

Research summary

# 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

Research summary

Author: **Iryna Fedorovych**

Editor: **Yuliia Sachuk**

Proofreader: **Anna Lishchynska**

Design: **Maks Afanasiev**



**Women's Peace &  
Humanitarian Fund** 

A United Nations & Civil Society Partnership



This publication is made possible with the financial support of the United Nations Women's Peace and Humanitarian Fund (WPHF), however, the opinions and contents contained herein are not officially endorsed or recognized by the United Nations.

No part of this publication may be reproduced in any form or by any means, electronic or mechanical, without written permission from NGO Fight For Right.

Get support:  
[info@ffr.org.ua](mailto:info@ffr.org.ua)

About the activities of Fight For Right  
[Read more](#)

Provide financial support for the evacuation of people with disabilities  
[Donate](#)

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 and restrictions, 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 girl or woman with a disability who has become an internally displaced person, survived the occupation, was injured, whose home was destroyed, etc. is a paramount need.

However, the fact that legal aid is available in the state at the level of creating a system for providing this service, funding it, and having centers for providing such aid does not mean that it is accessible to anyone by default, including to people with disabilities who may 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.

This research is based on a combination of desk study of the current legal framework, assessment of the practical application of the existing SIs and barriers that prevent the access to legal services, semi-structured interviews with legal service providers from both the state and public sectors, and focus group discussions with legal service recipients (girls and women with disabilities).

## The research consists of four sections

**Section 1. Legislation on Free Legal Aid.** This section analyzes the current legislation in terms of its disability-inclusive nature, focusing on the identified gaps that prevent girls and women from receiving the full benefit of legal aid. Accordingly, the recommendations in this section emphasize amending the existing SIs.

**Section 2. Opportunities for Girls and Women with Disabilities to Receive Legal Aid from the State.** This section examines the system of free legal aid from the point of view of a person with a disability who needs legal aid and is trying to get it. The main focus here is the actual possibility of receiving primary legal aid, which is related to its free-of-charge nature for all citizens, regardless of income or belonging to a certain category of persons. A separate part of this section includes the results of interviewing representatives of the state FLA system, who shared their experience, directions, and examples of work on providing primary and secondary legal services to persons with disabilities and protecting their rights. The recommendations in this section concern improving approaches to work organization, collection, analysis, and use of information to create accessible legal aid specifically for girls and women with disabilities.

**Section 3. Provision of Legal Aid to Girls and Women with Disabilities by Non-State Providers during Martial Law.** This section analyzes the results of semi-structured interviews with non-governmental legal aid providers to identify barriers faced by girls and women with disabilities and provide examples of good practices and advice on necessary changes to improve access to legal services for people with disabilities. The experience of legal aid providers working under martial law and the issues most often addressed by girls and women with disabilities are of particular relevance in this section.

**Section 4. Assessment of Accessibility of Legal Aid by Girls and Women with Disabilities.** This section summarizes the experience of girls and women with disabilities in receiving legal aid during martial law. The recommendations of girls and women for legal aid providers constitute an important segment of this section.

The recommendations for these two sections are offered as practical advice on how legal aid offered by state and non-governmental legal aid providers can be improved. They can better analyze the experience of legal aid recipients and build the service with regard to its multiple aspects of accessibility such as architectural, informational, and digital, as well as attitudinal and acceptance issues.

## Gaps in the current legislation in terms of the accessibility of legal aid:

1. 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;
2. There are different formats for seeking primary legal aid from different providers, which makes it difficult to receive such aid;
3. 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;
4. Sign language interpreters may only be engaged at the stage of secondary legal aid provision;
5. There are still plenty of unanswered questions about the provision of legal aid for people with hearing impairments and their access to justice;
6. There are no clear requirements that would guarantee architectural accessibility in the premises where the FLA centers are located;
7. There are no clear standards concerning the available formats for creating and disseminating information on legal issues (for FLA resources).

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.

## Practical accessibility of legal aid from state and non-governmental providers

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.

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 among non-governmental legal aid providers 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. However, it requires generalization, and lawyers need additional training, as they have repeatedly stated.

There are certain remarks on the existing explanations from the WikiLegalAid 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.

When it comes to providing legal aid to people with intellectual or mental disabilities or people with complex disabilities, it is worth considering that these people often cannot seek support independently, so it is important to look for additional ways to communicate the availability and accessibility of legal aid. Providing legal services to people with intellectual or mental disabilities requires additional knowledge and skills. There are no public 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 care homes where people with mental and intellectual disabilities are staying, or analysis of representing people without legal capacity in court.

Providing sign language interpretation when legal aid is offered is a challenge that remains unmet. The state FLA system should not rely on the capacity of NGOs or the fact that people with hearing impairments will engage an interpreter on their own. These issues must be resolved by recruiting specialists competent in legal issues and able to provide services on a regular basis. Another way to systematically address the issue is to invest in the development of sign language skills among the FLA professionals.

## Demand for legal aid from girls and women with disabilities

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 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.

## Barriers faced by girls and women with disabilities when trying to access services

- **First**, it concerns the physical inaccessibility of the premises, which is practically unavoidable if they are rented without changing the premises or making capital investments.
- **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 during primary and secondary care remain relevant, and their solution is mainly entrusted to female recipients or NGOs.
- **Fourth**, information about legal aid may remain inaccessible to people with visual impairments ranging from websites that are not always accessible to written responses in formats unsuitable for JAWS users, the lack of text accompanying infographics, etc.
- **Fifth**, the issues of (un)willingness of legal aid providers (both state and non-governmental) to train and change the formats of legal aid provision at the request of recipients with different types of disabilities remain relevant. These issues range from matters of rapid adaptation to the needs and, in fact, changes in attitudes towards people with disabilities.

The participants with disabilities interviewed during the focus group discussions have heard about the state FLA system, but often lack personal experience of applying. They have applied for services to authorities and local governments during the period of martial law. This experience ranges from openness and willingness to help to inability to get the help they needed. Having previous negative experience of communication with the state and local government bodies, girls and women with disabilities often ask their relatives to accompany them if they are unable to receive services online. Non-governmental organizations 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 have their own vision of how to solve the existing problems with legal aid. Thus, they need the following:

- Written explanations produced in various available formats;
- The ability to get immediate answers to questions that could be asked via social media;
- The availability of sign language interpretation;
- Personal approach to clients;
- Completeness of available and accessible legal 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.

## Possible ways to address gaps and identified needs

### 1. The need to amend SIs – Recommendations to the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, the Ministry of Justice of Ukraine, and the Coordination Center for Legal Aid Provision

#### 1.1. 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.

#### 1.2. 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.

### 1.3. 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.

### 1.4. 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 by adding a subsection for people with disabilities to fill out. It 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”.

## **2. Demand for changing approaches to work organization, collection, analysis, and use of information to provide accessible legal aid – Recommendations to central executive authorities and the Coordination Center**

### **2.1. 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.

## **2.2. To the Coordination Center for Free Legal Aid Provision:**

- Regularly update public 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 dealing with 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.

### **3. Advice on how state and non-governmental legal aid providers can improve legal aid services**

#### **3.1. Using statistical information to eliminate barriers**

- 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.

#### **3.2. Assessment of needs and design of services**

- 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.
- 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.

#### **3.3. Providing information about available legal services and accessibility of information**

- 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.
- 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.
- 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.

#### **3.4. Increasing awareness and developing skills of legal aid providers when working with clients with disabilities**

- 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.
- 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.
- 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.

### **3.5. Providing certain elements of accessibility, which is important to overcome barriers immediately**

- 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.
- 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 day X, 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.

### **3.6. Perception and attitude changes, which are long-term efforts that must begin today**

- 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.