERS – PART TWO

- Improve the availability of information on free legal aid in terms of its conditions, procedure, categories of recipients, etc. This research shows that there is still an information gap.
- Both the information and the provision of legal aid should be provided in accessible and flexible formats, as there is no single method that will suit all girls and women with disabilities. For example, providing legal aid only by phone means that girls and women with hearing impairments will not receive such legal aid. Thus, mobile applications, chatbots, hotlines, etc. are different formats that must be provided simultaneously.
- The possibility of providing services at the place of residence of a person with a disability, in a convenient outdoor location, or online does not exempt legal aid providers from the obligation to operate in accessible premises. People with disabilities should have a choice of how and where to receive legal aid. In a perfect world, every building in Ukraine should be architecturally accessible.
- Explanations on legal issues should be published or provided in plain language, with clear step-by-step guidelines for people on what to do, as well as their actions in case of refusal or otherwise. All this requires avoiding quotes from SIs and “run-around replies.” A person should receive information that will help him or her solve the issue. Moreover, explanations on legal issues related to changes in legislation that may affect human rights should be regularly published, such as the need to renew documents, conditions for suspending payments, procedures for IDPs, etc. This information should be available in various formats: infographics, text, videos with sign language interpretation/subtitles, audio, etc.
- Holding legal awareness events and legal consultations for specific groups of people with disabilities at the premises of NGOs or social institutions is an important component of legal aid provision, but measures should be taken to ensure that all legal awareness events held by legal aid providers are inclusive and that people with disabilities have the opportunity to choose between separate events for people with disabilities and inclusive events.
- Develop a supporting mechanism for legal aid, which would include not only a once-off consultation but also the possibility of further contact in case of additional questions. Also, mechanisms should be developed to assist in drafting a complaint in case of refusal, clarify certain information, etc. Answers to additional questions should be provided promptly.

- Engage professional interpreters and sign language interpreters to provide services to girls and women with hearing impairments. The main idea should include the fact that it is not the girl or woman with hearing impairments who should look for such a specialist, but the legal aid provider who should provide the interpretation. Additionally, the development of basic sign language skills for legal aid providers will help them to understand and improve the experience of deaf girls and women. It is also worth preparing written explanations of the rights of girls and women with hearing impairments in court, including the ability to express their opinions.
- Speak directly to a person with a disability (rather than their accompanying person), developing work algorithms and rules, and improving the knowledge and skills of legal aid providers.
- Refer to girls and women with disabilities as any other person, but, if necessary, create conditions that allow them to receive legal aid equally with others. In particular, girls and women with disabilities may need extra time to receive legal aid.

Ask legal aid recipients with disabilities about the most accessible way of receiving legal aid and ensure that it is provided. Involve girls and women with disabilities in the development of new services or the improvement of existing ones, as the community of people with disabilities knows best how to overcome barriers and create accessible services.



## Додатки

## Annex No. 1 – List of laws and statutory instruments analyzed in the research

- Civil Procedure Code of Ukraine;
- Criminal Procedure Code of Ukraine;
- Commercial Code of Ukraine;
- Administrative Procedure Code of Ukraine;
- Code of Ukraine on Administrative Offenses;
- The Law of Ukraine “On Free Legal Aid”;
- The Law of Ukraine “On Local Government in Ukraine”;
- CMU Resolution No. 710 “On Approval of the Instruction on the Procedure and Amounts of Compensation (Reimbursement) of Expenses and Remuneration to Persons Summoned to Pre-trial Investigation Authorities, Prosecutor’s Office, Court, or Authorities in Charge of Administrative Offenses, and Payments to State Specialized Forensic Institutions for Performing the Functions of Experts and Specialists” dated 01.07.1996;
- CMU Resolution No. 1362 “On Approval of the Procedure and Conditions for Conducting a Competition for the Selection of Attorneys Engaged to Provide Free Secondary Legal Aid” dated 28.12.2011;
- CMU Resolution No. 504 “On Establishment of the Coordination Center for Legal Aid Provision and Liquidation of the Center for Legal Reform and Legislative Work under the Ministry of Justice” dated 06.06.2012;
- CMU Resolution No. 130 “On Approval of the Procedure for the Utilization of Funds Allocated in the State Budget for Payment for Services and Reimbursement of Expenses of Attorneys Providing Free Secondary Legal Aid” dated 04.03.2013;
- CMU Resolution No. 401 “Certain Issues of Engaging Interpreters (Sign Language Interpreters) to Provide Free Secondary Legal Aid” dated 24.06.2016;
- Order of the Ministry of Justice of Ukraine No. 483/5 “On Approval of the Model Regulation on the Institution Providing Free Primary Legal Aid” dated 28.03.2012;
- Order of the Ministry of Justice of Ukraine No. 967/5 “On approval of the Regulation on the Free Secondary Legal Aid Centers” dated 02.07.2012;
- Order of the Ministry of Justice of Ukraine No. 891/5 “On Approval of the Procedure and Criteria for Involvement of Legal Entities of Private

Law by Local Government Bodies in Provision of Free Primary Legal Aid” dated 15.06.2012;

- Order of the Ministry of Justice of Ukraine No. 386/5 “On Approval of Quality Standards for the Provision of Free Secondary Legal Aid in Criminal Proceedings” dated 25.02.2014;
- Order of the Ministry of Justice of Ukraine No. 4125/5 “On Approval of Quality Standards for the Provision of Free Secondary Legal Aid in Civil and Administrative Proceedings and Representation in Criminal Proceedings” dated 21.12.2017;
- Order of the Ministry of Justice of Ukraine No. 2994/5 “On Approval of the Procedure for submitting an electronic application for the provision of free secondary legal aid and copies of documents confirming that a person belongs to one of the categories of persons provided for in Part 1 of Article 14 of the Law of Ukraine “On Free Legal Aid” by means of electronic communication” dated 18.08.2023;
- Order of the Coordination Center for Legal Aid Provision No. 201 “On Approval of the Instruction for the Employee of the Department for Supporting the Work of the Contact Center of the Free Secondary Legal Aid System of the Regional Center for Free Secondary Legal Aid Provision on Receiving, Processing and Forwarding Telephone Calls” dated 29.09.2015;
- Order of the Coordination Center for Legal Aid Provision No. 26 “On Approval of the Model Regulation on Legal Aid Office” dated 31.03.2016;
- Order of the Coordination Center for Legal Aid Provision No. 145 “On Approval of Methodological Recommendations for Monitoring the Activities of Local Centers for Free Secondary Legal Aid Provision” dated 26.04.2017;
- Order of the Coordination Center for Legal Aid Provision No. 2 “On Approval of the Procedure for Providing Free Legal Aid by Employees of Local Centers for Free Secondary Legal Aid Provision” dated 28.01.2019;
- Order of the Coordination Center for Legal Aid Provision No. 40 “On Approval of the Rules of Ethical Conduct for Employees of the Free Legal Aid System” dated 29.03.2019;
- Order of the Coordination Center for Legal Aid Provision No. 1 “On Approval of the Regulation on Volunteer Activity in the Field of Free Legal Aid Provision” dated 27.01.2021;
- Order of the Coordination Center for Legal Aid Provision No. 49 “On Approval of the Procedure for Monitoring Compliance by Attorneys with the Quality Standards for the Provision of Free Secondary Legal Aid” dated 09.04.2021;

- Order of the Coordination Center for Legal Aid Provision No. 127 “On Approval of the Procedure for Arranging the Work of Legal Aid Consultation Points” dated 28.05.2021;
- Order of the Coordination Center for Legal Aid Provision No. 155 “On Approval of Qualification Requirements for Employees of Structural Units of Regional Centers for Free Secondary Legal Aid Provision” dated 09.12.2021;
- Order of the Coordination Center for Legal Aid Provision No. 156 “On Approval of Qualification Requirements for Employees of Structural Units of Local Centers for Free Secondary Legal Aid Provision” dated 09.12.2021;
- Order of the Coordination Center for Legal Aid Provision No. 2 “On Approval of Methodological Recommendations on the Organization of Free Legal Aid Provision by Local Centers for Free Secondary Legal Aid” dated 05.01.2023;
- Order of the Ministry of Health of Ukraine No. 753 “On Approval of the Procedure for Providing Free Primary Legal Aid in the Ministry of Health of Ukraine” dated 04.11.2011.

## Annex No. 2 – Appeal to the central executive authorities for primary legal aid

- **Ministry of Social Policy of Ukraine:** “According to Article 7, clause 1 of Part 1 of Article 9, and Article 10 of the Law of Ukraine “On Free Legal Aid”, I hereby apply for free primary legal aid to be provided to me as clarifications and consultations on the possibility of receiving social support services during inclusive education. In particular, please inform me about the procedure for obtaining the service, the list of documents required to obtain the service, the authority to which I must apply for the service, the timeframe for its provision, who can be a social service provider, the authority to which I can apply in case of refusal to provide the service, etc. Please provide your response within the period established by Part 5 of Article 10 of the Law of Ukraine “On Free Legal Aid” to the E-mail address .... in Word format.”<sup>21</sup>
- **Ministry of Health of Ukraine:** “According to Article 7, clause 1 of Part 1 of Article 9, and Article 10 of the Law of Ukraine “On Free Legal Aid”, I hereby apply for free primary legal aid to be provided to me as clarifications and consultations on the issue of medical contraindications, which prevent a person with a hearing disability from driving the relevant vehicles. Please provide your response within the period established by Part 5 of Article 10 of the Law of Ukraine “On Free Legal Aid” to the E-mail address .... in Word format.”<sup>22</sup>
- **Ministry of Justice of Ukraine:** “According to Article 7, clause 1 of Part 1 of Article 9, and Article 10 of the Law of Ukraine “On Free Legal Aid”, I hereby apply for free primary legal aid to be provided to me as clarifications and consultations concerning the registration of a public association of persons with disabilities. In particular, please provide information on the list of documents, ways of submitting these documents, requirements for the number of persons with disabilities among the founders or members, etc. Please provide your response within the period established by Part 5 of Article 10 of the Law of Ukraine “On Free Legal Aid” to the E-mail address .... in Word format.”<sup>23</sup>
- **Ministry of Education and Science of Ukraine:** “According to Article 7, clause 1 of Part 1 of Article 9, and Article 10 of the Law of Ukraine “On Free Legal Aid”, I hereby apply for free primary legal aid to be provided to me as clarifications and consultations concerning the possibility of educating a child with a visual disability in an inclusive group. In particular, please inform me about what conditions should be created in a general secondary education institution for educating a child with

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21 <https://www.msp.gov.ua/content/bezoplatna-pravova-dopomoga.html>

22 <https://moz.gov.ua/bezoplatna-pravova-dopomoga->

23 [https://minjust.gov.ua/legal\\_aid](https://minjust.gov.ua/legal_aid)

a visual impairment, what documents should be submitted to enroll a child with a visual disability in an inclusive group, how to provide a child with a visual impairment with textbooks and other materials in Braille, how to apply for a teacher's assistant, where and how to appeal against the refusal to educate a child with a visual impairment in an inclusive group of a general secondary education institution. Please provide your response within the period established by Part 5 of Article 10 of the Law of Ukraine "On Free Legal Aid" to the E-mail address .... in Word format."<sup>24</sup>

- **Ministry of Communities, Territories and Infrastructure of Ukraine:** "According to Article 7, clause 1 of Part 1 of Article 9, and Article 10 of the Law of Ukraine "On Free Legal Aid", I hereby apply for free primary legal aid to be provided to me as clarifications and consultations concerning the actions of Ukrainian citizens in case of opening new facilities inaccessible to people with disabilities. In particular, to which authority and in what way can I file a claim in cases where new inaccessible stores, medical offices, beauty salons, etc. are being built or opened in my locality, what measures should be taken by the relevant authority to which I file a claim of inaccessibility, how can I appeal against the actions or inaction of the relevant authority. Please provide your response within the period established by Part 5 of Article 10 of the Law of Ukraine "On Free Legal Aid" to the E-mail address .... in Word format."<sup>25</sup>
- **Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine:** "According to Article 7, clause 1 of Part 1 of Article 9, and Article 10 of the Law of Ukraine "On Free Legal Aid", I hereby apply for free primary legal aid to be provided to me as clarifications and consultations concerning the procedure for obtaining temporary housing for IDPs with disabilities, which is accessible to wheelchair users. Please provide your response within the period established by Part 5 of Article 10 of the Law of Ukraine "On Free Legal Aid" to the E-mail address .... in Word format."

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24 <https://mon.gov.ua/ua/ministerstvo/gromadskosti/bezoplatna-pravova-dopomoga>

25 <https://mtu.gov.ua/content/gromadska-priymalna.html>

## Annex No. 3 – Text of the appeal to the FLA system

“According to Article 7, clause 5 of Part 1 of Article 9 of the Law of Ukraine “On Free Legal Aid”, I hereby apply for free primary legal aid to be provided to me as clarifications and consultations concerning the right of a person with a disability to free secondary legal aid. According to clause 1 of Part 1 of Article 14 of the Law of Ukraine “On Free Legal Aid”, persons with disabilities receiving a pension or assistance instead of a pension at a rate not exceeding two subsistence minimums for disabled persons are entitled to free secondary legal aid. However, there are cases when a person with a disability can get both types of benefits at the same time, for example, state social assistance as a person with a disability since childhood and a survivor’s pension. Please clarify whether both payments will be considered when deciding to provide or refuse to provide free secondary legal aid, or one of them and which one. Furthermore, if a person with a disability has a salary, will its amount be considered when deciding on the right to free secondary legal aid?”

## Annex No. 4 – FGD questions for girls and women with disabilities

- How do you understand the phrase “legal aid”? Describe this concept with your own words and/or give an example.
- Can one get legal aid free of charge? If so, who is eligible for free legal aid, and what services can be obtained free of charge?
- If you required legal aid since the beginning of the full-scale invasion of Ukraine by the Russian Federation, for example, information on how to apply for or extend a disability status during martial law, obtain an IDP certificate, various payments, or allowances, how did you access this information?
- Do you know how, where, and in what way you can get free legal aid from the FLA system?
- Do you have any experience of applying for legal aid to the FLA system since February 24, 2022? If so, was this aid accessible to you? Did you get a response that helped you/resolved your issue?
- Did you apply to local government or state authorities for certain services? For example, before applying for IDP status at the local Administrative Service Center, were you provided with detailed explanations and a list of documents to be submitted for IDP registration? Did you get any clarification? Was the information provided by state authorities or local government bodies clear and consistent in its interpretation?
- Have you ever applied for legal aid from a non-governmental organization? If so, what was your reason for contacting an NGO, and was this aid accessible to you? If possible, can you recall which NGOs you applied to?
- What barriers have you faced when searching for legal information or seeking clarification from the FLA system, state authorities, local government bodies, or NGOs since February 24, 2022?
- If you ever have to apply for legal aid in the future, please tell us which channel of information is most convenient for you: phone consultations, Internet or online applications, in-person visits to legal aid centers, etc.
- What issues do you most frequently need legal advice on?
- Have you had or are you aware of other girls and women with disabilities’ experiences with the court, either as plaintiffs or defendants? Has legal aid been provided? If so, who has provided this legal aid?

- Do you think the accessibility/inaccessibility of legal aid to women and girls with disabilities affects their willingness to challenge human rights violations in court?
- If legal service providers were around now, what recommendations would you suggest for them to make legal services more accessible to girls and women with disabilities?
- Share your successful stories of receiving legal aid, if you have any.

## Annex No. 5 – List of legal aid providers involved in the semi-structured interview

- **Nataliia Marchuk**, Deputy Director of the Coordination Center for Legal Aid Provision;
- **Oksana Vasyliaka**, First Deputy Director of the Coordination Center for Legal Aid Provision;
- **Serhii Breus**, Director of the Right Bank Kyiv Local Center for FSLA provision, attorney;
- **Yaroslav Bochko**, Lawyer of the NGO Fight For Right hotline;
- **Nataliia Kozarenko**, Head of the network of public reception offices of the Ukrainian Helsinki Human Rights Union (UHHRU);
- **Maryna Kuprykova**, Lawyer of the UHHRU public reception office in Kramatorsk, Donetsk region;
- **Nataliia Yesina**, Executive Director of the NGO Northern Human Rights Group, coordinator of the counseling and awareness-raising center of the UHHRU public reception office in Sumy region;
- **Oleh Lepetiuk**, Lawyer, head of the NGO Kharkiv Association of Blind Lawyers;
- **Olesia Chavurska**, Field lawyer at Vostok-SOS, head of the Edelweiss Information and Human Rights Center;
- **Ruslan Imereli**, President of the All-Ukrainian NGO of Persons with Disabilities and USER Mental Health Care recipients;
- **Mariia Tsypiashchuk**, Board Member of the Association of Legal Clinics of Ukraine;
- **Yuliia Klepets**, Head of the All-Ukrainian NGO Coalition for the Protection of the Rights of Persons with Intellectual Disabilities;
- **Lina Deshvar**, Public activist, paralegal.

## Annex No. 6 – Questions for the semi-structured interview

- Have you provided legal aid to people with disabilities since February 24, 2022? Are there women and girls with physical, sensory, mental, and/or intellectual disabilities among persons you provide aid to? Do you single out women and girls with disabilities in your legal aid statistics?
- How do you ensure accessibility of legal aid services? In particular, we are interested in the accessibility of premises where legal aid is provided, information about legal aid, and the use of accessible languages and formats when communicating with women and girls with disabilities.
- What do you need to make the legal aid you offer accessible to women and girls with disabilities?
- What issues have women and girls with disabilities addressed to you since February 24, 2022? How would you assess the responses or explanations of the authorities on issues raised by women and girls with disabilities?
- Do you provide secondary aid to women and girls with disabilities? In what cases do you provide secondary legal aid, i.e., advocacy and representation?
- Can you tell us about a success story in protecting the rights of women or girls with disabilities where you or your colleagues have provided legal aid?
- Does the accessibility of legal aid, in your opinion, affect the willingness/ability to protect one's rights, including by applying to the court?

## Annex No. 7 – Questions to the All-Ukrainian NGO Coalition for the Protection of the Rights of Persons with Intellectual Disabilities

- Are you aware of any cases of legal aid being provided directly to girls and women with intellectual disabilities by free legal aid centers, human rights organizations, organizations of people with disabilities, or other providers? If so, please share some examples.
- What must legal service providers (free legal aid agencies or public reception offices) do in terms of accessibility, security, and communication to ensure that girls and women with intellectual disabilities start seeking legal aid personally?
- You keep producing and publishing information in an easy-to-read format. Do you think these materials can help girls and women with intellectual disabilities receive legal services? Which agency in Ukraine should be responsible for the production of easy-to-read legal materials?
- You are implementing the Self-Advocates initiative. Do you think that this initiative can help girls and women with intellectual disabilities receive legal services? If so, how can this be achieved?
- How do you think legal aid should be provided to girls and women with intellectual disabilities staying in places of detention (residential care homes or psychiatric hospitals)? Do you think the situation with access to legal services for women living in restricted institutions has changed significantly? Compared to today, 5 years ago, and 10 years ago (either way)?

## Annex No. 8 – Questions to the Coordination Center for Free Legal Aid Provision

1. Free legal aid centers provide primary and secondary legal aid to people with disabilities, including girls and women with disabilities. Can you provide more detailed information on how statistics on legal aid to people with disabilities, including girls and women with disabilities, are collected and reported?
2. How do FLA centers ensure accessibility of legal aid services? In particular, we are interested in the accessibility of premises where legal aid is provided, information about legal aid, and the use of accessible languages and formats when communicating with women and girls with disabilities.
3. What barriers do you think girls and women with disabilities continue to face when receiving legal aid?
4. What do you need to make the legal aid offered by the FLA centers more accessible to women and girls with disabilities?
5. According to the Regulation on the Coordination Center, you supervise the activities of free secondary legal aid centers and inspect the activities of free secondary legal aid centers following the procedure approved by the Ministry of Justice. Does this supervision include assessing the accessibility of legal aid for people with disabilities? In particular, do you collect and verify information on the accessibility of premises, the engagement of sign language interpreters, appointments at the place of residence, the organization of consultation points, the accessibility of information published, etc.?
6. The Law of Ukraine “On Free Legal Aid” and statutory instruments stipulate the possibility of engaging a sign language interpreter for secondary aid, but there are no requirements for engaging a sign language interpreter during primary aid. What is the solution to the issue of engaging sign language interpreters in primary aid? We are also interested in whether the number of interpreters involved in secondary aid is sufficient and how their qualifications are checked, since it is not just about using sign language, but also about adequate interpretation of the procedural language.
7. Persons subject to court proceedings on the restriction or restoration of civil capacity, declaration of incapacity, deprivation of powers of guardians or trustees of such persons, and persons subject to court proceedings on the provision of involuntary psychiatric care are eligible for free secondary legal aid. Have you summarized your experience in providing secondary legal aid to people with intellectual and mental disabilities? Have you conducted surveys of attorneys involved in

such cases? Maybe the attorneys themselves ask for additional training, etc.?

8. When providing legal aid, the employee of the FLA center shall inform (offer) the client to evaluate the quality of the service by filling out a questionnaire/survey. The “Model Questionnaire for Surveying Clients of Local Free Secondary Legal Aid Centers” contains general questions about the convenience of waiting areas and work schedules, the clarity of the consultation, and politeness. Do you offer any additional tools for surveying legal aid recipients that would address accessibility issues for people with disabilities? I think it’s essential to ask people who may experience additional obstacles in receiving legal aid, which will allow us to see these obstacles and find ways to overcome them.