

# **LEGAL AID IN COMMUNITY**

**Manual on creation  
and administration of  
the Community Law  
Centres**



*Empowered lives.  
Resilient nations.*

# **LEGAL AID IN COMMUNITY. MANUAL ON CREATION AND ADMINISTRATION OF THE COMMUNITY LAW CENTRES**

---

**International Renaissance Foundation  
United Nations Development Programme in Ukraine  
Open Society Justice Initiative, Budapest**

The UN Development Programme, International Renaissance Foundation, and Open Society Justice Initiative, Budapest, welcome to use their information materials in media and among government and local self-government authorities, public organizations, educational and other establishments to the fullest extent possible.

All materials included in this publication may be freely used either fully or partially. If the materials are reproduced, respective reference should be made to the UN Development Programme, International Renaissance Foundation, and Open Society Justice Initiative, Budapest.

Ideas, opinions and recommendations expressed in this publication are those of the authors and compilers and do not necessarily represent the views of the International Renaissance Foundation, Open Society Justice Initiative, Budapest, and UN Development Programme or other UN agencies.

**International Renaissance Foundation.** Mission of the International Renaissance Foundation is to facilitate the development of open society and promotion of the democracy in Ukraine by increasing capacities of public societies on timely and flexible reaction to changes in the society, formulate social demands and implement activities in accordance with open society principles<sup>1</sup>. The International Renaissance Foundation implements its activities by providing expert, organizational, and financial aid through awarding grants to non-governmental organizations. We are striving to develop in Ukraine the society governed by the rule of law, where minorities' opinions are respected and diversity of ideas dominate, and public authorities are elected in a democratic way and are accountable to their citizens [www.irf.ua](http://www.irf.ua).

**The Open Society Justice Initiative,** Budapest, facilitates protection of human rights and builds up legal potentials to establish an open society using mechanisms of strategic litigations, advocacy, conducting studies, and providing technical aid. Our efforts are focused on contributing the accountability and responsibility for international crimes, race discriminations and oppression of stateless persons; we facilitate the reformation of the criminal justice system and fight against abuses related to the national security and fighting terrorism, advocate the freedom of access to information and expression of opinion, counteract corruption as related to allocation of natural resources <http://www.opensocietyfoundations.org/>.

**The UN Development Programme closely cooperates** with the representatives of all groups of the society, facilitates development of states and their potentials to counteract crises, and contributes and supports the economic growth aimed at improving everyone's life. Working in 177 countries and territories all over the world, we offer global perspective and local decisions that are based on deep insights into the specifics of local development and promote legal empowerment and resilient nations building.

In Ukraine, three development focus areas define the structure of the UNDP's assistance activities. These include democratic governance and local development, overcoming poverty, achievement of prosperity and MDGs, energy and environment. The UNDP has been active in Ukraine since 1993. [www.undp.org.ua](http://www.undp.org.ua)

---

<sup>1</sup> An open society is a society based on the recognition of the fact that nobody has a monopoly on the truth, that different people have different views and interests, and that there is a need for institutions to protect the rights of all people and to allow them to live together in peace... An open society is characterized by a reliance on the rule of law, the existence of democratically elected government, a diverse and vigorous civil society, and respect for minorities and minority opinions.

## WRITING TEAM

---

**Introduction, Section 1:** Oleksii Svietikov, Luhansk Regional Division of All-Ukrainian Non-Governmental Civic Organization “Committee of Voters of Ukraine”, the Head of Sieverodonetsk Community Law Centre, Luhansk Region.

**Section 2:** Andrii Misiats, Khmelnytskyi Regional Public Organization “Podilsk Legal League”, the Head of Khmelnytskyi Community Law Centre.

**Section 3:** Oleksii Horetskyi, Rivne Regional Division of All-Ukrainian Non-Governmental Civic Organization “Committee of Voters of Ukraine”, the Head of the Law School for rural school teachers, legal practitioner.

Mykola Hlotov, Rivne Regional Division of All-Ukrainian Non-Governmental Civic Organization “Committee of Voters of Ukraine”, legal practitioner in a public reception office.

**Section 4:** Olha Nastina, Bila Tserkva Public Organization “Legal Integrity”, the Head of Community Law Centre in Bila Tserkva, Kyiv Region.

**Section 5:** Ihor Brynosh, Odesa Regional Division of All-Ukrainian Non-Governmental Civic Organization “Committee of Voters of Ukraine”, the Head of Community Law Centres in Odesa, Izmail, Tatarbunary, and Kotovsk, Odesa Region.

**Section 6:** Denys Hrechko, Pavlohrad Charity Fund «HORENIIE”, the Head of Community Law Centre in Pavlohrad, Dnipropetrovsk Region.

**Section 7:** Aliona Matviichuk, Kovel City Public Organization “Centre for Legal Aid”, the Head of Community Law Centre in Kovel, Volyn Region.

### Compilers:

Yulia Shcherbinina, Natalia Stupnytska, the United Nations Development Programme in Ukraine  
Roman Romanov, Olga Zhmurko, Rule of Law Programme, the International Renaissance Foundation

### Editing:

Eleonora Dobrovolska

### Page planning, proofs:

VAITE Company

---

## FROM COMPILERS

---

In this publication, the UN Development Programme, International Renaissance Foundation, and Open Society Justice Initiative, Budapest, made an attempt to unite practical experience and efforts of the civic sector representatives, who implement their activities related to providing free legal aid in Ukraine.

Proper exercise of the right to legal aid is inseparably related to the social development. In societies where this right is not properly secured, people and particularly vulnerable groups of population are not aware of existing statutory guarantees and potentials, and are not interested in application of legal instruments for proper social interaction. In Ukraine, 42.6 % of the population prefers outside-of-law means to resolve their problems. Such state of things results in total distrust in the state generally and in the judicial system in particular as a single impartial regulator of social balance and justice: 42.8% of Ukrainians do not believe in a fair trial and overwhelming majority of the population, 83.3%, consider that courts are efficient for those who have respective level of income only<sup>2</sup>.

With the adoption of the Law «On Free Legal Aid» in 2011 and regulations approved by the Cabinet of Ministers of Ukraine in 2012, individuals are given an opportunity to establish and finance operations of specialized Institutions engaged in providing primary legal aid or involve private law entities to provide such services. A self-governing community is a primary level to build up an efficient system for providing such aid and make it not only a nominal service, but also an actually effective means for the community development.

This manual accumulates available practices of creating and administrating Community Law Centres in communities. So that all of the parties concerned, such as government authorities, local self-government authorities, and public sector would be able to search the information they may need in relation to legal regulation of the Centres' operations, including arranging activities in remote communities, procedure and standards, and ways of supporting sustainable availability of such services.

The authors of this manual are practicing managers and lawyers of the existing Centres that have been working in communities supported by the International Renaissance Foundation since 2009. We hope that this book will be ranked high among leading practical guidelines for providing legal aid in Ukraine and help local self-government authorities, non-governmental organizations, and other parties concerned to improve their work in this area.

---

2 According to the social survey «The Use of Legal Potentials in Ukraine» – Kharkiv Institute of Social Surveys, 2010.

---

# CONTENTS

INTRODUCTION . . . . .	7
<b>Section 1. LEGAL FRAMEWORK OF ACTIVITY . . . . .</b>	<b>11</b>
<b>Section 2. ACTIVITY AREAS . . . . .</b>	<b>21</b>
<b>Section 3. ENSURING ACCESS TO FREE LEGAL AID FOR RURAL COMMUNITIES . . . . .</b>	<b>33</b>
<b>Section 4. STRUCTURE OF THE CENTRE . . . . .</b>	<b>45</b>
<b>Section 5. EXTERNAL COMMUNICATION AND INTERACTION OF COMMUNITY LAW CENTRES</b>	<b>59</b>
<b>Section 6. EVALUATING PERFORMANCE OF THE COMMUNITY LAW CENTRE. . . . .</b>	<b>75</b>
<b>Section 7. ATTRACTING FUNDS FOR THE CENTRE FUNDING . . . . .</b>	<b>81</b>
<b>ANNEX . . . . .</b>	<b>89</b>
Annex 1. . . . .	90
Annex 2. . . . .	92
Annex 3. . . . .	95
Annex 4. . . . .	96
Annex 5. . . . .	97
Annex 6. . . . .	98
Annex 7. . . . .	101
Annex 8. . . . .	104
Annex 9. . . . .	107
Annex 10. . . . .	107
Annex 11. . . . .	108
Annex 12. . . . .	114
Annex 13. . . . .	117





# INTRODUCTION

Every individual shall be entitled to legal aid as guaranteed by Article 59 of the Constitution of Ukraine. To the extent permitted by law, this aid is provided free of charge. In a state governed by the rule of law, where one has to solve the significant share of life problems on his/her own in a way as provided by law, the accessibility of legal aid services is as important as accessibility of medical, educational, social protection services, etc.

The adoption of the Law of Ukraine “On Free Legal Aid” resulted in active reforming of the free legal aid system. State is responsible for the provision of free legal aid. At present in the state this issue is foremost addressed by the Coordination Centre for Provision of Legal Aid.<sup>1</sup>

---

<sup>1</sup> According to the Regulation on the Coordination Centre for the Provision of Legal Aid approved by Resolution No. 504 of the Cabinet of Ministers of Ukraine of 06.06.2012, the purpose of the Centre is to create the effective system of free legal aid in Ukraine as well as assure its accessibility and quality - see <http://legalaid.gov.ua/ua/pro-tsentr>.

However, the problem of ensuring equal access to justice in issues of the primary legal aid to be provided for each and every individual is also important in our state.

Today in Ukraine the access to free legal aid is primarily guaranteed by non-governmental sector. It includes legal aid to individuals provided by lawyers on a pro bono basis and an extensive network of legal reception offices with lawyers from public organizations as well as a cohort of individual public defenders non-indifferent citizens who hold no legal degrees but still try to help people living in their neighbourhood. It is obvious that requests for free legal aid in Ukraine significantly exceed the available resources, but non-governmental organizations put efforts to cover that part of social requests which is seen as the most critical.

The certain provisions of the Law «On Free Legal Aid in Ukraine” concerning the primary legal aid, when coming into force, are expected to regenerate



the situation. In particular, principal obligations for the arrangement of the free legal aid system in communities are placed on the local self-government authorities. But what will be the role of the non-governmental sector in this respect?

Currently, the state has identified a number of ways how the local self-government authorities can improve their activities on providing free legal aid in a community. They include either the creation of a separate institution for the provision of free legal aid or the involvement of subjects of private law (on a competitive basis) that will provide free legal aid in their communities subject to the fulfilment of social orders. Today, both options require individual verification in practice.

**Free primary legal aid is the type of state guarantee that includes informing of the person on his/her rights and freedoms, the order of their implementation, recovery in case of their violation and the order of protest of decisions, actions or absence of actions of the governmental, local self-government authorities, and officials.** This aid is provided

**T**he European Court of Human Rights frequently pointed out in its judgements that the right to legal aid is a compulsory part of the right to a fair hearing provided for by Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. The European Court of Human Rights held decision in case *Airey v. Ireland* that the fundamental principle of a fair hearing provided by Article 6 of the Convention might also require a free legal aid to enable a participant of civil proceedings to efficiently represent their interests and maintain in this respect the parity with the other party. Here the issue of quality and effectiveness of free legal services moves to the forefront. The European Court of Human Rights in case *Artico v. Italy* has judged that the formal appointment of a lawyer per se fails to satisfy the requirements of Article 6 of the Convention concerning the provision of free legal aid, if such aid is ineffective.

to all individuals that are under the jurisdiction of Ukraine (citizens of Ukraine, foreigners, stateless persons) by the executive government authorities, local self-government authorities, legal entities and private individuals of private law, and specialized institutions. The above mentioned bodies and institutions, which the person can refer to, are restricted by their responsibility and types of the legal services that are provided in terms of the primary legal aid.

**T**he Report of the UN Commission on Legal Empowerment of the Poor states that “the poor may spend all their time, unless sleeping, staying at the work places and hardly surviving for the payment they get”. Particularly this refers to people who work in the shadow economy sector as well as migrants, women, children, etc. Inability to protect the rights to fair wage, leisure, safe labour conditions, and remuneration results in the growing number of the poor. At the same time it is the basis of the low labour efficiency as under such conditions the introduction of more sophisticated technologies makes no economic sense.

1 «Hot to make the law accessible to all”. Report on the Legal Empowerment of the Poor. UNDP 2008.

### Free primary legal aid includes such types of the legal services as:

1. provision of the legal information
2. provision of the consultations and explanations on legal issues;
3. compilation of claims, appeals and other documents of legal nature (except for the documents of procedural nature);
4. assisting in provision the person with the access to the secondary legal aid and mediation

Legal aid is an essential component in the context of social development and fighting poverty. Thus, the poverty of a significant group of the Ukrainian population is a functional aspect: implicitly, people have an opportunity to earn their living and ensure a certain level of quality of life for their families, but still do not use the available capabilities.

Thus, no social policy will be efficient, if there are no legal possibilities to protect the owned property. The non-return of deposits by banks and other financial establishments, housing frauds, which the state fails to rebuff, failure to use the land freely, other infringements of property rights - these are the aspects, which cause the poor populations to grow in number.

Still, a lot of the poor who cannot find work with the sufficient labour remuneration level could earn their living through self-employment. But it is inaccessible for many active and potentially capable people, if they have no legal power to protect "their businesses» from criminal or corrupt offences, administrative barriers, and if there is no equality between different subjects.

Finally, even if quality and fair laws and unbiased trials are available, one might have no access to justice and appropriate knowledge due to excessive value of legal services.

Therefore, the common efforts to ensure access to legal aid should include legal empowerment component as an individual direction of the legal aid provider's activities **oriented at the development of society and overcoming of poverty.**

The mentioned activities should be performed on the basis of partnership relations between the government and social sector and include three elements:

- Immediate provision of clients with legal information and consultations in permanent Centres and in onsite reception;
- Legal education activity;
- Generalization of legal problems associated with economic self-activity of individuals, and protection of social interests related to the solution of these problems.

As you can see, these activities are substantively broader than the services provided by both government and non-government legal aid offices. Currently in Ukraine these activities are being carried out by 36 Community Law Centres founded with the support of International Renaissance Foundation. All of them are created in different regions of Ukraine, mainly in small communities and under different conditions.

The material the compilers propose to the readers' consideration contains generalized experience of such Centres' activities. We hope that this material will prove to be useful for those non-governmental agencies, which will in the long term become free legal aid providers in their communities and promote overcoming poverty and legal empowerment of poor and vulnerable groups of population.



# LEGAL FRAMEWORK OF ACTIVITY

## SELECTION OF THE FORM OF INCORPORATION

Ukrainian laws do not provide such form of incorporation as a Community Law Centre; therefore, the Centre as an organization providing free legal aid requires to be formalized as a legal entity or a legal entity's department.

Legitimizing the Centre as a part of a legal entity's structure is one of the options, as this will enable the organization hosting the Centre to be also involved in other types of human rights work, and not be restricted to free legal consultations only.

It is evident that the legal entity hosting the Centre needs to be a non-profit non-governmental organization (NGO) to raise any charity support to fund its activities.

According to the Regulation on the Registry of Non-Profit Institutions and Organizations as approved by Order No. 37 of the State Tax Administration of 24.01.2011, the following types of non-profit institutions and organizations are operating in Ukraine:

Non-profitability code	Description of a non-profit institution or organization
0001	Ukrainian government authorities
0002	institutions and organizations established by Ukrainian government authorities and funded out of relevant budgets
0003	local self-government authorities
0004	institutions and organizations established by local self-government authorities and funded out of relevant budgets
0005	charitable foundations (organizations) established as provided by law to carry out charitable activities

Non-profitability code	Description of a non-profit institution or organization
0006	public organizations established to provide rehabilitation, callisthenics and sports (for disabled persons/disabled children), and social services, legal aid, environmental, recreational, amateur sports, cultural, educational and research activities, public organizations of disabled, unions of public organizations of disabled and their local offices, established as per the relevant law
0007	artistic unions
0008	political parties
0009	pension funds
0010	credit unions
0011	legal entities, other than those provided in sub-clause (b) clause 157.1 article 157 of section III of the Code, the activities of which are not supposed to generate profits pursuant to stipulations of the relevant laws
0012	unions, associations, and other alliances of legal entities established to act on behalf of the founders (members, participants) funded only from the contributions of such founders (members, participants), not undertaking any business activities, except for acquisition of unearned income
0013	religious organizations
0014	research institutions and higher education institutions of III-IV level of accreditation recorded to the State Registry of Scientific Institutions and receiving government support; reserves, museums, memorial estates
0015	cooperative housing societies and apartment building co-owners' associations
0016	trade unions, their associations, and trade union organizations, as well as employers' organizations and their associations established as provided by law

Taxation of non-profit institutions and organizations is governed, in particular, by article 157 of the Tax Code of Ukraine applied to non-profit institutions and organizations duly registered and recorded in due course by the State Tax Service bodies to the Registry of Non-Profit Institutions and Organizations.

Such entities, in particular, may include: charitable foundations and organizations established as provided by law to carry on charitable activities; public organizations established to provide rehabilitation, callisthenics and sports (for disabled persons/disabled children), and social services, legal aid, as well as to carry out environmental, recreational, amateur sports, cultural, educational, and research activities.

As it results from the above, NGO being capable and appropriate to host the Centre are best to be created under the following incorporation forms:

- charitable organization (foundation) established pursuant to the Law of Ukraine "On Charity and Charitable Organizations", non-profitability code 0005;
- public association established pursuant to the Law of Ukraine "On Public Associations" which may have two forms: public organizations, non-profitability

code 0005, and public unions, for which the non-profitability code pursuant to Regulation on the Registry of Non-Profitable Institutions has not been assigned yet, as the said Regulation requires bringing it to compliance with the Law of Ukraine "On Public Associations".

It is self-eloquent that it is with code 0005 or 0006 non-profitable NGO's that the vast majority of sponsors funding the legal aid activities are willing to cooperate.

Article 1 of the Law of Ukraine "On Charity and Charitable Organizations" defines a **charitable organization** as a non-governmental organization purporting to deploy charitable activities for the benefit of the society as a whole or certain specific categories of persons pursuant to this law.

Article 3 of the Law of Ukraine "On Public Associations" defines a **public association** as a voluntary association of individuals and/or legal entities under private law purporting to exercise and protect the rights and freedoms, serving public interests, in particular, economic, social, cultural, environmental and others.

A **public organization** is a public association established by and composed of private individuals.

A **public union** is a public association established by legal entities under private law that are open for the membership (participation) of legal entities under private law and private individuals.

Selection of a specific incorporation form for the NGO, at which the Centre will operate, depends, in the first place, on the global purpose of NGO establishment and on core activities, which such civil organization will deploy.

Regarding the Centre's operation, both a charitable organization and a public association have two principal drawbacks. A public association is entitled to act only for the benefit of its members, and a charitable organization is limited in its operation

by the key charitable activities specified in article 4 of the Law of Ukraine "On Charity and Charitable Organizations". Therefore, the Centre, if operating as a part of a public association must have all its applicants become public organization members, and should it operate as a charitable organization, its activities are hard to reconcile with the requirements of article 4 of the Law of Ukraine "On Charity and Charitable Organizations".

Yet in practice we are unaware of any sanctions applied to any NGO practicing such activities; therefore establishing such Centres as part of charitable or public organizations is an optimal solution, both legally and practically speaking.

Please find below principal differences between a charitable organization and a public association to enable you to select the NGO form at your discretion.

	Public Association	Charitable Organization
Response time to state registration application (by agencies of justice)	Up to 10 days, and for a local public organization, up to 3 days	Up to 2 months
Number of founders	At least two	One or more
Requirements to founders	Citizens of Ukraine, foreigners and stateless persons staying in Ukraine on legal grounds, attained the age of 18 years, and for youth and children's public organizations, 14 years, are entitled to act as founders. <b>Legal entities may not act as founders.</b>	Citizens of Ukraine, foreigners and stateless persons, attained the age of 18 years, as well as legal entities, regardless of the <b>incorporation form</b> , are entitled to act as founders.

	Public Association	Charitable Organization
Amount of registration fee	<ul style="list-style-type: none"> <li>• For all-Ukrainian organizations, 10 non-taxable minimal individual income amounts</li> <li>• For international organizations, 2.5 non-taxable minimal individual income amounts plus 250 US dollars (subject to available National Bank's license) or an equivalent amount in Ukrainian currency at the National Bank's official exchange rate as at the payment date;</li> <li>• For local public associations as well as local offices of all-Ukrainian or international public associations:               <ul style="list-style-type: none"> <li>- inter-regional, regional, as well as Kiev and Sevastopol municipal associations: 5 exempted minimal individual income amounts;</li> <li>- inter-district, district, township, and village associations: 2.5 non-taxable minimal individual income amounts</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• For all-Ukrainian organizations, 1 non-taxable minimal individual income amount</li> <li>• For international organizations, 1.5 non-taxable minimal individual income amounts</li> <li>• For local organizations, as well as for offices, branches, and representations of all-Ukrainian or international charitable organizations: 0.5 non-taxable minimal individual income amount</li> </ul>
Mandatory governance bodies	Only the general meeting is mandatory, but an executive body is also required (management board, directorate, council of governance, etc.)	Collective body (general meeting, congress, conference) being the charitable organization's supreme management body; Board (committee), as the executive body; Supervisory board, as the controlling body

## ESTABLISHMENT AND LEGALIZATION OF NGO HOSTING THE CENTRE

The Establishment of a public association or a charitable organization commences with a resolution to establish such an entity. The resolution to establish a public organization may be passed solely by such organization's meeting. Where a charitable organization is established by a sole founder, the resolution to establish such organization may be passed by that very founder. Article 8 of the Law of Ukraine "On Charity and Charitable Organizations" in the list of mandatory documents required for the state registration of a charitable organization, regardless of the number of founders, also provides filling the minutes of constitutive meeting.

The procedure of the general meeting is not legally regulated. No express requirements exist for the name of such event either. Thus, the Law of Ukraine "On Public

Associations" speaks in terms of "General Meeting", "Constituent Congress", "Constituent Conference". The Law of Ukraine "On Charity and Charitable Organizations", in addition to the above, also uses the term "Constituent Meeting", which we chose to use hereinafter.

So, the constituent meeting is called and opened by the head of the initiative group. After that, working bodies of the meeting are elected: meeting chairperson, secretary, and (if needed) tallying and credentials committees. After that the agenda shall be approved.

Standard agendas contain the following items:

- establishing an organization;
- approving the charter;

- electing governance and controlling bodies (note, once again, that a controlling body is mandatory for a charitable organization);
- issuing the powers of attorney to certain persons to have NGO legalized.

The results of the constituent meeting are summarized in the minutes to be signed by the chairperson and the person keeping such minutes. The minutes must expressly and clearly state the meeting's resolution to establish the organization. Furthermore, it must specify the voting results on all items put on the agenda.

NGO will be enabled to deploy all functionality,

i.e. open a bank account, hire employees, raise funding, etc., only upon completion of the legalization procedure.

**To legalize** a public association or a charitable organization, at which the Centre will be able to operate, the applicable laws provide two procedures:

- registration with agencies of justice;
- legal entity registration with the State Registrar.

The following set of documents will be required to legalize a public association or a charitable organization:

Public Association	Charitable Organization
<p>An application signed by at least three founders of a public association or their attorneys. The founder's signatures shall be notarized. The application form is set forth in Annex 1 to the Regulation No140 on the procedure to legalize public associations as approved by order of the Cabinet of Ministers of Ukraine of 26.02.1993.</p>	<p>An application from founder(s) or their attorneys. The founder's signatures shall be notarized within one month after the resolution to establish the organization has been passed by the constituent meeting. The application form is set forth in Annex 1 to the Regulation No382 on the procedure to register charitable organizations as approved by order of the Cabinet of Ministers of Ukraine of 30.03.1998.</p>
<p>Minutes of the constituent congress (conference) or general meeting that adopted the charter (regulation)</p>	<p>Minutes of the constituent meeting (congress, conference) stating the resolution to establish a charitable organization and approve the charter (regulation), resolution concerning election of governance, executive and controlling bodies</p>
<p>Charter (regulation) in two copies</p>	<p>Charitable organization's charter (regulation) in two copies</p>
<p>Information about composition of managers of governance bodies (specifying name, surname, patronymic name, year of birth, permanent residence, position (occupation), place of work)</p>	<p>Information about the charitable organization's governance bodies and members of the executive body (name, surname, patronymic name, year of birth, residence, place of work, position)</p>
<p>Data about local offices confirmed by the minutes of conferences (meetings)</p>	<p>Data about existence of the charitable organization's territorial offices (branches, representations) (Annex No. 2) confirmed by the minutes of general meetings of members of its offices (branches) or their representatives, proxy, and other documents.</p>



Public Association	Charitable Organization
<p>Voucher for payment of the registration fee.</p> <p><i>50% rebate is granted for registration of public organizations of disabled persons or those aggrieved by Chernobyl accident;</i></p> <p><i>Children's public organizations and trade unions are exempt from registration fee payment.</i></p>	<p>Voucher for payment of charitable organization's state registration fee.</p>
<p>Data about the founders of public associations or public association unions (for citizens: to specify name, surname, patronymic name, year of birth, permanent residence)</p>	<p>Data about the founder(s) of charitable organization: for individuals: name, surname, patronymic name, year of birth, residence, place of work, position; for legal entities: name, registered office, duly attested copies of the charter (regulation) and of the registration certificate, resolution of the management body or minutes of the meeting of the members confirming the consent to establish the charitable organization</p>
<p>Document evidencing the location of public association</p>	<p>Evidence of the registered address (letter of guarantee from the owner of premises, lease, etc.). Where an occupied apartment is specified as the registered address, a certificate of family composition and statements from major family members about their consent shall be submitted.</p>

All-Ukrainian public associations or charitable organizations are legalized by the State Registration Service of Ukraine; local offices and local NGO's - by the local departments of Main Offices of the Ministry of Justice in the Autonomous Republic of Crimea, oblasts, cities of Kyiv and Sevastopol, as well as district, district in city, city (for oblast subordination cities), district-and-city, and inter-district offices of justice exercising the powers of the State Registration Service of Ukraine, executive authorities of village, township, and city councils.

The above stated list of documents should also be supplemented with the registration card for state registration of the legal entity established by founding a new legal entity (form No. 1). Pursuant to Regulation on submitting the data of legal entities by the Ministry of Justice and its territorial offices, as approved by Order No. 23/74/5 of the State Committee of Ukraine for Regulatory Policy and Entrepreneurship and the Ministry of Justice of Ukraine of 27.02.2007, the legalization authorities shall, on the registration day, submit the data of the newly established legal

entity to the State Registrar, who, in turn, shall register the private individual and record the data into the Uniform State Register of Legal Entities and Private Individuals. The state registration of a legal entity is evidenced with an excerpt from the Uniform State Register of Legal Entities and Private Individuals.

After that a seal needs to be ordered, since it is used to attest the signature of the organization's manager. It is impossible, without a seal, to open a bank account, issue administrative documents, etc. Since January 2011 the procedure for ordering seals has been considerably simplified. Currently there is no need to obtain any permission from the regulatory approval system of the Ministry of Internal Affairs, all there is to do is simply to apply to the atelier providing relevant services.

To prevent abuse, each die sinking atelier requests a certain list of documents evidencing that the first seal or a replacement seal instead of the lost (damaged) one is ordered. This list is not currently legally regulated. Normally the following documents

are requested to make a seal:

- application;
- copy of State Register excerpt;
- copy of certificate from the statistics office about the tax-payer ID assigned;
- certificate from State Tax Inspection: F4-OPP;
- power of attorney (if the seal is ordered by an attorney);
- passport (copy of passport) of the manager and attorney;
- copy of the company's charter;
- seal imprints.

Simultaneously with making the seal, the legal entity needs to be registered in the relevant tax inspection at its whereabouts. The taxpayer registration issues are regulated by the Registration Procedure for Tax and Levy Payers as approved by Order No. 979 of the State Tax Administration of 22.12.2010. Whilst before the applicable registration procedure provided a possibility of an automatic registration based on the notice from the State Registrar, the above document expressly requires the legal entity to submit the following documents to be registered as a taxpayer:

- No1-OPP application form;
- copy of a state registration certificate (excerpts from the State Register);
- copy of the document confirming that the code was assigned by the Uniform State Register of Legal Entities and Private Individuals.

Pursuant to clause 3.9 of the Registration Procedure for Tax and Levy Payers as approved by Order No. 979 of the State Tax Administration of 22.12.2010, after tax registration, the taxpayer **is deemed to follow the general taxation system, unless it selects another taxation procedure in accordance with the law.**

As it has already been mentioned above, a public association or a charitable organization are non-profit organizations, that is, their main purpose is not in earning profit but in exercising of charitable activity and patronage of arts, as well as other activities provided by law.

Pursuant to clause 157.3 of Article 157 of the Tax Code of Ukraine, the following earnings of non-profit organizations as specified in sub-clause (b) of clause 157.1 of this article (public or charitable organization) are exempted from taxation, if received in a form of:

- funds or property provided gratuitously or in a form of non-repayable financial aid, or as voluntary contributions;
- unearned income;
- funds or property received by such non-profit organizations as a result of their core activities, taking into account provisions of clause 157.13 of this Article;
- grants or subsidies obtained from the state or local budgets, dedicated government funds, or in a form of technical or charitable (including humanitarian) aid, except for grants intended to regulate prices for paid services provided by such non-profit organizations or through them, to their recipients in order to lawfully reduce such prices.

Such tax treatment is exercised only for the non-profit organizations registered on the Registry of non-profit organizations and institutions. That is to say, such tax treatment is not applied automatically, and if the necessary actions are not taken to ensure NGO is put on Registry of non-profit organizations, any financial aid received to ensure the Centre's operation will be subject to the general tax treatment.

Non-profit organizations are incorporated into the Registry by the local agency of the State Tax Service at such organization's whereabouts. To obtain its registration, the non-profit institution or organization is required to submit to the agency of the State Tax Service at such organization's whereabouts the following documents:

- 1-RN registration application form as per Annex 1 to the Regulation on the Registry of Non-Profit Institutions and Organizations as approved by Order No. 37 of the State Tax Administration of 24.01.2011;
- copies of its constituent documents.

The resolution as per Annex 2 to the Regulation on the Registry of Non-Profit Institutions and Organizations is prepared in two copies: one is issued to the non-profit institution or organization, and the other is filed with the agency of the State Tax Service.

In addition to legal entity's registration as a taxpayer, its registration as a payer of contributions to the Ukrainian Pension Fund and other mandatory social security funds is required.

This procedure has now been considerably simplified. It is no longer necessary to approach each of the social security funds: the payers of the uniform social contribution are registered by the Ukrainian Pension Fund. Moreover, it is even not required to apply for registration to the Pension Fund's office. Pursuant to the Registration and de-Registration Procedure for payers of the uniform social contribution at the Ukrainian Pension Fund agencies as approved by

Order No. 21-6 of the Ukrainian Pension Fund of 27.09.2010, registration is performed on the basis of details of the registration card issued in the course of legal entity registration, which are provided by the State Registrar pursuant to the Law of Ukraine "On State Registration of Legal Entities and Individual Entrepreneurs". Such registration shall be completed by the end of the day following the receipt of the said details by the agencies of the Ukrainian Pension Fund.

## CHARTER OF A PUBLIC OR CHARITABLE ORGANIZATION

Charter (regulation) of NGO is an extremely important document. Giving yourself a pain to diligently work on it just once, you will save yourself a lot of trouble during legalization and further activities.

The charter (regulation) is adopted by constituent meeting, and for a charitable organization, by its founder.

The charter of a **public association** shall contain the following information:

- Full name of the public association and its abridged name, if any;
- Its purpose (goals) and its core activities;
- Procedure to gain and terminate membership (participation) in the public association, rights and obligations of its members (participants);
- Powers of the CEO, supreme management body and other management bodies (hereinafter the governance bodies) of the public association, procedure of their constitution and changes in composition, duration of appointment, as well as the procedure to select the person entitled to act on behalf of the public association and to replace it (for non-incorporated public associations);
- Frequency of meetings and procedure of decision making by governance bodies of the public association, including that via telecommunication facilities;
- Reporting procedure for governance bodies of the public association to its members (participants);
- Procedure for contestation of decisions, actions, or failure to act by managing bodies of the public association and complaint procedure;
- Funding Sources and allocation procedure of the public association's funds and property;
- Procedure to establish, operate, and terminate the activities of standalone divisions of a public

association (if established by a public association intending to operate as a legal entity);

- Amendment procedure of the Charter;
- Procedure to resolve on public association's voluntary dissolution or reorganization as well as on application of its funds and other property remaining after its voluntary dissolution (for public associations intending to operate as legal entities).

The charter of a **charitable organization** shall contain the following information:

- Name, address, status, and incorporation form of the charitable organization;
- Subject matter, purposes, targets, and principal forms of charitable activities;
- Creation and operation procedure for charitable organization's governance bodies;
- Funding sources and procedure for allocation of charitable organization's property and funds;
- Amendment procedure for charitable organization's charter (regulation);
- Procedure for charitable organization's reorganization or liquidation as well as for application of its funds and property after the liquidation;
- Terms and procedure of charitable organization's membership and withdrawal from it;
- Rights and obligations of charitable organization's members.

There are certain differences between the names of public associations and charitable organizations. Regardless of Order No. 65 of the State Committee of Ukraine for Regulatory Policies and Entrepreneurship "On Approval of Requirements to Composition of Names of Legal Entities of their Standalone Divisions" of June 9, 2004 being repealed, it is recommended to compose NGO name with the entity's incorporation form and its proper name.

At the same time according to article 10 of the Law of Ukraine “On Public Associations”, the name of a public association shall consist of two parts: general and proper names. The general name specifies the incorporation form of such public association (‘public organization’, ‘public union’). The proper name shall not coincide with those of other registered public

associations or the public associations, notices of which are given in the order stipulated by that law. No such requirement to specify the general and proper names exists for charitable organizations. For such NGO it is sufficient to state the type of incorporation form and the proper name.

#### Example of a public association name:

**Khmelntytskiy Oblast Public Association “Podil Legal League”**

Indication of operations area.  
Optional in NGO names, yet mandatory in their Charters

Incorporation form

Proper part of the name

General part of the name

#### Example of a charitable organization name:

**Charitable Foundation «New Life»**

Incorporation form. Options available: member charitable organization; charitable foundation; charitable institution; other charitable entities (missions, leagues etc.).

Charitable organization name

To formulate the **goal** of a public association, it is required to proceed from the provisions of article 1 of the Law of Ukraine “On Public Associations”, which stipulate that the aim of such associations consists of exercise and protection of the rights and freedoms, satisfaction of public interests, in particular, economic, social, cultural, environmental and others.

To formulate the goal of a charitable organization, it is required to proceed from the provisions of article 1 of the Law of Ukraine “On Charity and Charitable Organizations” which stipulate that the aim of charitable organizations consists of exercise of charitable activities for the benefit of the society as a whole or specific categories of persons pursuant to this law.

The Charter also has to state clearly the organization's governance bodies. Where governance bodies of charitable organizations are described in sufficient detail, only one mandatory governance body, the general meeting, is stipulated for public associations.

The classical management pattern for public associations is as follows:

**Organization's general meeting:** supreme management body of the organization dealing with the most

important issues of the company's business (NGO establishment and liquidation, approval of charter, election of the organization's CEO and other governance bodies).

**Organization's management board:** executive body dealing with routine matters and ensuring implementation of the general meeting's decisions. The name of this body is not rigidly stipulated. It can be named, for instance, a board of directors, an executive committee, a council of elders, a management committee, etc.

**Organization's CEO:** manager of the organization in charge of the daily management tasks: hiring the personnel, operating accounts, acting on behalf of the organization towards third parties, etc.

The organization, on its discretion, may establish other governance bodies: audit committee, supervisory board, etc.

Unlike public associations, for which the Law of Ukraine “On Public Associations” does not require the governance bodies to be precisely regulated by the charter, according to the Law of Ukraine “On Charity and Charitable Organizations” the charitable organizations are required to have mandatory

governance bodies, with even their names being mandatory.

Pursuant to article 17 of the Law of Ukraine "On Charity and Charitable Organizations", a charitable organization shall possess the following governance bodies:

**General meeting (congress, conference):** charitable organization's supreme management body, its competence including: approval of the charitable organization's charter (regulation) and amendments thereto; election of the charitable organization's executive and control bodies, approval of charitable programs, stating the charitable organization's core activities; resolving on charitable organization's

reorganization or liquidation; resolving other matters as provided by the charitable organization's charter (regulation).

**Board (committee):** charitable organization's executive body; The powers of the board (committee) are determined by the charitable organization's charter (regulation).

**Administrative and executive body chaired by the president (director):** routine management body established to perform the charitable organization's routine activities.

**Supervisory board:** a body in charge of administrative and control functions.

## SECTION 2

# ACTIVITY AREAS

### FREE LEGAL AID: FORMS

---

Pursuant to the applicable Ukrainian laws, free legal aid means an opportunity for a person to obtain, on the expense of the Government or benefactor, the following quality legal services: provision of legal information, consultations or explanations of legal issues; drafting of applications, complaints, process and other legal documents; acting on such person's behalf before courts and other government authorities, local self-government authorities, and

other persons; defence of such person against any charges; assistance in accessing secondary legal aid and mediation.

It is stipulated for such purposes that primary legal aid shall be accessible for any person, regardless of his/her income, and secondary legal aid shall be extended to persons effectively incapable to procure such aid on their own expense.

### PRIMARY LEGAL AID

---

Ukrainian enforcement practice is sufficiently established with regard to the types of legal services constituting primary legal aid. The list of such services is established by part 2 article 7 of the Law "On Free Legal Aid" and includes the following:

- provision of legal information requested by the client (rules of law);
  - provision of consultations and explanations on legal issues arising in the client's living conditions;
  - drafting of applications, complaints and other legal
-

- documents (except process documents);
- assistance in accessing secondary legal aid and mediation.

Depending on its form, the primary legal aid may be provided in three ways:

- the client coming (arriving) to see the lawyer (aid provided in the Centre's premises);
- the client and the lawyer being located in different places (remote consulting);
- the lawyer coming to meet the client (onsite consultation).

### Primary Legal Aid Provided in the Centre's Premises

This traditional way has its advantages as against other forms of providing legal aid, as it enables the lawyer to:

- work under habitual and comfortable conditions;
- conduct the most comprehensive study or examination of the case's background, and, if needed, offer the client to gather extra documents and come again;
- spend enough time to ascertain the legal view of the client's situation;
- use the information and technical facilities available at the Centre, if required to ascertain the legal view;
- use the office appliances available to prepare the applications, statements of claim, or other legal documents the client needs;
- appoint another interview to the client where the case is complicated and requires extra time to ascertain the legal view, develop suggestions, and consultations with colleagues from other Centres;
- provide psychological support, in addition to legal aid.

This enables the Centre to develop for the clients a precise schedule of its activities. This schedule shall be placed on the Centre's premises, in a convenient place open for applicants, enabling the clients to plan their visits. The visiting hours together with the address should also be attached to any information of the Centre's activities. Untimely commencement

of reception or its early cessation is unacceptable without a reasonable excuse.

Client registration shall be ensured for the purposes of office legal aid, which can be done either by a specially assigned person (secretary) or by the lawyer him/herself. This is required by the Law of Ukraine "On Applications from Individuals" equally for government agencies and for non-governmental organizations.

The clients also usually prefer to pay visits to the Centre, as in this case:

- they are sure to precisely expose to the lawyer the circumstances, in which they need legal aid;
- are able to obtain not just oral consultation but have the information printed.

The evident drawback of such organizational pattern is the large portions of time required to be spent for each client. Often it is not exactly legal aid that a person needs, but rather have its problems exposed to another person. Such situation can be avoided if clients are preliminarily questioned in the Centre's premises by an attendant (if possible).

## PRACTICE

**C**entres in Kreminna, Svatove and Stanytsya Luganska of Lugansk oblast, with one lawyer at each, had a schedule of four days office work at the Centre and one day for onsite work. They had two days off. The Centre at Kreminna had Sunday and Monday as days off, whilst Saturday was a reception day at the Centre premises. Saturdays were when the most clients came from villages as it is the day when villagers traditionally came to the market at the district central city.





Надання консультації в Центрі правової інформації та консультації в м. Ковель. (Використано фото ВОГО "Центр правової допомоги")

## Remote Free Legal Aid

### Written Applications

This method is rather rarely used by clients, though pursuant to the Law of Ukraine "On Applications from Individuals", every person is entitled to apply in writing for legal aid and receive a response to such application within one month. Pursuant to the rules of document flow, the application shall be registered in the Centre's incoming correspondence register and be stored in the "Incoming Document" file or in folders classified according to the last names of

people applying to the Centre. Another option to keep such documentation can be used to track the number of applications from the same person. A written response with a consultation (or request of additional information) shall be prepared as a result of such written application. Such written response shall be registered in the outgoing correspondence register.

### Telephone Consultations

It is rather advisable to have telephones installed in the Centre (both fixed and cellular) enabling the potential clients to call, though legal consultation over the telephone is doubtful in terms of its efficiency. It is rather risky to provide a legal evaluation of the situation just based on the clients' words, without familiarization with the documents: there is a great probability of erroneous consultation.

It is more appropriate to provide information over the phone without connection to the specific situation of a client. It can include:

- information about the schedule of lawyer's work in the Centre;
- information about the organization (service) to be applied to under the specific circumstances;
- information as to actions to be taken in an urgent situation threatening the life, freedom, property etc.

As for legal consultation, in such case the client should be offered to pay a personal visit to the Centre.





Надання консультації під час мобільних візитів у села Чернігівщини. (Використано фото ГО "Чернігівський громадський комітет захисту прав людини")

## Internet Technologies

Currently there are many forums established across the Ukrainian web space, which entirely meet the need for such form of consulting. Creation of the additional electronic resources to provide legal aid on the basis of the Centres is rather for the benefit of Centres than the clients themselves.

The option of legal consultation by email is appropriate, though rarely used. The drawbacks of this consultation method are the same as for written applications:

- it is hard for the clients to precisely formulate the case background and their wishes;
- the clients need to make electronic copies of documents, which

### Onsite Consulting

Onsite consulting will require considerable extra costs for the Centres. First of all, to ensure travelling of the lawyer, as the public transport is little suitable for the purpose. Moreover, lawyers involved in onsite consulting will work in much worse conditions than those in the Centres'

may make the letter size rather big;

- the lawyers often need additional time to formulate in writing their consultations which during personal interviews are provided orally.
- registration of electronic applications and responses may be an issue.

The option of providing consultation through Skype, a video communication application, is currently almost unused but can be soon expected to become much more widely applied. Development of the appropriate technologies will be seen in the nearest future.

## PRACTICE

**T**he Kirovograd Oblast Justice Department initiated Skype consultations on the basis of village libraries equipped with internet access.

premises. In addition, they will be rather limited in the options to recommend, as such clients are not always able to go before the court.

Yet there are cases when onsite consulting is justified:

- when it is required to provide legal aid to a person who, due to his/her health condition, is unable to get to the reception office;
- when a large group of people requiring legal aid cannot receive it due to far distances and poor public transport service;
- when a large group of people at the same location require legal aid concerning the same problem.

Efficiency of onsite consulting solely depends on cooperation between the Centre and the local government (self-government) authority or managers of the company, public organization etc. which need to provide premises and inform potential clients.

## PRACTICE

**T**he schedules of onsite consultations in Svatove district were approved by the order of the head of the District Council with copies issued to heads of Village Councils who, in turn, notified the people and provided premises for the consultations to be held. After the closing of reception for the public, the Centre's lawyers assisted the heads of Village Councils in clarifying the legal issues important to the Councils.

*In Stanytsya-Luganska district subject-related onsite work was conducted in cooperation with large (in membership numbers) public organizations. For instance, an organization of war veterans cooperated with the lawyers to conduct the reception of people concerning gas bills' payment.*

Otherwise, the lawyer's visit at the place of the clients' residence (stay) will most likely be unsuccessful.

Nevertheless, such form of legal aid is of utmost importance as it contributes to legal empowerment of people, most of whom have never applied to instruments of law.

## SECONDARY LEGAL AID

### Types of Secondary Legal Aid

Pursuant to the applicable Law "On Free Legal Aid», the secondary free legal aid includes:

- defence against charges;
- representation of individuals before courts and other government agencies, local self-government authorities, and other persons;
- preparing process documents.

This list specified by the Law is rather stable for Ukrainian practice.

It is an accepted viewpoint that, unlike the primary

legal aid, the secondary free legal aid is provided only to a limited categories of people, for which such assistance is otherwise inaccessible: either due to critical poverty, or sudden force-majeure when people are unable to use their own resources (for instance, when detained by law enforcement agencies).

It is one of the tasks for the Centre's lawyer to determine the possibility, procedure, and required scope of the secondary legal aid to be extended to such lawyer's applicant.

### Who is Entitled for Secondary Legal Aid?

The Article 14 of the Law "On Free Legal Aid» specifies the list of people entitled for secondary free legal aid on the state budget's expense. Thus, the following are entitled for all types of secondary free legal aid:

- Persons whose average monthly income of the family is lower than the minimum subsistence level as well as disabled persons receiving pensions or allowances lower than the double minimum

subsistence level for incapacitated persons;

- Orphan children; neglected children; street children; children who may or have become subjected to domestic violence;
- Applicants for refugee status: until such status is obtained or the proceedings on their application end with a refusal to provide such status.

All of the types of secondary free legal aid are made available to war veterans and persons covered by the Law of Ukraine "On the Status of War Veterans and Guarantees of their Social Security"; persons with special merits for the Motherland; persons considered as victims of Nazi repressions, but only for the issues concerning their social security.

Budget funding is extended to provide services concerning representation and preparation of process documents for the following:

- Persons under detention or administrative arrest;
- Persons against whom court proceedings are instituted to limit the individual's civil legal capacity, declare them incapable or restoring their civil legal capacity; against whom court proceedings are instituted for forced psychiatric treatment – for the period while the case is under judicial consideration;
- Persons rehabilitated pursuant to Ukrainian laws – on issues connected to rehabilitation.

The persons detained by investigation and inquiry bodies and suspected of crimes, against whom a preventive measure in a form of detention was enforced, are entitled to budget-funded defence by

a lawyer for 72 hours after they have been detained.

Persons for whom, pursuant to the Code of Criminal Procedure, a defence counsel is mandatory, are entitled to free legal services pertaining to defence and preparation of process documents.

Clearly this list, established by the government and considering budget-funded legal aid, is not binding for the Centres administered by NGO's. Each NGO will have to determine on its discretion whether free legal aid should be extended based on the client's personal benefits (war veteran status, etc.) Yet NGO obtaining government funding for such activities will be bound to such list.

However, the essential difference between the primary and secondary legal aid should be remembered. The former is intended to make the client aware concerning the principles of law governing certain legal relationship; consultation cannot harm the opposed party since it is based on law, and law is not intended to harm but to protect those who need it in specific situations. Provision of secondary legal aid often (especially in civil law cases) concerns the actions against the interest of the second conflict party who may be as much entitled to the Centre's assistance as the client is.

Please find in attachments the procedure concerning selection of cases to extend secondary legal aid as applied in Khmelntytskiy Centre.

### Who Has to Provide Secondary Legal Aid to Centre's Clients?

Ukrainian law stipulates that legal defence services shall be provided by attorneys. The same is true for representation before inquiry and investigation bodies and the courts regarding criminal prosecution and cases on enforcement of penalties for administrative offences. Representation before courts in the administrative and civil cases can be assumed by any person issued a power of attorney.

If an attorney is working at the Centre, then the Centre may extend the full scope of secondary legal aid

using its own staff, involving, if need be, practicing lawyers and attorneys.

Where the Centre's staff consists of lawyers only, it will be necessary to involve third party experts in the work with certain clients or assist the clients in obtaining the free secondary legal aid from the Centres at the departments of justice (pursuant to clause 19 of the Law).

## Mediation

Mediation is a type of alternative dispute settlement through involvement of a mediator to assist the conflicting parties in establishing the communication process and analyzing the conflict so as to select a solution between them, to meet the needs and satisfy interests of all entities involved in a conflict. Unlike the formal court or economic trial, here the parties will reach consent on their own accord, the mediator will not decide instead of them (from Wikipedia).

The use of such procedures is advisable where the behaviour of one of the parties is likely to change

## PRACTICE

**E**xperience of Severodonetsk Centre in quasi-representation before court: due to excessive load on its lawyers, the Centre cannot extend the secondary legal aid in a form of court representation on administrative and civil cases. Yet if the cases are plain, lawyers provide consultation to the clients as to how to behave and what to do during the court session. The client acts before court by him/herself, and after the court session returns for repeated consultation, and the Centre's lawyer will assist him/her to prepare the plan of actions for the subsequent session.

due to mediation. It is especially the case of juvenile persons. Yet it is clear that the mediation procedure is appropriate only if a duly qualified expert is available at the Centre.



Коло медіації. Під час тренінгу медіаторів Центрів у м. Пирятин. (Використано фото ГО "Жіночі ініціативи")



Консультація під час мобільного візду в сільській раді на Хмельниччині. (Використано фото Ебі Мойі Abby Moy, 2011 р.)

## Legal Education (Provision of Information)

Spreading legal information is, in a way, a passive form of free primary legal aid. This aid is intended for non-specified clients who, obtaining legal information, will find by themselves a way to deal with their life problems. It can also include teaching the skills of asserting one's rights to groups of persons to ensure their subsequent ability for self-defence. This type of the Centre's activities is not less important than direct work with the clients. Yet, it requires specialized skills

and knowledge which are not always possessed by the lawyers working for the Centre. Depending on the personnel's capabilities, the Centre's activities concerning legal education may be in a form of retranslation only (spreading the legal education material within the territory of the Centre's activities) or also include development of its own legal education materials.

## Requirements to Legal Information Form

**Intelligible.** Legal education materials are targeting the audience mostly without legal education. Therefore, they need to be intelligible and comply with the following requirements:

- limited usage of purely legal terminology;
- unequivocal interpretation of legal terms required for successful assertion by individuals of their rights within the context of materials provided;
- maximal simplicity of the text, limited usage of complex sentences.

is mainly interested in personal life problems, not those of the government. For instance, for a young family the legal specifics of newly born baby's registration will certainly be more useful than a review of laws in this area. Yet for such clients any additional information about other actions of legal importance advisable for parents will be also important, not just the live birth registration.

**Relevant.** When creating new content, consideration is needed to the issues most often addressed by the Centre's clients.

**Specific and Comprehensive.** The target audience



**Note:** the information supplied shall be proven by usage. The best practice is to have it reviewed by several practicing lawyers. Development of new content is a laborious and time consuming effort.

Therefore if quality content is available from other authors, the legal education activities should be limited with spreading such content.

## Media

**Handouts:** it is the most convenient form of information material to be distributed among the Centre's clients, during onsite meetings, and through related NGO's. Every such material contains a consultation and information on certain specific issues. Depending on the volume and shape, the following handouts are available:

- leaflet: a paper sheet with text printed on one or both sides;
- flyer: a small leaflet;

- booklet: A4 or A3 sheet folded in two or more creases with text printed on both sides;
- brochure: a non-periodical book form edition of more than 4 pages (not to exceed 48) composed of two principal components: inner block and paper cover bound together with staples or thread.

Such materials are normally supplied to Centres for distribution by partner organizations, which is an additional advantage for such form of legal education.

## Use of Media

### Printed Media

The most traditional way is placing articles containing consultation on the pages of printed media (newspapers). The advantages of this method are as follows:

- the readers are used to such form, so the articles are perused by many people;
- such consultation may be systemic, from one issue to another dwelling on various aspects of the same problem;

- feedback is possible to readers' additional questions.

Principal drawbacks:

- high cost of newspaper publications, which is why such consultation is mainly published in municipal media;
- considering the high relevance of raised issues, such consultation requires high legal proficiency from the journalist or the writer.

## TV

It is by far the most popular information source. Yet to distribute legal information through TV special media it is required to have: clips, animation, documentals etc. The use of a "talking head", i.e. just a lawyer speaking on legal issues, is not consistent with the modern TV standards. However, at times well-turned comments from the lawyer concerning a conflict situation may

## PRACTICE

**T**he Centres operating in Lugansk oblast distributed legal education media in the following ways:

- *clients are offered the choice of media to select those they need;*
- *distribution of media during onsite subject-related meetings;*
- *Distribution of media to libraries, village councils, public organizations, government authorities, and courts for placement on stands in the premises of such institutions.*

show the way towards resolving it.

### Radio

A rather efficient way to distribute legal information, its intelligibility being one and the strictest requirement for it. This channel is relevant subject to availability of the 'wired' radio, in particular, in villages where it has been preserved since Soviet times.

### Internet Access to Legal Information

Digital versions of any of the above media are an excellent alternative for material media. They are cheaper and, which is important, easier to find when the problem suddenly emerges. Digital information has also the advantage of much easier update in the event of legislative changes. On the other hand, this information channel has also the traditional drawback of internet technologies: clients are not so easily taught to

use 'your' precise segment of internet space. Another and even more important problem is that the consultation is only relevant when delivered. Next day the legislation may change, and the person

finding the answer to his/her query may be unaware of that. Therefore after posting virtual information it is essential to monitor if it has not become obsolete.

### Public interests representation

Generalization of the most frequent issues raised by the clients and campaigning on prevention such problems before the clients face them are an important resource of the Centres intended to increase the social impact of their activities. Let us

consider an example of such work.

The Centres' social interest representation activities have to consist of the following interconnected stages:

## PRACTICE

**L**ugansk oblast Centres used for legal education the following channels:

- in Severodonetsk the Centre employees prepared consultations on the issues most frequently raised by the clients during the relevant period; such materials were printed weekly in the city council's newspaper "Severodonetski Visti"; those same materials were issued in the local online newspaper "My City";
- in the Svatovo Centre the lawyer delivered legal consultation in live transmission of the Radio Lawyer program on daily basis;
- in Severodonetsk and Svatovo the information contained in handouts was placed on the dedicated page of the city councils' official websites.

## PRACTICE

**I**n the Severodonetsk Centre since early 2011 clients have appeared against whom court judgments were issued for collection of utility payments arrears. For almost all of such clients the petitions were prepared to reverse the judgment and reconsider the case in regular proceedings as there were disputes concerning the amount of services provided. In most cases such petitions were satisfied. Therefore, the Centre approached the City Council proposing not to use applications for court orders for collection of utility payments arrears, and the City Council accepted the proposal.

- statistical analysis of applications as to their subject matters. A rather complicated stage; the most widely used method is application of the direct references to provisions of substance law governing the clients' relationship in the primary registration. Other registration systems are possible enabling to emphasize the subjects of applications;
- legal analysis of the subjects of applications repeatedly used, specifying the authorities to the competence of which the said subjects belong;
- sending the analysis results to the government/local self-government authorities to the competence of which the said subjects belong;
- conducting activities to assert the social interests.

### Types of Special Activities to Assert Social Interests:

- proposals and petitions sent to government / local self-government authorities;
- proposals to hear and draft resolutions to be adopted at the meetings of advisory boards at government / local self-government authorities (public councils);
- round tables to have the problems discussed between spokesmen from authorities and public interest groups;
- media campaigns to protect social interests;
- initiating protest events.

### Strategic Court Cases

Such cases should be considered not as a form of secondary legal aid but as the part of social interest protection. Therefore, participation in such proceedings is not limited to destitute clients only.

Selection of strategic cases is of utmost importance, since normally they are strategic for the adversary as

**A**ccording to the definition used in reception offices of the Ukrainian Helsinki Human Rights Union (UHHRU), cases are considered as strategic if they modify administrative or judicial practices, change the law or purport to defend the rights and freedoms where violations become wide-spread or brutal.

The following criteria are used by UHHRU to ascertain if the case is strategic:

- There is violation registered of rights and fundamental freedoms protected by the European Human Rights Convention, International Covenant on Civil and Political Rights or other international treaties to which Ukraine is a party;
- the case may be considered acceptable for consideration by the European Human Rights Court, UNO Human Rights Committee, or another international body;
- violation stated during the case is observed on multiple occasions;
- violation stated during the case is of systemic nature;
- positive outcome in the case may have serious impact on the applicable laws, administrative or court practice;
- brutal violation of human rights and fundamental freedoms occurred;
- violation of human rights is of high-profile.

well. If the conduct of such proceedings is neglected, it can harm a large number of people not being the Centre's clients yet they come to face the situations similar to the one considered. For a systemic selection of the cases requiring representation of the clients' interests before courts, the preliminary developed Procedure for Case Selection can be used (Annex 1).



## PRACTICE

**P**echersk District Court of Kyiv on July 25, 2006 closed proceedings on an administrative claim against the Ministry of Health of Ukraine, Ministry of Labour and Social Policy of Ukraine, Fund of Social Security against Temporary Disability, Fund of Social Security against Industrial Accidents and Occupational Diseases of Ukraine and the Ministry of Justice of Ukraine as to declaring illegitimate a statutory act jointly issued by the defendants "On Approval of the Standard Form and Functional Description of Disability Certificate and Instruction on the Procedure of Filling-in the Disability Certificate".

The administrative claim moved to declare illegitimate the requirement to set forth in the Disability Certificate any information about the person's diagnosis and the disease code as per the International Classification of Diseases as this constitutes a violation of the constitutional rights of Ukrainian citizens for privacy (confidentiality) of information about an individual's health condition. The judgment of the Pechersk District Court, whereby the claim was granted in full, took force on September 8, 2006. The defendants did not wish to reverse this judgment through the court of law or court of appeal. Therefore, it is illegitimate to specify the medical diagnosis in Disability Certificates (quoted from <http://helsinki.org.ua/>)

# ENSURING ACCESS TO FREE LEGAL AID FOR RURAL COMMUNITIES

## DEMAND OF RURAL COMMUNITY POPULATION FOR FREE LEGAL AID AND THEIR LIMITED POTENTIALS

---

Due to the significant number of laws and other regulations adopted in pursuance of them, and constant changes in such laws and regulations, and use of terminology which is complicated for those who are not experts, etc, each person may not be aware of and apply these laws. Therefore, there is a demand for people able to explain for the others the rules according to which such laws may be used in specific everyday life circumstances. Usually such experts are lawyers who, in order to have a necessary level of knowledge and respective qualification, received education in higher education establishments. Though, since recently they more often say about an excessive number of lawyers graduating from domestic education establishments, such professionals are still demanded, particularly, in small towns and villages. In practice, few of those who have graduated from legal education institutions

would come back to live and practice their profession in villages. They mostly stay in the capital, oblast and district centres and urban settlements which are administrative centres of such districts.

Rural population, like population living in cities and towns, always faces various issues and they have to address lawyers to resolve them. Usually such issues are related to formalizing inheritance of their deceased relatives or friends, obtaining social aids or pensions, privatising land plots, making documents of title to houses and land, entering into sale and purchase, donation and other agreements, and formalizing child maintenance payments, letting on lease their land shares, etc. In the event of incorrect actions or omissions, a person may be deprived of opportunity to enjoy or protect such or another right. Therefore

---



Надання правових консультацій групам на Рівненщині. (Використано фото (с) Stephanie Sinclair / VII for the Open Society Foundations)

the Legal consultants<sup>1</sup> in communities are very demand in rural areas.

Thus, since a person who has no free time, special knowledge, skills, and expertise may not sort out, without such professional consultation, legal details, the legal aid is demanded from any available sources. Under the circumstances, reference is made to the primary legal aid in particular. So that, if such aid is available, it would be possible to identify the further solution of the issue, such as with what to begin, to whom apply, and where and which document to submit.

Rural population, unlike population in cities and towns, has access to much less resources from which they

<sup>1</sup> Legal consultants in communities is one of the variants to translate such American term as «paralegals», i.e. consultants who have received specialized education and provide basic primary legal aid to people living in rural area and remote populated areas. Unlike the USA and Canada where such consultants are subject to state certification, in Ukraine such specialists are not officially recognized; but as far as it goes to legal protection activities, they are an essential link between professional lawyers and a person who needs legal aid but, due to the lack of funds and large distance to the nearest town or city where legal aid is available, may not receive professional legal aid.

may receive necessary legal information, consultations or explanations. Such limited potentials available to rural population for receiving primary legal aid often result in violation of their right or prevent such population from exercising or protecting their rights.

Limited access the rural population has to legal information and aid as compared to large communities (towns and cities) is mostly caused by the following factors:

- transport availability – villages are at a distance from cities, district and oblast centres and roads are rough, as a result regular transport connections are not sufficient;
- material availability – no constant and repeated earnings, high cost of legal services, expensive legal literature, etc;
- no professional lawyers available in the rural area;
- there are no organizations providing free legal aid;
- insufficient or no actual legal information available in local libraries.

The aforementioned facts have effects on the access the rural population should have to paid and free primary legal aid.

The following opportunities to meet rural population demands for primary legal aid are additional (not main):

- onsite receptions held in villages with participation of field experts from district centres (justice and social protection, and state land agency officers). Such onsite receptions, however, are not held systematically and are dependant on available financing, and not all of the people have confidence in the government, and field experts employed in such or another authorities may not respond to all questions people may ask;
- exercising the right of application which implementation is provided in the Law of Ukraine «On Citizens' Appeals». Villagers on an extremely rare occasion exercise their rights to oral and written appeals: they either do not know of or may not correctly enjoy, such right, or do not believe in the outcome. Such disbelief is due to the fact that public officers often give formal responses as related to the application of laws in certain situations without giving the actual answers to the to people questions or otherwise such answers are incomplete;
- resources available from public and school libraries in villages. Such resources may include the library collection (literature) and access to the Internet via such libraries. Nevertheless, literature is usually outdated there, and far not all of such libraries may offer access to the Internet. Moreover, even if they have access to electronic resources, villagers often may not use a personal computer or do not know where and how to search correctly;
- periodicals. As the practice shows, villagers usually prepay district and regional communal publications (newspapers). Sometimes, local authorities publish in such publications their own explanations as per various issues. Such work, however, is not systematic and such publications are often limited to word-for-word copying of legal provisions without any detail explanations in a comprehensible «non-legal» language of the procedure for their practical application;

## PRACTICE

**S**ince rural communities mostly lack professional lawyers, villagers usually receive basic primary legal aid from village councils' officers (chairperson and secretary of the council, land manager, social employees, and passport officer) and teachers of legal science. However, only few of the village councils' officers do have legal education. Usually they have pedagogic or other education and, due to the lack of specialized training, may not give answers to all and any questions as related to application of laws people may ask.

- home Internet and legal literature individually purchased. It is true that few villagers would buy legal literature for their own use. At the first place, such literature is rather expensive. Furthermore, the laws change constantly, therefore a purchased book may soon lose its practical value. In addition, such literature is mostly designated for lawyers, therefore ordinary citizens may not, after having read respective code in full, each time comprehend its content and correctly apply its articles upon resolving such or another issue. As far as home internet is concerned, its users have access to multiple information, which is not at all time professional or actual at the time they review such information. This could be even more embarrassing for a person who wanted to know where he or she should apply and what documents he or she should file. Public authorities do not at all times update in a timely manner the information that citizens need and that is available at their websites. Such village users of home Internet or Internet available at their place of work (at schools or in library) are rarely so skilled that they may search for necessary legal information;
- applications to reception offices of members of parliament, public organizations and charitable funds in cities and towns. Some villagers who are able to come to a city or town being district or oblast centre, use primary free legal aid provided by lawyers employed in reception offices of certain members of parliament, public organizations and charitable funds. However, not all are aware of such reception offices and their location and even well-informed people may not at all times be able to travel to a city or town for such aid.

At the same time towns and cities, unlike villages, as a rule, have significant competition between lawyers, notaries and other law experts. Moreover, most public authorities are concentrated in large populated areas. Various non-governmental organizations (public organizations, charitable funds, etc.) often operate in towns and cities and from time to time engage professional lawyers to carry their own activities. Citizens would be able to solve most of their vital problems having addressed to such entities. In addition, urban population has more opportunities, as compared to rural population, to choose between several different experts and paid or free aid. Thus, a

person may first receive free consultation from pension fund authorities as per his/her right to retire and then consult with independent lawyers from public organizations and lawyer for a charge. Moreover, such person may freely receive consultation on such or another issue from various entities to verify whether the Pension Fund authorities have correctly explained requirements of the pension laws. As the respective authority may for any reasons furnish to potential pensioner incomplete or untrue information. To such effect, rural communities are not currently afforded such opportunities as urban population has.

### ALTERNATIVE WAYS TO ENSURE THAT RURAL POPULATION HAS ACCESS TO PRIMARY FREE LEGAL AID

Rural communities may be granted access to primary free legal aid by means of not only the standard (as described above), but alternative options for provision of legal aid.

Alternative ways enabling villagers to have professional legal aid are, as a rule, related to activities of public organizations and charitable funds, rather than state-financed organizations, which operations are supported by benefactors. Professionals such

organizations employ are mostly able and willing to carry out such educational activities. By way of example, in Rivne region lawyers from Law Centres of Rivne Oblast Public Organization «Electorate Committee of Ukraine» have been more than ten years evaluating various ways of providing primary free legal aid to rural population, including in remote areas.

For the time being, the following ways of ensuring that villagers have access legal aid:

- issuing and disseminating dedicated legal education literature (brochures, booklets, informational leaflet and posters);
- preparing and sending to printed media explanatory publications dealing with urgent issues and placing such materials at web-sites of the organization and its partners;
- onsite receptions held by lawyers/attorneys in communities using premises of village councils, recreations Centres, libraries, etc.;
- onsite group consultations/lectures in communities for their

## PRACTICE

**A** *housewife may not easily find time to visit the village council when public organizations' experts will be there and listen to a lecture dedicated to «Formalizing the Right to Inheritance» and review respective presentation. Likewise a person who is employed by a company and thus can not visit the lecture could make use of such a legal education leaflet as «How to Get Rights to Inheritance» which someone of the attendees might pick up for him or her. For a young mother who always stays at home taking care of the child and spends her free time sitting at a personal computer (communicating with her friends via social networks, reading various publications, etc.), it would be more convenient to ask her question as a comment to educational article at the organization's website and thereafter receive answer in the next comment. It is the availability and use of various educational alternatives to provide primary legal aid that enables to satisfy the needs of as many people as possible.*



Правова просвіта в селах – поширення інформаційних матеріалів мережі Центрів правової інформації та консультації в бібліотеках Херсонщини. (Використано фото ХОГО КЗУ)

population as per certain dedicated topics (such as formalization of inheritance) using premises of village councils, schools and recreation centres (clubs);

- giving comments and interviews on urgent legal issues concerning citizens for newspapers, radio and television and participating in radio and television live broadcasts;
- consulting by phone, mail and email (response to applications);
- consulting via Internet using skype;
- involving teaches of law and secretaries village councils for providing primary legal aid to villagers, supporting their activities.

In practice, in order to provide primary free legal aid to villagers and other communities' population, it is extremely important to not be limited to one specific approach, since such approach would not allow getting help from various target groups.

In order to ensure that the remote primary legal aid (by phone, via organization's website, by mail or email, skype) is of good quality, such aid should be provided by those who have full legal education and significant expertise in respective field, i.e. by specialists who have not only respective knowledge, but also skills of practical resolution of legal issues. Such requirements arise since remote consultancy

needs perfect knowledge of how to resolve an issue raised by a person not only as the laws dictate, but also from the practical point of view.

Among the listed alternative ways of making primary free legal aid available to rural population which public organizations and charitable funds may use, the most perspective options should be considered as onsite group consultancy /lectures in communities dedicated to certain issues, publishing and distributing educational literature, and establishing and supporting operations of legal consultants in rural area, involving secretaries of village councils, teachers of legal science in village schools deliver legal education. It would enable resolving urgent individual issues that certain communities are currently facing, and:

- avoid any disputes in the future (for example, if villagers are aware that to accept inheritance after their parents, with whom they do not live together, have died, they need to file respective application within six months, then courts would deal with far less claims which are filed to prolong a period for accepting the inheritance and other claims);
- build up the legal culture and respect to human rights and impatience to any manifestations of corruption among villagers;
- increase the level of legal awareness of the public;
- identify problems with application of laws and regulations adopted for their practical implementation





Передача професійної літератури правовим консультантам в громадах. (Використано фото РОГО КВУ)

- and propose the ways to resolve such problems;
- find out issues of law enforcement concerning the villagers and inform people of what they need.

Actually it would enable identifying the demand for certain aid and ensure the supply to meet such demand.

### ENGAGING PARALEGALS FOR PROVIDING FREE LEGAL AID

A rather new trend of ensuring that free legal aid is available to people of rural communities which are particularly far away from district and oblast centres is the engagement of paralegals for providing free legal aid.

Provision of free legal aid to a rural community requires a specialist who may not have any legal education, but who has received respective training, has basic legal knowledge, and access to information from professional lawyers. Such person may disseminate legal knowledge among his/her colleagues or in the environment and volunteer when free of work helping (for free) to his/her fellow villagers in getting access to primary legal aid.

Prerequisites for arranging free legal aid in rural communities include large volumes of organizational

**F**or example, a teacher of history and legal science of the village school or secretary of the village council, when they are free of their main work, may volunteer providing legal consultations and explaining domestic laws, assisting in signing applications and information requests addressed to government authorities and local governments or just find certain regulations and afford the people interested an opportunity to review their contents.

and preparatory work. Given below is the sequence order of such work.

## ARRANGMENT OF ACTIVITIES RELATED TO FREE LEGAL AID PROVIDED IN RURAL COMMUNITIES

### Stage 1. Public organizations or charitable funds making decision to engage paralegals

At this stage we need to identify: 1) whether the community needs to set up such activities; 2) what resources may be used to create conditions for work of such consultant; 3) how to select and train the personnel who will act as consultants; 4) who will be responsible for supporting the activities of the consultants; 5) how to arrange communications between the organization/foundation and paralegals.

Moreover, it should be taken into account that activities of paralegals in the organization/foundation should be supported by a professional lawyer (lawyers) who may give qualified consultation and methodological assistance to consultants. It is extremely important to find at this early stage funds or sponsors willing to provide funds and/or other resources to assist in creating such working prerequisites and obtain guarantees for such support (grant or charitable aid agreement, etc.).

For example, legal literature and office equipment may be purchased at the expense of the sponsors.

Legal aid provided by paralegals may interest such organizations/foundations that deal with legal education and legal aid to poorly secured population groups and legal protection. Thus, with the help of paralegals, local non-profitable organizations may increase the number of people who receive legal aid from them. Moreover, it would give an opportunity to examine local problems and propose ways for their solution, and plan and carry out educational and legal protection campaigns.

Naturally, such work in villages is absolutely impossible without people who would be ready to provide free legal aid to their fellow villagers. Therefore, the primary task is to select consultants.

### Stage 2. Initiating the selection of participants from among the rural communities' population who wish to be trained the specifics of searching and application of the domestic laws

Terms and conditions for selecting people to be trained in such a way should be worked out at this stage. Such conditions may be set in the form of a competition announcement. Such announcement should obligatorily state:

- name of the educational effort (*for example, «Law School»*);
- purpose of the education (*for example, raising legal awareness of the law science teachers in villages and urban settlements and secretaries of village councils, teaching them the practical skills of legal protection and assisting in further dissemination of legal knowledge, skills and expertise received in such a way by encouragement of paralegals in communities suggested by the Law Schools participants for further free dissemination of legal information among the population*);
- target number of people participating in the training (*for example, 12 people*);
- target group the representatives of which are intended to be selected as potential participants (*for example, teachers of history and law science of village schools and/or secretaries of village councils*);
- brief summary of educational efforts (*for example, while studying the participants will be familiarized with the legal treatment of labour, land, housing, inheritance and property rights of citizens, specifics of their protection, rules for formalizing the initiation of citizens' own businesses, general issues related to application to courts under civil and administrative procedures, ways of self-protection if a person is brought to administrative and criminal responsibility; examine various life situations and, having access to legislative databases, legal literature jointly with practicing lawyers, try to find answers to questions, obtain practical skills for preparing procedural documents needed to apply to courts and government authorities, etc.*);
- number of participants in educational efforts who, after having completed the education, will be offered to assist in establishment of law Centres in communities (*for example, not less than 3 participants*);
- duration of the educational effort (*for example, «Law School» will be held in the form of two sessions, 3 days each*);
- confirming that participation in the education



effort is free; any costs and expenses arising will be covered (*for example, participation in the Law School is free. The selected participants will be afforded accommodation, meals, travelling and necessary methodology literature and materials at the expenses of the organization*);

- list of documents necessary for the selection of participants for the education.
- date by which documents needed to participate in the selection, form of such submission and contact information of the organization/funds announcing the selection must be submitted

A ready competition announcement may be spread in the following ways:

- sending together with the press release to media with a request to place it at their own resources;
- placing a press release containing terms and

**F**or example, interested people should submit such documents in any convenient way (by mail, email, fax or personal delivery to organization's office) no later than by 23 May 2012. Contact information of the organization: mailing address: Post Office Box c 80, Rivne-28, 33028, fax: (0362) 26-39-43, email: cvurivne@cvu.rv.ua. Office address: 6 Korolenko Street, offices 4 to 5, Rivne. Should additional information be necessary, consultations may be received from the organization by phones: (0362) 26-39-43, (050) 375-99-23, (067) 673-59-02. Contact persons: Iryna Shakhidze, Sviatoslav Dubov

**F**or example, to participate in the contest, the following documents shall be submitted: summary autobiography of the nominee; short motivational letter proposal in an arbitrary form containing the following information: reasons for the participant to be interested in the contest; place where the participant will provide legal aid; what is the participant's vision of the organization of its work with the public (up to 1 page of A4 format approximately); reference letter as per attendance of the school issued by the education department, school, village council, etc. (if appropriate); approval letter from the village council, library, school, culture centre stating that they are ready to provide at no cost premises (part of the premises) to accommodate the Legal consultant in the community (if available)

agree upon that such management would inform the teachers concerned of such selection via the local education departments. Furthermore, the head of the oblast education department may be proposed to place press releases containing terms and conditions of the competition (announcement) at the website of the department.

*As the practice shows, people who work as teachers of history and law science and secretaries of village councils fit best to work as a consultant in rural communities.* The former already have primary knowledge of and the latter have both knowledge and some experience of primary legal aid provided in villages (in particular, as related to inheritance issues). Moreover, such people are usually well-known and expected in villages. Villagers mostly ask their consultation in complicated situations of legal nature.

Having completed the acceptance of documents from those who wish to participate in educational efforts, the training should be arranged and held.

conditions of the competition (announcement) at its own website and requesting the partners to place the same at their own websites;

- sending the announcement together with the cover letter to the oblast education department and district state administrations. Moreover, if village school teachers are intended to be involved in such educational efforts, it would be desirable to meet the oblast education department management and

### Stage 3. Arranging and holding the training for participants selected from among the villagers

While arranging such education, it should be necessary to:

- identify where the event will take place (populated area);
- arrange the premises to be used to hold the event (if no own premises are available), prepare office equipment (laptop computer, projection device, screen, flip charts, extenders), consumables and handout materials (paper, pens, copybooks or notebooks, markers, drawing paper, sets of certain codes, etc.), identify a computer classroom where practical exercises of working with laws could take place, and catering and accommodation of the participants;
- prepare full-scale complete training program.

Such training must be delivered by practicing experts who have significant experience of practical work in the field of law, including attorneys. This is due to the purpose of the training to teach as soon as possible (for example, within six days divided into two three day sessions) non-lawyers to find legal provisions they need and apply such provisions in everyday life situations. That is the participants should receive key theoretical knowledge that may be of practical use as well as practical skills.

Such training, however, should not be treated as remedy enabling to convert the participants into lawyers. It is impossible to get knowledge of everything within such a short period of time and considering existing volumes of the domestic laws. Nevertheless, potential paralegals will be able to receive basic knowledge and skills which would enable them to conduct a more proficient search on their own for the norms they need, correctly understand and explain to the others the procedure under which they are applied in specific everyday life situations.

An example of a training program is given at the end of this section, which has been repeatedly tested by experts of Rivne Oblast Public Organization «Electorate Committee of Ukraine»(Annex 2).

A process of training potential paralegals should not be monotonous. Trainers should apply various ways, such as lectures, group discussions, exhibitions, presentations, films, solving of individual and group practical tasks and individual search by the participants of specific laws via the Internet, etc.

If available, during the entire time of the training, the participants shall be provided with various literature (copies of codes) to enable them to solve practical issues. So that they will get used to use specialized literature to resolve complicated issues, rather than their own experience and judgment.

Moreover, as it is evident from the experience, it is extremely necessary to hold practical exercises in computer classrooms. During such exercises, the participants should on their own find in the Internet the texts of laws and apply them to specific situations. At this stage we should assume that not all of the villagers may be skilled to use a computer. However, teachers and secretaries of village councils usually are experienced users.

Upon completion of training, the participants should be interviewed to determine the level of their knowledge and utilization of the materials and it would be appropriate to issue certificates evidencing that they participated in the respective events. Such document will serve not only as a reminder, but also as a kind of motivation for their further activities.

### Stage 4. Identifying and selecting communities in which paralegals will work

At the stage of selecting participants to be trained, those to whom it may later be offered potentially to arrange consultancy operations should also be preliminary selected. Just judging on the motivation letters given by candidates for the training, we may understand why people want to be engaged in such work and where they intend to carry out such work,

should their initiatives be supported.

Further on, after the training, we may take a closer look at the potential consultants in such communities to evaluate the level of their knowledge and acceptance of new information, and their willingness to be engaged at no cost in public activities in their villages.

Since paralegals are local public figures, i.e. persons who by their own beliefs are ready to devote a part of their free time to work for the benefit of their fellow villagers and the community in general.

Thus, during the training knowledge and skills learned shall be tested from time to time.

After completing the course, we should identify the communities where paralegal will host the clients. The following work should be carried out for such purpose:

1) visit the communities the inhabitants of which wished to provide free legal aid in the communities and evaluate the potentials for their operations (have a talk with the village chairperson and other people who are willing to provide at no cost the premises and furniture to establish a accommodation of paralegal's activity;

2) find out from the potential consultants what is the format at which they are intending to work (reception days and hours, periodic dedicated to educational activities, etc.);

3) establish a Competition Committee composed of trainers who have delivered such a training (the commission may be establish and composed under oral agreement between organization's members or based on the written instruction from the chairperson of the board).

The Competition Committee should evaluate:

- motivation letters submitted by potential consultants at the time of selection for the training;
- knowledge and skills found out by the trainers in the potential consultants at the time of training and testing;
- level of potential consultants' abilities. Decision of the commissions may be verbal or recoded as minutes.

### Stage 5. Start of paralegals' work in communities

Once the Competition Committee makes decision to support initiatives of potential consultants, paralegals will be officially introduced in the communities and start their work. Significant financial resources are not usually required to support activities of paralegals. It is sufficient to have:

- person (consultant) willing to dedicate at no cost a part of his/her time free of his/her principal job to provide primary legal aid to the public;
- premises that is fit to be used as a public reception office;
- minimal necessary furniture and equipment (desk, couple of chairs, shelves for books, etc.);
- methodological literature (texts of codes, laws, and scientific and practical comments on them and other reference and legal literature);
- office equipment (personal computer and, preferably, printer);
- telephone (mobile and fixed);
- access to the Internet.

A part of such resources are not required to be purchased at the expense of the organizations or sponsors. They may be found in the community where the consultant will work. In villages free

premises may usually be available in village councils, culture centre, paramedic and midwife station, school library, etc, and a room or a part of their premises may be asked to accommodate the paralegal. As a rule the management of village councils and school headmasters support such initiative since it will put legal services closer to the public. They also may be asked to provide basic equipment (desk, chairs, etc.).

Legal and reference literature may be purchased at the expense of the sponsors, as well as personal computers and office equipment. It is good to have an opportunity to have connection to the Internet paid at the expense of sponsors. As far as telephone communication is concerned, most people use mobile phones, therefore, the consultants may use their own phones.

Once everything is ready for opening, respective announcement should be prepared and made in the community. It will bring such an event to notice to the public and help to involve them to receive paralegal's services and disseminate information related to its activities.

Cooperation, agency or other agreement should be signed as an essential element to build up formal relations with the consultant. Moreover, the equipment purchased for the paralegal must not be in anyway donated to him/her, but transferred by the public organization for use. Respective agreement is to be signed by the organization manager and the consultant to such effect. Such an agreement may

be entered for one year or longer period and then prolonged as long as necessary (Annex 6).

Once the activity of the paralegal has been established in the rural community, the organization makes all cooperation arrangements to support activities of the consultant.

### Ensuring sustainable operation of the paralegals in the rural area

The most complicate issue after conditions for operation are in place and paralegals start to operate in communities is to ensure their sustainable work.

As the start the organization undertaken to support activities of such consultants in any of the rural communities should build up communications with them. A solution may be to have in place systems providing methodological and consultancy aid to the consultants and reporting on their activities. Such actions may have various forms and be taken from time to time.

A consultant may keep reporting in electronic format or in writing such as an application registration journal kept in the format which is already available to the public organization / charitable foundation supporting activities of such consultant, and monthly send such journal to the organization via email. Moreover, consultants may be proposed to attach such journal once a quarter or half-year with a summary descriptive report on the work carried out. Similar system has been used for more than a year by Rivne Electorate Committee of Ukraine.

The system for providing methodological and consultancy aid for the paralegals in the communities may operate based on the following principles:

1) If a person addresses to the paralegal and the consultant is not able to provide legal aid, since such consultant believes

him/herself not competent to deal with or is not sure that his/her answer is correct, the consultant explains by phone, skype or email to his/her supervising lawyer the situation and consults on how to consult such person correctly;

2) the supervising lawyer, in return, gives all possible assistance. If necessary, he or she may recommend arriving at the organization's reception office in person. Such system is efficient if the consultant follows the instructions given to him or her and does not hesitate consulting with the lawyer. The annexes there is a system of interaction between the paralegals in rural communities of Rivne region and Rivne Electorate Committee of Ukraine set as an example. (Annexes 3, 4, 5).

At the end of this section we should note that village paralegals are most convenient for the public organization/ charitable foundation to distribute educational literature conveniently, arrange and host events involving communities' population, examine local problems and react to legal demands of the public.

## PRACTICE

**F**inally we should note that in 2011 Rivne Oblast Public Organization «Electorate Committee of Ukraine» with financial support from the International Renaissance Foundation has arranged the establishment of five paralegals consultancy points. Since then experts of the public organization have been supporting their operations. In particular, such paralegals' points were established in Povcha, Maydan, Verba villages of Dubno district, Zhovtneve village of Radyvyliv district and Piskiv village of Kostopil district. Three rural paralegals' points more are expected to be established in 2012 in Rivne oblast.



## SECTION 4

# STRUCTURE OF THE CENTRE

In this handbook we will deal with the Community Law Centre as a public or charitable organization or a structural unit of such organization. Depending upon the organization and legal form selected, Centre's strategy, structure, trends and forms of operations and other important issues shall be such as general meeting of organization founding members may decide. Organization's status may include establishment of the management board to which the Centre's founders may appoint representatives of various structures and government authorities and local self-government authorities, law and commercial companies. The General Meeting and the Management Board may not have influence on the decision making in the organization and

provision of free legal aid, however, under certain circumstances, they may act as a supervisory board in the organization and facilitate the good-quality provision of legal aid.

A staff is an essential element which the proper operation of the Centre depends on. As it is the case for each public organization, people unite on the basis of the principles of freedom, common ambitions and interests. They are oriented on useful common activities and encourage each other for mutual aid, support and search of different ways to solve problems to which governmental authorities and commercial structures often pay no attention.

### CENTRE'S PERSONNEL

---

The Centre employs personnel (staff) which are sufficient for continuous operation of the organization. The Centre's personnel comprise a team united by its

mission, target and methods of solving short-term and strategic issues. Centre's mission should be in line with individual experience of the personnel.

---

A number of people for which a non-governmental organization is the principal job depends on the contents of the projects the organization is implementing, scope of its activities and potential to timely pay for its employees' work (i.e., sustainable operation of the NGO). The Centre's structure depends on financial potentials. As the practice shows, a lawyer should act as the Centre Head and, preferably, assistant. Depending on the financing potential and goals of the Centre, its staff may differ and, in particular, it is useful to have the reception manager, press secretary, financial director, etc.

**The Centre Head implements the strategy selected by the organization and approved by general meeting or management board and is a hired employee.**

The Center Head has internal and external management in relation to the Centre. External work includes organizational activities related to cooperation with government authorities, local self-government authorities, media, searching for partners, highlighting Centre's performances for the partner organizations, donators, and the public.

Internal work includes arranging the Centre's operation, recruitment, and managerial activities.

Therefore, the Centre Head shall:

- preside the Centre, exercise general administration of office operations, arrange the control over the employees work, and fulfilment of current operations and be the final instance for resolving legal and administrative issues falling within his/her competence;
- be responsible for the operation of all of the Centre's employees, compliance with rules and procedures, and good-quality provision of free legal aid;
- allocate current load, work out a system for allocating cases among employees so that to ensure equal allocation of case in terms of their general number and complexity;
- from time to time hold meetings of Centre's employees to maintain contacts with all employees, elaborate the corporate policy, common discussion of cases, work out common legal position in relation to certain cases, resolving disputable/conflict situations within the work with clients;;

- arrange keeping human resource and other documentation of the Centre, official correspondence, and documenting managerial activities;
- ensure qualification upgrading for the Centres employees, arrange trainings designated for employees, and public activities.

**Obligations of the Center Head include:** supporting external and internal communications of the Center; acting on behalf of the Center in its relations with all interested parties, general management of the work; arranging the documentation maintenance, archiving cases; recruiting the personnel; controlling the work of Centre's employees; holding educational activities to upgrade qualifications of the Centre's employees; preparing printed materials related to the activities of the Centre for spreading among the public; coordinating gathering of information on the Centre's performance; monitoring Centre's activities; arranging cooperation with Centre's partners.

**A Centre lawyer may be a person having professional education and acknowledging and sharing the Centre's mission as related to provision of free legal aid.**

Requirements to lawyer's qualification: higher legal education; practical work experience of at least 3 years; willingness to work in the field of legal aid intended for low-income citizens, good knowledge of the Ukrainian language, both written and oral; computer skills (Internet, law databases). Experience of work in reception offices, such as legal clinics or other public organizations is desirable.

Moreover, upon employing a person to act as a Center lawyer, emotional load on the employee shall also be considered. Taking this into account, in addition to a proper level of legal knowledge, it is essential for a legal expert to be able to adjust to unusual conditions of work, such as resolution of



legal and social conflicts involving a large number of people, taking into account individual specifics of people who applied for resolution of disputes arising out of family conflicts. In the Centre the lawyer will have to work with different people: young and old people, disabled people, people with mental disorders, etc.

### **O**bligations of the Centre lawyer:

- *complying with the Centre's rules, ethical standards applicable to the provision of legal aid;*
- *keeping in secret personal data and confidential information regarding the person, such as, the fact and content of the application;*
- *providing legal aid using all means available in the Centre: during personal reception, via Internet, by phone, etc. (Further information may be found in the Regulation on the Community Law Centre, see Annex 7)*

Subject to respective financial opportunities, the Centre may employ a **Centre assistant** who will act as the assistant to the director and/or lawyer when carrying out functions that are directly related to administration, establishing internal communications, documentation maintenance, assisting in working with clients, maintaining Centre's relations with the public. The assistant will ensure that internal operational processes are in place at the Centre.

**Requirements to assistant's qualifications: higher education (legal education is not a must), willingness to work in the field of legal aid intended for low-income citizens, communicability, skills of contact establishment, basic knowledge of mediation, good knowledge of the Ukrainian language, both written and oral. Work experience in public relations is desirable.**

**Obligations of the Centre's assistant:** complying with Centre's rules and standards, maintaining human

resource documentation; maintaining documentation as related to accounting of the Centre's clients; conduction of primary interview of Centre's clients; preparing a schedule for onsite legal consultations in communities; spreading of printed materials and information related to Centre's operation among the public; ensuring proper archiving and retention of documents.

Usually, in a view of different approaches to the formation of human resources policy, duties of the Centre's assistant are not limited to the above stated list.

### **Volunteers are useful human resources and intellectual potential of the Centre.**

They may be law students practicing in student legal clinics. The Centre will employ students involved in legal clinics based on cooperation agreements between the Centre and legal clinic of higher education establishment. Students may be involved as paralegals on a voluntary basis in their free time. Involvement of legal clinic employees will, on one side, help to unload the Centre's lawyer, since students who act as consultants of the clinic may handle simple assignments, such as, initial interviewing of clients, drawing up an admission form, pick up a regulatory database to provide legal aid, etc.. On the other side, internship of students who are consultants of the clinic in the Centre will facilitate legal education of the youth and develop their skills of communicating with various categories of citizens, make them responsible, help to recruit the personnel for further work related to provision of free legal aid.

Moreover, partners the Centre may use in its direct operations may be legal firms, attorneys, rights advocates, public activists, etc.

**R** *requirements to student consultants: acknowledging and complying with Centre's rules and standards; successful completion of the selection (contest) in the legal clinic, providing legal aid under direction of the Centre's lawyers; reporting on his/her work, disclose no information related to clients.*



## TEAM WORK

Administrating is the basis of internal organizational work of the Centre and rests upon well coordinated staff relations of the employees. Team work is fundamental for good-quality and efficient operations of the Centre.

The Centre Head creates internal and external condition for fulfilling current assignments, coordinates activities of its executives, summarizes and analyzes results. This is the contents of managerial work. Management (administration) involves planning, regulation and control needed to reach goals and preserve the organization. For such purpose, the manager is vested with certain powers and authorities.

The Centre Head must be not only a qualified manager, but a leader of the collective as well. The leadership requires sincerity, honesty, constant improvement of skills of working together, rather than at a side, and developing the team spirit.

There are **seven factors** and respective rules usually outlined for ensuring that the team operates efficiently.

**Goals and objectives.** A smooth team would have exact goals which are understandable and shared by each member of the team. Should a team member be asked what they all work for, each will be able to give an exact answer.

**Right leadership style.** An efficient team leader is a part of this team and does not stand off, while imposing rules and behaving as a dictator.

**Mutual supplementation.** A perfect team would be composed of people having different styles of work, approaches and skills, and all of the team members acknowledge this as a way of efficient work.

**Atmosphere of honesty and openness.** Team members are able to express openly what that

think and feel and at the same time they do not humiliate the others and feel humiliated themselves.

**Methods of work.** A perfect team would use various approaches offered by the team members and which facilitate choosing a correct style of leadership, creating an atmosphere of openness and enable to make necessary decisions during common and open discussion.

**Self-assessment.** A perfect team would remain the leaders, if they can assess what they have done. A critical assessment of the way in which separate members and the team in general shall be openly expressed by all team members as a part of constructive criticism. In this case we follow the rule «if you criticize, you should propose».

**Integration.** Members of the organization may be integrated not in any group, but only in the group, which may be called a team. Team members always have the common goal and work together to reach this goal, cooperate with and support each other.

**T**he fundamental principle of commercial communication between the Centre's employees is a unity of thoughts and experience sharing. The employees meet regularly to work out a common corporate policy, discuss matters, important issues which they may face in their work. During such meetings employees are encouraged to discussion and are afforded equal opportunities to express their opinions to describe legal positions as related to complicated cases and identification of problems inherent to specific cases. Thus, due to collective knowledge and experience they share results of common work may be improved.

## STANDARDS OF THE CENTRE'S OPERATIONS

Centre's standards are documents adopted and approved by the competent body under the

established procedure and setting out rules, instructions, and operational procedures to be

obligatory applied. Centre's basic standards are the Regulation on the Community Law Centre and Ethical

Code of the Community Law Centre. Other documents may be developed pursuant to separate decisions.

## Regulation on the Centre

**The Regulation on the Centre is a main internal document on the basis of which the Centre operates. The Regulation sets out fundamental and underlying principles, rules and procedures based on which the Centre directly operates, that is receives clients and provides legal aid. The Centre may act as a separate legal entity or its structural unit and operate at public associations. The regulation on the Centre is approved under the procedure as provided in the charter at organization members meeting or by a sole competent body or officer. The Regulation on the Centre is given in Annex 7.**

The Regulation contains information regarding the organizational and legal form of the Centre, principles of its operation and location. The Regulation sets out manners and ways using which the Centre provides legal aid, such as: aid is provided to citizens in person, through an authorized representative, at written request, by phone, via the Internet, or as onsite legal aid.

The regulation may contain an exhaustive list of legal aid types, which the Centre provides, such as:

- primary legal aid: informing a person on his/her rights and freedoms, and procedure for their implementation, their restoration should they be violated and procedure for appealing against decision, actions or absence of actions by government authorities, local self-government authorities, and officials; providing extracts from laws; provision of reference information (which authorities shall or may be contacted or addressed to resolve the issue); consultancy on legal issues; explaining provisions of the applicable laws; drafting applications, complaints and other legal documents (other than procedural documents);
- secondary legal aid: advocacy of accused people; representing interests of people who are entitled to free secondary legal aid before courts, other governmental authorities, local self-government authorities, other entities; drafting procedural documents;
- assisting a person to have access to mediation.



Коллектив Центру правової інформації та консультацій в м. Біла Церква (Використано фото БМГО "Правова єдність")

It is essential to set out in the Regulation the terms and conditions for providing all types of legal aid, such as: the Centre provides primary legal aid to all individuals who have addressed the Centre, irrespective of age, education, citizenship, sex, property status, with respect to the problems which are directly concerned to such individuals or their relatives. If the Centre provides secondary legal aid, the Regulation should explicitly state to whom and on which terms and conditions such aid is provided and to what extent, what are the criteria for selecting clients, confirming their status, and the procedure for providing the aid.

The Regulation may provide the cases when the Centre would reject to provide legal aid, for example:

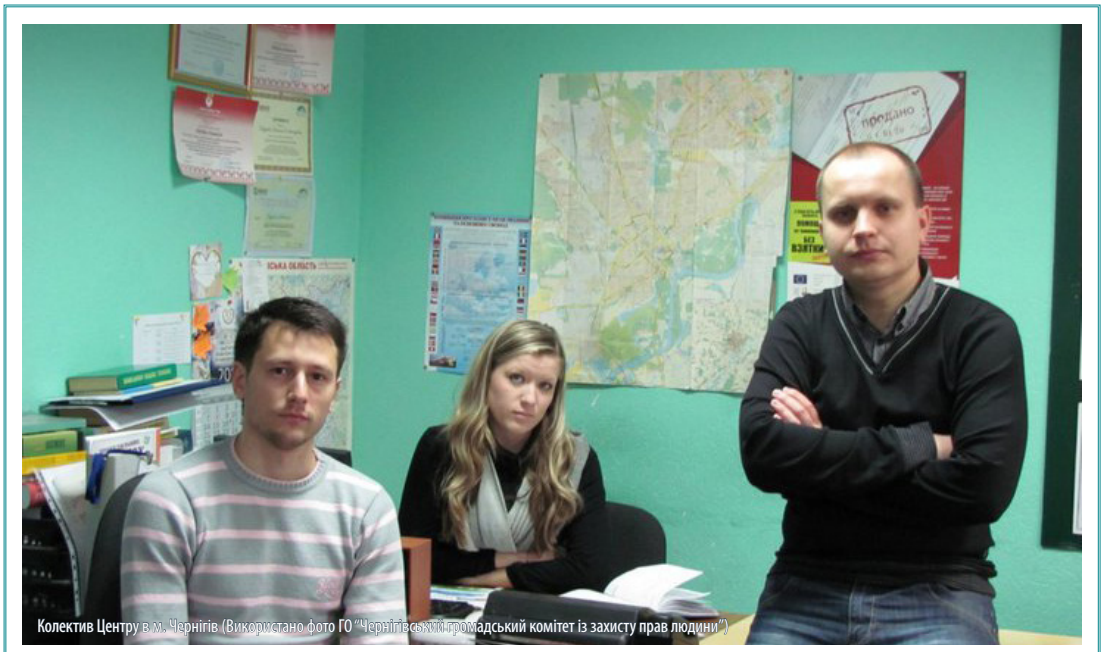
- person is under the influence of alcohol or drugs;
- person is aggressive or shows disrespect to Centre's employees or behaves in an immoral way;
- person has knowingly provided false information about himself/herself or circumstances of his/her case;
- there is a conflict of interests between a person who asks for help and the person who has earlier applied in the same case (in such case the Regulation should provide for terms and conditions preventing conflicts of interest);
- person without a solid reason failed to appear within a month to take a document drafted by the Centre in relation to the case and did not notify of his/her failure to appear.

The Regulation must contain information setting out the appeal procedure in case of the reject in provision of the legal aid: where and in which manner, to whom apply.

**The Regulation should obligatorily set out a procedure for providing legal aid from the time a client comes to the Centre and until the case is handed over to the archive.**

The procedure for providing legal aid foresees certain obligatorily elements (rules):

- at the time of personal application, a client should review the Centre's operational rules;
- applicant is registered in the registration journal;
- client personally (or assisted by a Centre's employee) fills and compulsory signs an admission form;
- consultations are given individually in oral; and if a client wishes a written consultation may be given.



### It is essential that the Regulation should state that:

- legal aid is provided with personal written consent of the client to receive copies of documents on the case and permit to process personal data (this must be stated in the form);
- It is prohibited to receive original documents from a client (case materials should contain copies of documents only);
- information received from a client or case details will be disclosed only if personal written consent thereto is obtained;
- remarks, wishes, proposals, and complaints are submitted in writing to the name of the organization's director or Centre's Head and sent at the Centre's/organization's address (indicate such as the address);
- If there are extraordinary circumstances (the lawyer who conducted the case has a disease, stopped working with the Centre, urgent departure), a case may be transferred to another lawyer;
- Once the legal aid has been provided, the case is closed and transferred to the archive.

The Regulation should provide that a client may give **written feedback** on the legal aid provided in the appreciation, complaint and proposal books. The Centre's employees should inform clients that such book is available and offer to leave such feedback.

The Regulation also contains other elements: Lawyer's rights and obligations, client's rights and obligations, other conditions, etc.

**The Centre's Ethical Code is a document defining ethical principles for organizational activities of the Community Law Centre and governing relations between a lawyer and client, ethics of the conduct while working in the Centre. The Ethical Code provides ethical principles based on which the Centre would operate, govern mutual relations between Centre's employees and clients at the time of direct communication, and employees among themselves.**

#### The Ethical Code should contain such clauses:

1) ensure in its activities high level of cultural behaviour, conduct with dignity, tact and composure, and preserve self-control and calmness;

**T**he Centre's employees are not entitled to: give consultation to a client that will facilitate such client or other individuals committing violations; in any manner mislead a client as per the real state of the case, complexity of the case, time necessary to resolve the matter, all potential outcome of the case, and other circumstances no knowledge of which may have adverse effects on the client; act on behalf of two or more clients involved in the case if there is a conflict of interests; conceal information as related to actual outcome of the engagement, directly or indirectly contribute that a client has unreasonable hopes and vision that the Centre's employee may influence results other than by legitimate ways for resolution of dispute.

**C**entre's employees should not discuss factual circumstances and details related to client's private life, their material status, origin, nationality and other circumstances that are relevant to the engagement. A Centre's employee may not criticize the level of knowledge and qualification of the other Centre's employee in the presence of a client. Compliance with the Ethical Code is intended to serve dignified, competent, and efficient fulfilment of the Centre's tasks, raising its prestige and professionalism of its employees.

- 2) have a tidy appearance;
- 2) do not resort to threats, intimidation, use of aggravated material or personal circumstances against clients in order to attain personal goals;
- 3) respect rights, legitimate interests, honour, dignity, reputation and feelings of clients;
- 4) comprehensively protect clients' interests;
- 5) provide legal aid in a professional and diligent way;
- 6) work to increase the level of his/her knowledge, be fully informed of changes in the applicable laws;
- 6) not disclose the nature of citizens' appeals and decision made based on the results of the application consideration, except for client's voluntary consent to use materials of the case for informative purposes;
- 7) react to all violations of laws as related to the client;

8) inform a client of actions in his/her case, timely respond to client's requests as related to the progress in his/her case;  
 9) if any misunderstanding or conflict situations with a client arise, address the Centre Head.

Successful operation of the Centre depends on compliance with such criteria that may serve as a basis for working out various standards related to its activities:

1. expressly formulated and understandable mission;
2. availability of professional and motivate management;
3. integrated team of professionals;
4. coherent management system;
5. explicit vision of the future;
6. availability of several alternative financing sources;
7. Social focus in the activity;
8. Quick reaction for top changes in the environment;
9. Efficient internal and external communications.

## CENTRE'S WORK PROCEDURES

Business hours of the Centre should be such as defined by the Director, for example from 9 am to 6 pm with a lunch break.

The Centre Head defines a schedule for receiving citizens and, if necessary, set the sequence of the reception days and hours for the Centre's employees. It is important to track and take into account the time spent for receiving citizens and separately the time necessary to handle clients' cases.

Centre's employees shall work with each client within such time as necessary to provide a qualified legal aid and handle the case abiding by the Centre's standards.

**N**ota Bene! At the primary reception, time should be allocated for interviewing, finding out contents of the issue, factual circumstances, related problems involved in case, designating respective type of legal aid to be provided. An employee is obliged to get an applicant familiarized with the Centre's operational rules, in particular, if secondary legal aid or mediation procedure is needed.

## Allocating the work load

In order to allocate the work load evenly among the Centre's lawyers, expected time frames may be set for handling various cases or applications.

A client must be afforded time to fill in the admission form in relation to the case (Annex 8). Moreover, it should be taken into account that a part of applicants is old people who need help to fill in the form; need time to explain possible needs for further use, storage and distribution of client's personal data, **obtaining consent thereto from the client certified by his/her signature in the form.**

Therefore, the time a lawyer may need to receive one client may differ, but for the sake of the efficiency of assistance, such time should be minimized. This rule is applicable to further cooperation between the lawyer and client, since searching legal databases and drafting documents would need significant time expenditures. Thus, time the lawyer works with a client must be limited or standardized.



## Procedure for providing aid upon applying to the Centre

Depending on the merits of the application and complexity of the case, a Centre's lawyer dealing with reception of citizens, at his/her sole discretion determines how much time is needed to handle the case and provide full and comprehensive aid. If an application is limited to

provision of legal information, extracts from laws, which is a simple legal consultation requiring no additional time to prepare a response for the application or draft documents, legal aid may be provided during the first reception.

### The primary reception includes:

- applicant reviewing the Centre's operational rules;
- interviewing an applicant;
- registering an applicant in the registration journal;
- Filling in the admission form for the case and assigning the «client» status;
- initiating client's personal case;
- providing legal aid.

### Next reception

Next meeting with the client is appointed if the case is complicated and law databases should be searched and additional time is needed to work out documents, a client at the first application does not have all necessary documents, requests should be filed to obtain documents relevant to the case or otherwise as needed.

Each next meeting should be recorded in the form. All documents prepared by the Centre, admission form, copies of documents received from the client, copies of decisions provided in the case, and other

**T**he next reception should be appointed within reasonable time of the client's convenience on such a day and time the lawyer should determine with approval of the client.

documents should be attached to the case files and kept in a separate file comprising the client's case and upon completing the work with the client should be transferred to the archive.

### Client's feedback

Client's feedback is an integral part of Centre's work. Such feedback results from communication with client while resolving his/her case and legal aid provided by the Centre. It would enable to track performances of a lawyer and the client's activity. Maintaining contacts with the client after the work is completed will enable to have general understanding of the efficiency and performances. Clients may be reached by phone or mail or at personal meetings.

It is important to explain to a client that the Centre would not work instead of him or her! Consultation set out in documents and Centre's consultations are just guidance for actions. The Centre's purpose is not to resolve a problem instead of the client. The Centre will provide legal support and consultations on problematic matters only. Dynamics of resolving

issues depend on the client's actions.

**Initial interviewing of a client** that has been correctly carried out is a prerequisite for successful resolution of the case and providing legal aid in a full and timely manner. As a rule, Centre's applicants at the first time do not know to whom they should address their questions: a lawyer or other expert. Sometimes they do not know which factual circumstances should be pointed out to resolve their problems and therefore they tell everything they might remember. On the other side, even unnecessary at the first sight information, may contain important data which may have influence on the dispute resolution.

### Recommendation

1. *At the time of primary reception, always ask from where they became aware of the Centre's operation.*

2. *Propose to give feedback in separate books and journals. This may be useful upon publishing a Centre's success story, since certain «alive» cases may be interesting to the public. Certain case may serve as an informational subject to be highlighted in media.*

3. *Upon completing the work with a client, please, ask whether the client is content with our work or whether he or she has some wishes or advice. Recommended questions are given in the last part of the admission form.*

4. *Call the client a few weeks after or a month after the legal aid was provided and ask about progress in the case or whether you could be now of help or whether the client is content with the work. This would enable to avoid clients' dissatisfaction, event if it was the case theretofore.*

5. *Be amiable and thankful for applying to your Centre.*

## ANY COMMUNICATION WITH A CLIENT HAS CERTAIN STAGES.

### Active listening stage

Active listening will create an atmosphere of trust between the client and lawyer and be helpful for detailed examination of the case and identification of important circumstances of the case. Do not interrupt the client if it is not urgent. It is important

to avoid expressing personal opinion regarding the situation of which the client speaks. Do not evaluate the client's affairs his/her personal qualities, etc. By avoiding such evaluations, you can prevent client's dissatisfaction.

### Questioning Stage

You should ask clear and understandable questions answers to which may be of tremendous importance for consultancy. At the same time, problems may be faced at this stage:

- too much questions will distract a client;
- you may mislead clients if they have at the same time to answer several questions, though it may be useful for some of them;
- questions in the form of statements may be used to advertise your own opinion or dictate your own opinion, for example: «Don't you think that

go to court will be just a waste of time?» or «What do you think of appealing this decision to court instead of waiting until the dispute is resolved by itself?» You should keep in mind that if you want to express yourself, it would be better if you do not put your statement as a question.

**IMPORTANT!** *Avoid questions that begin with the word*

*«why». Such questions often make people to protect and feel discomfort.*

*By asking questions, you start and control the conversation: identify what the client must speak to avoid your overloading with unnecessary information.*

### Interpretation Stage

Interpretation is a process of interconnection of factual backgrounds the client claim to exist and his/her thoughts, analyzing the facts relevant to the case, identifying legal components, mechanisms for problem solution, and forecasting potential outcome.

At this stage of communication, it is necessary to bring important information to the client's notice clearly and understandably. You should remember that the interpretation involves explanations of the

applicable law and interpretation of rules, therefore the applicable laws should be fully and comprehensively examined as well as the practice of resolving specific problems, issues, and matters.

## FORMALIZING MATERIALS AND CASES OF THE CENTRE

Centre's record management is to ensure that the quality and efficiency of organization's operations are properly documented.

The Centre or public association at which the Centre operates should have certain list of documents to be used for documenting managerial activities. They are, inter alia, registers for incoming and outgoing documents, human resources records, etc.

Specific attention should be paid to the documents recording legal aid provided by the Centre's employees and being used while working with a client to make

up his/her case, transfer the case to the archive and its storage.

At the time of direct work with clients, the following documents may be used: applicant register, admission form, file with client's case materials, register of documents in the folder, register of cases transferred to the archive, Centre's business card.

**Documents related to the Centre's work with clients, registers, clients' cases and materials attached to them may be formed and kept not only as a hard copy, but a soft copy as well!**

### Applicant Register

Each application to the Centre should be recorded in the register.

The register may contain **impersonal information** based on which the client may be identified. If the client is interested in legal information, excerpts from laws, reference information, explanations of applicable law rules and if a simple consultation is necessary, such as if the client is not required to provide copies of documents, it should be sufficient to record in the register details regarding the client and the case which may be used to keep general statistics and carry out informational monitoring. **In such cases, the case admission form is not necessary, nor should the case be initiated.**

It would be appropriate to record in registers full information regarding the client with indication to the surname, first and patronymic names, address and contact details, comprehensive information regarding the case in the event of secondary legal aid, drafting applications, complaints and other documents, and documents of procedural nature. Full information is also needed if the case resolution is expected to take a long time; an application may

be filed with government authorities and copies of documents should be received from the client; it is necessary to control the fulfilment of documents drafted by the Centre, progress of the client's case, results of providing the legal aid, etc. **In such cases, the case admission form is necessary and the case should be initiated.**

Full information regarding the client and the case is necessary to keep basic monitoring and is used for processing personal data.

**Basic information** which should be recorded in the register is: date of application; demographic details: territorial identity of the person, sex, age; social status: whether a person is employed or not, pensioner, student, public officer, military officer, etc.; category of the case for which the person has applied: social security, labour, family, land, housing law, etc.; content of the provided aid: consultation, provision of extracts from laws, drafting documents, etc.; outcome of the case handling.



## Admission form

The admission form is filled up if a person directly applies to the Centre. A client should personally fill in and sign the admission form or, if the client gives his/her consent, a Centre's employee should fill in the admission form by interviewing the client. If the form is made, it means that applicant is assigned with the status of the Centre's client and the client's case may be initiated with the use of personal data and obtaining copies of the documents relevant for the case. The client should personally sign respective field in the form (Annex 8) to confirm his/her consent to provide documents in the case, copies of documents to be attached to the case, and request for legal aid and consent to process personal data.

Given below is the approximate content of the form: case number, date of application, client's full name, full name of the lawyer who conducts the case, brief summary of the case, list of documents received from the client, social and demographic details of the client; contact details: phone numbers, address, case progress recording, its results, and feedback.

## Client's case (case file folder)

If the Centre provides secondary legal aid, drafts requests, applications, complaints, motions, other documents related to complicated and time consuming cases; provides legal consultations requiring to obtain from the client copies of documents; if it is required to control the conduct of the client's case, obtain information regarding the outcome of the legal aid, record the feedback from the client it is necessary to make up the client's case and keep folder with case files.

Such case file folder should be created at the time of the first reception and thereafter kept and maintained by the lawyer while providing legal aid and once closed such case should be handed over to the archive.

The folder should contain a register of documents (Annex 9) setting out all documents obtained from the client and drafted by Centre comprising the case and

**I**t is important that the client must certify by his/her signature affixed to respective field his/her request for legal aid, permit, collect, store and use personal data to the fullest extent; consent for the Centre to disclose information related to the case to partner organizations and in certain events disclose information to media, government authorities and other members for the sake of more efficient protection of rights and bring to notice of the public the content of the case.

If the aid may be provided on the day of application, the form should be marked accordingly. Otherwise the lawyer defines the date and time of the next meeting and gives Centre's business card to the client.

**A**TTENTION! It is prohibited to obtain the original documents from the client and attach them to the case. The lawyer should obligatorily attach to the case copies of written documents drafted by the lawyer and those which the client may obtain as a result of dealing with the case. For example, if the Centre is required to draft a statement of claim, a copy of decisions obtained by the client should be requested by way of the client's feedback.

indicating the date on which such documents were attached to the case. The folder should obligatorily contain the admission form based on which the client is handled.

## Archive

After case work is completed and the case is closed, it should be handed over to the archive. A recommended

period of storage is from 7 to 10 years after the last action was taken in the case.

The Centre Head or other responsible person is obliged to ensure that the documents and the case are kept in the archive. If the case is handed over to the archive, a description of cases should be prepared such as an archive guide intended to record and show the content of storage and accounting units and their systematization within the archive fund.

Case descriptions are prepared separately for the

cases intended for permanent and prolonged (more than 10 years) storage and cases related to human resource issues. No description is required for cases intended for temporary (up to 10 years) storage. If the Centre is liquidated or reorganized, such descriptions shall be obligatorily prepared.

**ATTENTION!** For convenience, such archives may be kept in electronic formats.

### Centre's business card

In all cases should the nature of legal aid involve repeated receptions (to ascertain details, provide additional documents required, draft an application, complaint, etc.), the Centre's lawyer should give the office's business card (Annex 10). It should indicate: the Centre's address, date of application, Centre's

contact phone numbers, lawyer's full name, case number, date and time of the next meetings. A business card is to remind the client of the next meeting, indicate the case progress, and direct the client as to how his/her case is being conducted.

### Reference book

The client should always be afforded an opportunity to leave the feedback regarding the aid provided by the Centre, therefore, the Centre's employees should always bring to clients' notice that a feedback book is available and invite them to leave their entry.

The feedback book should preferably be located in place of free access to applicants. A client may put there his/her extended comments on the quality of the services provided by the Centre, express his/her satisfaction or dissatisfaction with the Centre's work, indicate what was the actual aid, what effects it has had on resolution of the case, present remarks, proposals, and addressing to the Centre's management.

If there are any complaints as to the Centre's work or the client's proposal, a procedure for filing complaints or proposals to the name of the Centre Head shall be additionally explained or in any other form with indication to the address and recipient of respective application.

Clients may be offered to publish as a way of appreciation in local media an article describing the aid the Centre has provided to respective applicant. Moreover, the Centre's employees may by himself (herself) ask a client to give consent for publication or dissemination in media of information featuring success story with specific case, high-profile event, etc.

Certain cases requiring particular attention may be distinguished to monitor the improvement of Centre's administrative procedures, timely reaction to violation of rights and internal organization of efficient operations. Such cases may be united by their trends as:

- a) **strategic** (protection of right of ownership, protection in labour disputes, exercising the right to business, access to justice, application to the European Court of Human Rights);
- b) **collective** (if consultation is sought by a group of citizens, public fugues to protect rights vested in association of citizens and representation of certain target groups, cases the outcome of which will affect rights of two or more persons);
- c) **high-profile** (case requiring particular attention, involvement of the public, coverage in media due to their social, civil and public significance, impudent violations of human rights, use of violence, and case interesting from a point of view of the law enforcement practice).



# EXTERNAL COMMUNICATION AND INTERACTION OF COMMUNITY LAW CENTRES

## WHY AND WITH WHOM TO COMMUNICATE?

---

The communication and interaction of the Community Law Centres with the external environment should not be treated as a modern trend or tendency. Over 5-year operating experience of the Centres expressly confirms that such Centres' activities should be a recognized necessity and should be carried out for achieving the mission, goals, and objectives of the Centres. The Centres need to communicate and interact permanently and regularly in order to satisfy the requirements of the external environment for the high-quality current information and help to satisfy the need for them, gain public trust in them and receive public support to successfully implement their own mission. Besides, the efficient communication and interaction can provide the Centres with tangible and intangible resources to facilitate their own development and expansion of activities and to develop partner relations both in terms of territories and cooperation subjects.

Implementing their mission and objectives, the Community Law Centres contact, in the course of their activities, with a certain number of entities whose specific nature should be considered when planning and carrying out activities.

**Local community** consists of the representatives of the territorial community where the Centre directly operates. These people witness (and sometimes participate in) the Centre's activities and it is to them that you want to deliver positive information about yourself; they can support you in your work. Centres often raise certain important issues, which are relevant to the local community, and try to address them by conducting information campaigns, representing public interests, etc. In such cases, representatives of the local community are actively involved in the Centres' activities. Besides, other people can be involved in the Centres' activities as well, namely law

---

teachers from local schools, librarians, village council employees, and others who can provide basic law-related information, disseminate the information and education materials, conduct events.

**Clients of these Centres** are territorial divisions of central authorities, local executive authorities, and local self-government authorities. In other words, this means “public authorities” or “public officers”, i.e. decision-makers, those who should be contacted if somebody wants to implement his/her ideas or achieve his/her objectives. Public officers are people on whom depends whether the Centres will obtain additional resources for their development (premises to be used as the Centre’s office and for holding public events, financing certain initiatives) and whether the Centres will promote legal reforms and protect social interests of the community members.

**Government and local self-government authorities** — це територіальні підрозділи центральних органів влади, органи виконавчої влади на місцях та органи місцевого самоврядування. Одним словом, це «влада», чиновники — ті, від кого залежить прийняття рішень, а відповідно, ті, з ким необхідно контактувати для впровадження своїх ідей і досягнення поставлених завдань. Від чиновників державних органів залежить як отримання Центрами додаткових ресурсів для розвитку (приміщень для розміщення Центру та для проведення публічних заходів, фінансування певних ініціатив), так і просування Центрами правових реформ і захист суспільних інтересів членів громади.

**Media** are local, regional and national print media, television and radio companies, news agencies, information resources over the Internet, and new media. The journalists and editors of media represent the main communication channel of the Centres and promote their positive image and reputation as much as possible.

### Informing and Involving

A strong focus should be made on informing the public of the Centre’s activities. The Centres’ managers and employees should use their best efforts on a regular basis to spread information about the Centre and its mission. All those involved in the provision of free

**Other free legal aid providers** include any operating free legal aid providers (student legal clinics, attorneys associations, state primary legal aid offices of the Ministry of Justice of Ukraine and other government authorities) and entities, which will, under the Law of Ukraine “On Free Legal Aid”, provide the free legal aid in the future (respective government authorities providing the primary legal aid, Centres for Secondary Free Legal Aid). The Centres should actively contact these entities both for conducting joint events and sharing best practices, and improving the free legal aid system and promoting legal initiatives. Besides, they need to give regard to the activities of, and interact as much as possible with, the Coordination Centre for Legal Aid, which was set up within the Ministry of Justice in June 2012 and which is intended for development of an efficient free legal aid system in Ukraine.

**Partners** can include both other Community Law Centres, public organizations providing free legal aid (within and beyond the Legal Empowerment of the Poor Initiative of the International Renaissance Foundation, and other partner organizations), human rights organizations, and non-governmental organizations dealing with other problems but sharing the same territorial community with the Centres. Actually, these are like-minded people, experts and peers jointly implementing the free legal aid standards and other standards of democracy in Ukraine.

**Business and donors** include structures involved in financing of the sustainable activities of the Centres. For the time being, such aid is mostly provided by donor organizations only – national and international charitable foundations, other countries, and international institutions. The business should be understood to include the legal business, which is ready to provide pro bono services to the population, and mostly local business and large corporations, which are ready to help the Centres by providing money, equipment, premises, etc.

legal aid should be informed that the Centre carries out necessary and useful activities.

This is a real chance **for citizens** to protect their violated rights, get a high-quality free legal aid, and



exercise their right to justice, which is guaranteed by the Constitution.

**Government and local self-government authorities** are provided by the Centre with the legal information on the ways of addressing certain problems, structure, subordination, functions of governmental authorities, thereby making their work easier. The Centre helps people address “competent” authorities and, thus, public officers do not waste their time to receive applicants whose problems are outside of their competence. It is also important that the client addressing the public authorities becomes knowledgeable and informed.

The Centre helps **territorial communities** ease the social tension in the community and increase the authority of the local public authorities.

**The state and society** are provided by the Centre with the means for overcoming the legal nihilism. The Centre’s activities help to increase the legal culture of citizens, influence the development of public legal consciousness, help to increase the legal empowerment of the population, assist in overcoming the poverty, and increase the voters’ trust in the “selected” governmental representatives.

The information about the Centre’s activities can be disseminated through certain **communication channels**. They may include without limitation:

- handouts (leaflets, brochures, booklets, posters, calendars, etc);
- printed publications of the educational, expert or informative nature;
- e-mail and Internet (both e-mail newsletters and corporate website visits);
- media (TV and radio companies, print media, news agencies);
- own print media and e-media;
- new media: social networks, blogs, forums, websites and public portals, viral videos, news mails, online surveys, YouTube, etc.
- external signs (company or project banners);
- Allocation of announcements in the premises of the government and local self-government authorities, courts, etc;
- participation in public and educational events (speeches at round tables, workshops, conferences, working group meetings, other meetings, etc.);
- participation in mass actions (street actions, public meetings, etc.); and
- attendance of court hearings regarding strategic cases.





“Мережування”. Зустріч керівників Центрів правової інформації та консультацій 2011 рік. Виступ представника з м. Львів.

Any information sent out of the Centre should **meet certain requirements**. First of all, it should be reliable, relevant, and easy to understand, and meet the context of the theme or the problem concerned. In order to publicize the Centre’s activities, information should be disseminated regarding successes in the protection of violated rights of both individual clients of the Centre and the local community as a whole.

The process of informing about the Centre’s mission and activities should be permanent and consistent. When selecting communication channels, those means should be used, which are customary to and constantly used by the people. For example, in the case of the retired people living in villages, dissemination of information via the Internet will be inefficient – in this case, local newspapers and local radio, announcements in government authorities and spreading of printed materials will be a more suitable alternative.

Informing and communicating with the external communication contacts on a permanent basis will, however, be not enough to enable the Community Law Centres to actually implement their mission. Such contacts should **be involved and inspired** for the best possible cooperation with the Centres when implementing any initiatives.

All external communication contacts, without any exception, starting primarily from the **clients of the Centres and local community representatives** should be involved and inspired. The Centres highly praise the work of the socially active members

**O**ne of such events was the Day of Free Legal Aid in Ukraine (All-Ukrainian Pro Bono Day), which was held on May 25, 2012 (for the third time already) and was aimed at the development of the culture of non-governmental free legal aid provision in Ukraine. The partners of this Initiative were the Ukrainian Bar Association, the Ukrainian Attorneys’ Association, the Union of Attorneys of Ukraine, the Council of Attorneys of Ukraine, the International Renaissance Foundation, the Ukrainian Helsinki Human Rights Union, the Ukrainian Legal Aid Fund, law firms, and attorneys associations. Most of the Community Law Centres joined this event by attracting a lot of lawyers and attorneys. The Khmelnytskyi Regional Public Association “Podilska Legal League” that cooperates with 14 attorneys who represent the Centres’ clients on a pro bono basis has succeeded most of all in attracting the pro bono lawyers.



volunteered within the territorial community, law students who work under the control of professional lawyers. This is often the case that clients of the Centres later become activists themselves and assist the Centres in their activities by all possible means.

Events aimed to attract local activists and law students may include a **“doors open day”** – when time is devoted for holding a kind of excursion to the Centre for the socially active citizens and for informing them of the Centre’s mission and objectives and sharing the stories of success. Law students can also be invited to practice their profession at the Centres, subject to arrangements with educational institutions.

What is important in the Centres’ activities is to attract specialized **lawyers and attorneys** to provide **pro bono legal services**. Not only does the attracting of the pro bono attorneys guarantee the impeccable legal aid quality, but also significantly enhances the image of the Centres. It is expedient to hold information campaigns and demonstrate a positive experience of implementing the pro bono practice in order to increase motivation for the lawyers so involved and publicize such approach.

In order to attract clients and local community

**T**he examples of such videos can include three videos prepared by the Kherson Regional Charity and Health Foundation within the Legal Empowerment of the Poor Initiative supported by the International Renaissance Foundation, which are actually video stories of success. Ordinary citizens often do not know about available legal opportunities, which can help them to improve their living conditions – start their business, unite the community to protect municipal property and their rights and interests. The videos stated above tell how ordinary people from the depth of the Eastern and Southern Ukraine did not allow others to violate their rights. In particular, the characters of one of such stories – residents of Stara Zburiivka from Hola Prystan District of Kherson Region stood up to protect the lands of their native village, which others wanted to sell to private buyers.

**T**he success stories and the positive practice of the activities of the network of the Community Law Centres within the framework of the Legal Empowerment of the Poor Initiative of the International Renaissance Foundation have to be posted on the website of the Legal Framework Network. These should be edited short articles available for publication.

members, the Centres undoubtedly need quite **specific stories of the Centres’ success** both in addressing legal problems of individual citizens and those of the local community as a whole. Not only can such stories tell about the positive extrajudicial and judicial matters (which is difficult to attain when primary legal aid is provided to clients), but also contain certain instructional episodes. The latter, in addition to the case story and the legal aid provided by the Centre, can be supplemented with the analysis of the situation and the client’s errors, legal recommendations to other clients on how they can avoid such situations.

Such success stories need to be spread as far as and as wide as possible through media and otherwise and, furthermore, not only among the community affected by the success.

Considering that this will be the fastest method of reaching the target audience and attractive to the media, **video stories of success** will be an efficient tool. Such format makes it easy to demonstrate the stories of success to public authorities, donor organizations, and potential partners. This should not necessarily be professional videos. Video materials shot by local TV and radio companies and shown on the local TV channel and even amateur videos shot by the Centres themselves and posted on the Internet (e.g., YouTube) will be efficient.

### **Interaction with governmental authorities: forms and methods**

One cannot ensure legal empowerment of the poor, influence the development of the community and protect public interests without any interaction with local self-government authorities and local executive authorities. Therefore, one of the priorities to be addressed by the Centres is cooperation with



Приміщення Центру в м. Хмельницький, надане у користування на умовах пільгової оренди. (Використано фото ХОГО "Подільська правова ліга")

government and local self-government authorities, which helps to receive additional resources and assistance in implementing the mission and objectives of the Centres. The network of the Community Law Centres is used to implement certain legal initiatives aimed to reinforce the influence of the Centres on the life, development and legal protection of the community.

One of the peculiar features of the Community Law Centres is that they are not opposed to the government and local self-government authorities and interact as much as possible with them, if possible, however retaining their own independence. There is a significant potential within communities to increase the scope and improve efficiency of the cooperation between the NGOs and the government. In this context, the Community Law Centres are unique instruments ensuring the communication of citizens with the government since they accumulate and share the experience of building relationships between individual citizens and groups of citizens and the government.

When carrying out its activities, the Centre helps to direct individual applications from citizens to

competent departments and divisions of local governmental agencies and local self-government authorities. The Centre provides citizens with necessary information on the most effective ways of addressing their legal problems. The person then duly applies to the competent authority, which has the power to tackle the problem. The well-established effective legal aid system in a local territorial community facilitates the exercise of rights by the community members and ensures lawfulness and legal order. The support of such socially important initiatives by city mayors is thought of positively by local residents and increases their authority. The analysis of the Centres' activities helps to identify especially serious problems in relations between the government and the people and, thus, offer effective mechanisms for addressing such problems.

In cooperating with governmental agencies, the Centres need to understand clearly what motivates the parties and also need to know how to communicate with the public officials. It is also necessary to remember that the Centres are unique and specific and they do not substitute governmental agencies and do not copy their activities.

### **The government is interested in cooperation with the Centres since it helps to:**

- address local problems (including raising third-party funds);
- expand the range of services to territorial community residents;
- involve residents in public work;
- attract intellectual resources (ideas, projects, innovations, drafting laws and regulations);
- improve the image of, and enhance trust in, the government;
- arrange and participate in the events;
- effectively and quickly spread the information;
- establish feedback from residents in dealing with their problems;
- shape public opinion;
- activate the public sector;
- enhance the legal awareness of residents; and
- develop the civil society.

**The government**, in turn, is needed by the Centres since it allows them to rely on:

- premises and privileges;
- financing and financial support;
- adoption of laws and regulations;
- lobbying of interests;
- organizing and facilitating the organizing of events;
- disseminating of information;
- assisting in the real tackling of residents' problems;
- public control;
- implementation of public initiatives; and
- enhancement of trust in the public sector.

### **The Community Law Centres have a number of advantages compared to commercial institutions and this fact should be used in cooperating with the government:**

- the Centres represent local community to which the government has certain obligations;
- an important argument for governmental agencies is that a lot of people stand behind the Centre - these are employees, attracted individuals, and clients;
- the Centres help governmental agencies in doing their job – they protect rights and interests of the community and community residents;
- The deliverables of the Centres (researches, recommendations, projects, etc.) always take into account public opinion and offer a fresh new look at how the problems can be solved.

When communicating with the government, relations need to be formalized (execution of agreements and memorandums of cooperation, development of joint action plans, etc.), government's motivation has to be developed (joint presentation events, acknowledgements, etc), and the government has to be involved in elaborating the local policy (participation in local councils, local programs).

Activities of the existing Community Law Centres demonstrate a wide range of real practical results of cooperation of the Centres with the government for the benefit of the local community. The cooperation takes place with both local self-government authorities and executive authorities.

The Centre provides services to residents directly in the premises of the Lviv City Council where the Community Law Centre was organized in May 2011. This initiative is implemented by Samopomich Public Association within the project Legal Service to Lviv Residents with the support of the Rule of Law Program of the International Renaissance Foundation. The initiative set forth above is actually a model of the Centre's activities as an element of administrative services provided by local self-government authorities.

The scheme of cooperation between the Lviv City Council and Samopomich Public Association is described below. Services provided by the Lviv City Council include as follows:

- **telephone access to basic information (“Municipal Hot Line”);**
- **access to information in administrative supermarkets – Centres for Services to Residents;**
- **consultation to employees of the Lviv City Council’s structural units regarding the activities of the City Council;**
- **on-line consultation based on electronic applications filed by citizens.**

Services provided by the public Centre include as follows:

- **telephone consultation;**
- **face-to-face reception of citizens;**
- **handling of complaints based on the applications of citizens;**
- **reception of citizens to tackle specific subject problems;**
- **issuing news materials;**

- **law education programs; and**
- **public initiatives.**

The Community Law Centre in Kovel had been opened in November 2010 after the Memorandum of Cooperation was signed between Public Youth Association “Za Zhyttia” (of which the Centre was a structural unit then), Kovel City Mayor S. D. Kosharik and the International Renaissance Foundation. Starting from November 2011, the then Volyn Regional Public Association «Legal Aid Centre” started conducting field receptions in different districts of Volyn Region in the premises of village and settlement councils, as was prescribed by the Memorandum of Cooperation between the Volyn Regional Public Association «Legal Aid Centre” and the respective council. The text of the Memorandum is quite standard and can be used by other Centres as well (as attached in Annexes).

**A very illustrative example of cooperation with local self-government authorities is approval of the position of the Human Rights Commissioner (Ombudsman) for the Skadovsk City Council of Kherson Region resulting in Skadovsk becoming the first city in Ukraine to have its own Human Rights Ombudsman. Although the position of the local Human Rights Ombudsman is not provided in Ukraine, progressive deputies of the Skadovsk City Council insisted back in 2005 that this position must be enshrined in the Charter of the territorial community of the city. In 2006, the newly elected deputies and the new Mayor, Oleksandr Havrysh, returned to improve the City Charter and, already in September 2008, approved it unanimously. The Charter’s article about the Ombudsman remained mere words for two years. In early 2010, the International Renaissance Foundation together with the Kherson Regional Charity and Health Foundation created the Skadovsk Community Law Centre (within the Legal Empowerment of the Poor Initiative). In June 2010, at the instruction of the deputies, City Mayor Oleksandr Havrysh signed The Memorandum of Cooperation between the Skadovsk City Council, the International Renaissance Foundation and the Charity and Health Foundation. The co-author of the City Charter, the Centre’s Coordinator and Council member Ivan Shulha undertook significant analytical work filling in the gap in the legislation on local self-government and drafted the Regulations on**

**the scope of rights and obligations of the future Ombudsman, the financing of his activities, the procedure for appointment and dismissal. The draft Regulations received a positive assessment of Ukraine’s renowned human rights experts and, on August 19, 2010, the Regulations on the Ombudsman were adopted by the Skadovsk City Council. From now on, the Ombudsman will be elected from among the newly elected deputies and will monitor the observance of human rights and civil liberties in Skadovsk. Ivan Shulha, Coordinator of the Community Law Centre, became the city’s first Human Rights Ombudsman.**

The Centres actively develop partner relations with the agencies of justice. A lot of Centres maintain formalized cooperation with regional, municipal and district departments of justice, form part of various levels of interagency coordinating and methodological councils for public legal education. The assistance offered by justice authorities is that they hold joint public receptions (both in office and onsite) together with the Centres’ lawyers, participate in public events, inform village councils and citizens of the onsite receptions, disseminate education materials and post publications, and establish cooperation with other government and local self-government authorities.

**An illustrative example in this regard is cooperation of the Odesa regional organisation, such as All-Ukrainian Non-Governmental Civic Organization “Committee of Voters of Ukraine” and the Main Department of Justice in Odesa Region, which cooperation was highly appreciated by the Ministry of Justice of Ukraine, the International Renaissance Foundation, and other organizations. The Centres closely cooperate with the Regional Coordinating and Methodological Council on Public Legal Education – the Committee of Voters of Ukraine in Odesa is the only public organization being a member of this body that offers wide opportunities for carrying out educational activities and involving other governmental authorities in this work. The document underlying the cooperation between the Odesa regional organization, namely All-Ukrainian Non-Governmental Civic Organization “Committee of Voters of Ukraine” and the Main Department of Justice in Odesa Region in 2011 was a Joint Action Plan for provision of free legal aid to and legal education of the citizens. In continuation of such**



fruitful and necessary cooperation in providing free legal aid, a Joint Activity Agreement was signed between the Odesa regional organization All-Ukrainian Non-Governmental Civic Organization “Committee of Voters of Ukraine” and the Main Department of Justice in Odesa Region, which shall be valid until December 31, 2012 (Annex 12). This Agreement will ensure more regular and permanent joint activities between the Odesa regional organization All-Ukrainian Civic Organization “Committee of Voters of Ukraine” and the Main Department of Justice in Odesa Region. The text of this Agreement the basic principles of which were developed by the Kherson regional organization of the Committee of Voters of Ukraine (having contractual relations with the Main Department of Justice in Kherson Region) may be used by other Centres (as attached in Annexes).

A lot of Centres enjoy privileges or use free of charge premises and other resources provided by local self-government authorities, network of libraries, etc.

Thus, starting from July 20, 2011, Khmelnytskyi regional public organization “Podilska Legal League” and its structural unit – the Community Law Centre, moved to new premises located in the vicinity of the City Council. These premises offer a spacious public reception room and conference hall. The premises are over 100 sq.m. in size and were transferred for temporary free of charge use

by the Khmelnytskyi City Council based on its decision of December 15, 2010 for improving the quality of services provided to citizens applying for aid. The furnishing and repairs of the premises were carried out using the financial support from the International Renaissance Foundation. For the time being, these premises are used as the resource Centre of the Legal Empowerment of the Poor Initiative.

The Centres actively cooperate with government agencies at the level of public councils of the government and local self-government authorities. Such activities enable to raise and discuss important issues in public, to attract both government agencies and partners from public organizations for handling such issues.

Thus, representatives of one of the Initiative’s partners, namely Odesa regional organization All-Ukrainian Non-Governmental Civic Organization “Committee of Voters of Ukraine” form the part of the Public Council of the regional state administration (chair the Committee for Civil Society Development), Public Council of the Main Department of the Ministry of Internal Affairs of Ukraine in Odesa Region, Public Council of the State Tax Administration in Odesa Region, public councils of district state administrations and town councils in four towns of Odesa Region.

## Media Strategy and Public Relations

Since media as a communications channel possesses huge potential and the highest publicity, the Centre should develop the ability of cooperating in the most effective way specifically with media and journalists. Practical suggestions as to cooperation with media are set forth in Annex 11.

It should be realized that media are not the target audience of the Centre’s activities; they only act as an instrument of informing direct target audiences of your intentions and affairs as smoothly as possible. Therefore the **Centre should not be expected to work for media but cooperate with them.**

An experienced media relations expert should

maintain an full **database in relation to regional media** and personal correspondents of national press where they work. This database includes phone numbers, fax numbers, emails, names of editors

### **H**ow to get contact details of a journalist:

- *press conferences (both yours and those of your colleagues and competitors);*
- *round tables, conferences, workshops;*
- *personal acquaintance with journalists or their friends;*
- *other journalists.*

and key journalists. Availability of such database will enable to reach promptly the necessary media whenever required.

Creating **coverage opportunities** by the Centre is imperative for cooperation with media. Coverage opportunity means an event of social, political, economic, cultural or other importance to a given community or even a country. A coverage opportunity does not have to be any sensational information, but it can be an alternative view of things or an updated interpretation of generally known events. Considering the necessity for balanced presentation of journalist materials a coverage opportunity can be a comment on, or response to, **activities of the government authorities or certain violation of human rights**.

Coverage opportunities within the scope of activities of the Community Law Centre can, among other things, include:

- events held by the Centre;
- mass events (public meetings, street actions etc.);
- participation of the Centre in public campaigns held in your region;
- point of view of the Centre regarding a specific social and political or legal issue, important events in a community or state;
- doors open days, contests, different information campaigns;
- engaging marked members of the community in certain campaigns by the Centre;
- the Centre's public reporting on its activities;
- a won legal case or even an important court session.

In case of an urgent need to notify the public of a certain event using media a **press release** that is forwarded to regional publications, journalists, information agencies, and web portals etc. should be used. It is a so-called news press release that needs no further explanations.

Very often media events (press conferences, round tables, street activities) of the Centre are accompanied by press releases. In such cases the press release should inform that a given event took place (standpoint was presented, information was submitted) in witness whereof a relevant notice was made at that event.

**Press Conference** is one of the best ways to inform media representatives of your Centre and its

**W**hen preparing a press release it is recommended that you use the so-called inverted pyramid principle which says you should put your most important point at the top of the message. The first paragraph is either the lead of the press release or should be drafted as a news item. When writing text of the press release you should avoid using long phrases and special terminology, whenever possible refer to facts and figures. A real press release should have the size of not more than one and a half – two pages. In there is a huge quantity of information and there is an illustrative material (pictures, diagrams, schemes and so on) the latter should be added to the press release as an attachment (such collection of materials intended for journalists is known as a press pack).

activities in the fastest manner and with least possible communication troubles. However, a press conference should be convened only if there is a coverage opportunity to be highlighted in «question-answer» form. For a press conference it would be expedient to set one or two topics depending on a coverage opportunity. Optimum quantity of speakers – three, at that the moderator should be appointed in advance (the moderator can be selected among speakers). Press announcements of an event or invitations should be made not later than two weeks before relevant event takes place, and duplicated the day before. It is recommended that you cooperate with information agencies or press centres which due to their extensive media base can distribute both press announcements and press release in relation to your event on your behalf.

In addition to distributing press releases and holding press conferences there are also **other forms of effective cooperation between media and Centres**. More specifically, these can include:

- publishing in media interviews with, or comments by, the Centre's Head or lawyer regarding certain events in the community or country, urgent legal problems or legislative changes;
- publishing reports, statistical and other data regarding Centres performance;
- placing information materials regarding certain events of Centres;

- publishing success stories;
- support of the media by Centres in carrying out journalistic investigations in relation to violations of clients' or community rights;
- information support (coverage) of strategic legal cases in courts.

**W**hen highlighting court sessions you should always keep in mind such fundamental principles as assumption of innocence, confidentiality of information of private and family life, and the authority of the court. Information should be submitted in the most balanced way possible (to specify the standpoints of both parties, whenever appropriate), if the names have not been made public earlier, disclose them only with the consent of private individuals. When preparing materials (own article or commentary) it is imperative that you use reliable sources, primarily court decisions or judgments (they can be taken from a party to the legal case or found in the Register of Court Decisions).

It should be noted that one of the conditions of effective conduct of strategic legal cases is their broad information coverage, including information support of court sessions.

Placing legal consultations and explanations provided by the Centre's lawyers within local newspapers, local television and radio broadcasting companies, information websites is a separate line of cooperation between Centres and media. Initiation of permanent legal education columns (shows) is the most effective form of such cooperation.

Currently the Centre cannot ignore such a valuable resource as "new media" and social networks. It can easily use Facebook, blogs (including video blogs), Twitter, YouTube. The foregoing services are now even more widespread than classic e-mail. **"New media" is a type of communication "from many to many"**, as opposed to media where the communication takes place "from one to many".

When we spread the information on the Centres' activities and cooperate with media, we in any case,

**M**any Centres of the Legal Empowerment Network have their own educational columns (shows) in local media. In particular, the Centre in Bila Tserkva provides weekly legal consultations and informs of activities of the Centre in Gromadska Dumka local newspaper. The Centre in Kamianets-Podilskiy has permanent Legal News Review column in local weekly newspaper and weekly Maiu Pravo show at Kamianets-Podilskiy television and radio broadcasting company of a fifteen minute length. The Centre in Izmail has its own column «Law Centre provides Consultations» in local newspapers «Izmail lug» and «Sobesednik Izmaila». Certain Centres even publish newspapers and legal education inserts thereto. In particular, Odesa regional organization of all-Ukrainian non-governmental civic organization «Committee of Voters of Ukraine» has in own regional newspaper «IzbirCom» permanent insert column «Law Centre provides Consultations» – since the beginning of 2011 8 publications of the newspaper have been made with total circulation of 62 000 copies. The Centre for Public Advocacy in Lviv has developed and issued «Paralegal for Individuals» information newspaper.

knowingly or unknowingly, maintain communication between the Centres and the public. By planning and holding press conferences or other public events, placing materials in media or preparing print products, we want to communicate something good and positive about the Centre. On the other hand, learning about the spreading of untrue information regarding the Centre's activities or employees, we try

**F**urthermore, "new media" (in particular, Facebook) provide a dynamic information and communication platform for various partnerships and networks. For example, the website on Facebook - Legal Empowerment of the Poor Ukraine serves as such platform for partners of the Legal Empowerment of the Poor Initiative.



to refute such information. Our success in doing so depends exactly on whether we do it knowingly or unknowingly. However, there are established methods using which you can make your Centre not only well-known and renowned, but also highly respected.

These methods that help to learn how to manage communication are called “public relations.” **This is a set of actions aimed to create and maintain the reputation of your organization<sup>1</sup>.**

**Public relations<sup>2</sup>** are one of the aspects of activities of the Community Law Centre. It is given the least attention, in spite of it being one of the most important things. This is because the knowledge of the public, partners and potential donor organizations, etc about you depends on your knowledge of how to organize the story about yourself and your activities. **You will hardly succeed if you assume an attitude “we are not interested in what others are saying about us – we do our job”. This is because you do that job not for your own benefit, but for the representatives of the local community and poor groups of the population. The more active, clear and attractive your attitude will be, the more trust it will arouse from potential clients, the more supporters and partners you will be able to find and, thus, the more you will succeed in implementing your mission. Good reputation paves the way to communicating your attitude to media, and this means that the target audience will hear you. Besides, good reputation opens the door to financing and support from both donor organizations and local community.**

**Powerful non-governmental organizations have among their staff individual media relations managers or even separate media relations departments. The Centres will obviously not be in a position to employ a public relations manager. May be it is not necessary as such**

1 The information contained in this Section has been prepared on the basis of the publication “100% PR: How to Become a Good PR Manager.” M. Horkina, A.Mamontov, Y.Mann, and materials of trainings and presentations for non-governmental organizations of M. Hovorukhina, PR Manager of the Ukrainian Helsinki Human Rights Union.

2 For more information on public relations, please read: Andriy Kulish. “The Ukrainian Way of PR Practice. Day-to-Day Advice to PR Beginners”; Elina Slovodianuk. “Copywriter’s Reference Book.”

**activities can be performed by the Centre on its own. This can be somebody from the Centre’s management or other responsible officer who will disseminate information, collect and keep publications, deal with the feedback from the government and the public, and timely and actively respond to unwanted information. As the practice of the Community Law Centres shows, such activities can be carried out at no extra cost if using uncomplicated but effective measures on a regular basis.**

**The Centres’ reputation consists and is made up of the image which requires permanent work. Do not forget: if you do not influence your image making, your image will make itself and there is no guarantee that it will suit you. On the other hand, if you work on a permanent basis, each of your next case will positively influence the Centre’s image and contribute to enhancement of the Centre’s authority. You will then not need to waste much time to explain to potential donor organizations what type of the Centre it is, what it deals with and what it needs.**

The Centre’s image consists, in particular, of the following components:

- what values the Centre embraces;
- what the Centre’s goal and mission are and how they are implemented;
- who needs the Centre’s aid, who the Centre’s partners and competitors are;
- what makes the Centre different from other free legal aid providers and other non-governmental organizations;
- what strengths and weaknesses of the Centre are; and
- what unique approach and experience the Centre has.

In order to create and maintain a positive image of the Centre, an **external communication and public relations strategy** should be developed and put in place, which should undoubtedly be consistent with the Centre’s general operations and development strategy. Such strategy should particularly include the description of the target audience and key messages to the target audience, selected communication channels and tools, and assessment mechanisms. The

**T**he examples of measures to be taken by the Centre to establish public relations are provided below:

- The examples of measures to be taken by the Centre to establish public relations are provided below:
- drafting and sending press releases to local media, preparing publications;
- participating in TV and radio programs, including live programs, case study interviews, talk shows dedicated to specific topics, discussions, etc.;
- preparing and disseminating the information and education materials;
- preparing and delivering public presentation of reports on the Centre's work, presentation booklets on the Centres' activities;
- preparing and disseminating of printed materials;
- developing and maintaining the Centre's website and social networking site (Facebook, Twitter, etc.).
- publishing its own newspaper;
- presenting souvenir products (pens, files, etc.);
- sending out the stories of the Centre's success to media, governmental authorities and the Centre's clients and posting such stories on the Internet;
- creating the Centre's own TV and radio programs, own newspaper columns;
- preparing and posting specialized (expert) articles;
- holding scheduled and unscheduled press conferences, round tables, discussions;
- holding various educational events organized by the Centre;
- organizing presentations during the events organized by partner organizations, governmental authorities;
- delivering public speeches regarding the Centres' activities and problems referred to the Centres;
- holding personal meetings with partners, representative of target groups, government, and donor organizations;
- participating in events and joint initiatives of coalitions and networks (communication and education events, joint submissions regarding certain legal problems, participation in joint press conferences, etc.);
- participating in mass events organized to protect the interests of the community (street actions, flash mobs, etc.);
- providing support during court hearings and holding information campaigns regarding strategic cases.

scheme of how this strategy can be implemented by the Centre is quite simple and is determined by four steps: analysis of the current state of things (what we have), direct development of the strategy (what should be communicated), determination of measures of implementation (who should do what, when and how), and assessment of the implementation (what has changed).

A particular focus should be made on the **preparation and public presentation of annual performance**

**reports** of the Centres<sup>3</sup>. Public reporting can go a long way to helping the Centres implement their objectives: it can boost the fundraising for the continuation and expansion of activities, increase the trust and authority directly in the community, and establish relations with the government and local self-government authorities.

<sup>3</sup> The materials used for this document were taken from the Hromadskyi Prostir (Civic Space) Website at <http://www.civicua.org/library/view.html?topic=1599715>

**The Centre's public report** is a document intended to fully and visually represent the Centre's performance for a certain period of time (best of all – for a one-year period, although different periods of time can be used). The report based on real facts will inform the clients, community, employees, partners, donor organizations and governmental authorities of the implementation of the Centre's mission, goals and objectives. Such report can simultaneously perform the functions of informing, presentation, reporting, motivation and search for necessary resources. The public reporting produces a significant effect on both the Centre itself and its employees: this helps to analyse, assess and understand its own activities, take into account its errors when planning further work, increase the value of the organization in the eyes of the employees and attracted activists and experts, and motivate them for further work. If the Centre started its activities not so long ago, public reporting even for a small period of time will prompt the external environment to treat the Centre with respect.

As far as the content of the Centre's annual report is concerned, this should undoubtedly be both statistical indicators of the Centre's performance (scope and specific nature of the provided legal aid, events held, etc) and specific examples (stories of success, strategic actions). It is also expedient to include a brief description of anticipated activities in the report. If possible, the report should be illustrated using demonstrative photos, dates of reference to audio and video presentation materials, prepared educational products, printed publications.

**The format of the public presentation of the Centre's performance report** can be different and contain, but not be limited to, the following forms:

- a separate printed publication (a brochure), possibly enclosing a CD containing an electronic version and attachments;
- publishing the report in the Centre's own print media and other media (full or partially);
- posting the report on the organization's own website, in other information Internet resources and social networks;
- presenting the report during public events (press

**P**artners of the Legal Empowerment of the Poor Initiative mostly presented their reports in an electronic format on the Internet (including in the information resources of the International Renaissance Foundation) and in local media. Some organizations that have been working within the Initiative for a long time have already published printed reports. Thus, in 2011 the Centre of Civic Advocacy (Lviv) published its brochure called "The Community Law Centre as the Means of Legal Empowerment of the Poor in Lviv Region"; in 2012 Odesa regional organization All-Ukrainian Non-Governmental Civic Organization "Committee of Voters of Ukraine" published its brochure called "Ensuring the Legal Empowerment of the Poor in Odesa Region: the Legal Centres' Activities in 2011 – first half of 2012.»

conferences, round tables, meetings of public councils, meetings with the representatives of the government and local self-government authorities, etc.);

- sending out the report (in soft and hard copies) to media, partners, donor organizations, government and local self-government authorities.

Public reporting becomes even more effective if different forms of report dissemination are combined as this makes the report accessible to different target groups. It is good if presentation of the Centre's performance report provides a feedback opportunity (best of all – in the form of proposals or remarks sent by e-mail or post).

The internal and external image, which is well planned and permanently used, can be called a **corporate style** of the Centre. The external feature of the corporate style can include, in particular, the Centre's logo used in banners, signboards, business cards, announcements, print products, etc.

## DEVELOPING PARTNER NETWORK. JOINT INITIATIVES

It is virtually impossible to handle even a local problem in the current conditions on one's own and it is even more difficult when it comes to the issues of national importance (including the legal empowerment of the poor). Non-governmental organizations sooner or later begin to understand that they cannot cope with existing problems by themselves. In this case, it is necessary to develop partner relations, create networks or otherwise combine efforts and resources and unite to implement joint initiatives. Permanent communication helps the Centres cope with the development of partner relations – first of all when they are involved in such development together with other similar Centres and other non-governmental organizations.

Partnership (network, coalition) comprises organizations that remain autonomous in all aspects, other than those associated with their joint activities. Partnership has a single purpose and its members are interested in holding their campaigns and events together<sup>4</sup>. Partnership can be developed based both on the territorial and thematic principles. Territorial partnership unites different entities, including Centres, around important issues relating to the development of a specific territorial community – a small village, town, city, district, or region. Thematic partnership unites certain entities around a certain problems relevant to the whole country. One of the main rules for coalitions is that partnership should be beneficial to each of the partners.

**There are a lot of forms of coalitions. They are usually divided into three types:**

**Free informal coalition.** Such coalition type means that several representatives from different groups gather for regular meetings to share current information and coordinate efforts of their organizations in the direction, which is agreed by the groups to constitute the general direction of their joint work. All groups retain full autonomy; the coalition operates as the unified whole only in those cases when all groups without exception agree to this.

<sup>4</sup> Information on partnership development is based on the publication "Looking for Allies and Building Coalitions" and materials of the training "Building Coalitions", available at pravovakrayina.org.ua

« We need to create networks. This is an important practice, which adds to our performance and reinforces the effect of our efforts and makes the network members even more powerful in their work.” Denys Hrechko, Pavlohrad Town Charity Foundation «Horenje”, Head of the Community Law Centre in Pavlohrad, Dnipropetrovsk Region

Such coalition usually has neither name, nor special staff, nor any means other than those provided by the groups themselves.

**Organized informal coalition.** Such coalition type usually has its name, a set of general objectives, a structure of the formal representation, and a mechanism of making group decisions. Organizations forming parts of such coalition often execute an agreement on basic principles of coalition, however retaining the right to make their own decisions relating to their policy and specific actions.

**Formal coalition.** Formal coalition exists as an independent unit and acts autonomously on behalf of the organizations forming its part. Such coalition's documents usually specify the mission and main objectives. The representatives of organizations comprise a coordination council which monitors the activities of volunteers or staff employees. A formal coalition has independent funds and resources. Certain groups of the coalition that are its members subordinate to the collective decisions made by the coalition as a whole.

**A lot of theoreticians and practitioners state the following elements of successful partnership:**

- expressly stated goals, equal distribution of benefits and costs, explicit performance assessment indicators and mechanisms, clear set of obligations and express decision challenging mechanism;
- joint vision and understanding of mutuality in the exchange scheme based on the “give and take” principle;
- mutual support and constructive protection of interests;

- financial transparency, readiness to work jointly for a long period of time, recognition of other partnerships.

A successful example of partnership (coalition) is the Legal Empowerment of the Poor Initiative of the International Renaissance Foundation, which includes Centres from local communities from all over Ukraine that are united by a common goal: to ensure the legal empowerment of the poor. Since 2009, 28 Centres have been set up in 15 regions of Ukraine, and the initiative of setting up more similar Centres was supported in 2012.

The heads of the Legal Empowerment of the Poor Initiative who gathered for the orientation meeting in February 2012 jointly elaborated general approaches to the partnership's activities. They, in particular, determined essential features of the network, namely a common mission, goal, objectives and values of organizations; common interest in activities; existing coordination, operating rules and procedures for interaction between participants; common information flow; joint working result; common target audience; existing membership and stable operation; existing corporate culture and ethics. The network participants, in turn, should be a formalized non-governmental commercial organization that does not belong to a political party and should provide free legal aid; perform a useful function in the network; share the mission, goals and objectives; assume responsibility for and risks of the activities of the whole network; go through the procedure

for joining the network; work towards the same goal; comply with the corporate culture and ethics; recognize and perform the rules and procedures of the network; and have a direct connection with the community.

The Initiative holds various educational events (trainings, seminars, workshops), formal and semi-formal coordination and orientation meetings, offers information and communication platforms (in particular, the Legal Framework website, Facebook page, Google group), plans and holds the joint monitoring, information and advocacy events.

The efficient operation and development of partnerships are impossible without implementing joint projects and initiatives. One of the joint initiatives of the network of the Community Law Centres was that they held events to tackle the problem of social protection of the "children of war". In addition to providing the individual free legal aid to the "children of war", the Centres held a number of events aimed to tackle this problem on a consistent basis: they filed an application to central governmental authorities, prepared legal education materials, and held several information campaigns. By way of example, a press conference was held at the UNIAN agency (Kyiv) on December 6, 2010, which received a huge response. The purpose of this press conference was to draw the attention of the government and the public to the problems of legal protection of this social category of citizens. An illustration may be provided — a photo from the press as of December 6, 2010.

## SECTION 6

# EVALUATING PERFORMANCE OF THE COMMUNITY LAW CENTRE

In addition to activities of directly administrative nature in the course of the project implementation, it is necessary to apply methods of control over current situation, which should primarily include monitoring and evaluating quality and efficiency of the Centre activities.

Evaluation shall mean a continuous process that starts once the Centre has been established and its activities have been launched and lasts throughout the period of the Centre operations.

The Evaluation enables to:

- **demonstrate success.** It is imperative for the Centre to set the area of work where the implemented project reaches the highest success. Analyzing any given best practices, finding essential elements of success will allow understanding what should be done, which general action elements should be emphasized. Surveys and records of positive moments in the project implementation are also of great importance since they enhance motivation of the Centre employees;
  - **identify weak points** in activities of the Centre. Experience gained in the course of activities is crucial. Discovering factors and areas of activities that demonstrated negative effect would enable to make adequate conclusions and take them into account for future work;
  - **identify areas of activities**, that should be changed. Timely response to negative events in the Centre activities, taking corrective actions regarding areas of activities or methods used would promote removing shortcomings discovered in activities of the Centre;
  - **decide the further development strategy.** Evaluating performance of the team the Centre Head anyway outlines further strategic activities,
-

sets out priorities and defines different strategies' perspectives.

Monitoring is one of the methods used for internal evaluation of the Centre activities. It is necessary to supervise actions taken within the Centre, monitor efficiency of the Centre activities and influence within the community. This tool is used to understand to what extent the planned actions meet preliminary expectations, calculations, and approaches selected.

The most important components of monitoring should include:

- List of features to be supervised. Preliminary analysis, first of all of risks, resources, and needs

allows identifying the most important features that are key to efficiency of the Centre's activities;

- Indicators and indexes used to evaluate the condition of any issues and phases of the Centre as a whole and dynamics thereof;
- Frequency and place of measurements. This feature as well as selection of adequate indicator is fundamental to monitoring sensitivity as to the events happening in the Centre.

Pre-designed or prearranged compliance indicators would be a convenient tool of such supervision. Centre indicators are divided into quantitative and qualitative ones.

## KEY QUANTITATIVE INDICATORS

### 1. Number of applications

This is one of key indicators enabling monitoring of how the Centre is perceived by a given community. The data for indicator can be taken from the Register of Individuals Applications filed to the Centre and Onsite Register of Individuals Applications. Proper use of the indicator is possible only if the «applications dynamics» indicator is taken into account. To use this indicator it is essential to distinguish quantitative indicators by primary and secondary legal aid.

### 2. Level of satisfaction with the services (based on quantitative forms handling)

Quality of the Centre activities and level of applicants satisfaction with services provided are evaluated using the feedback form. Every applicant after the reception by the Centre specialist should have the opportunity to fill in a special evaluation form the sections of which are used to evaluate the level of applicants' internal satisfaction with communication with the specialist. It is recommended that forms are anonymous and applicants leave them in special boxes since this would make possible to improve the level of clients' transparency. Upon expiration of the agreed period the Centre coordinator should open the box and count forms quantitative indicators. The obtained data can be used to improve the quality of the Centre

activities and adjust relations with applicants.

### 3. Number of documents prepared

This indicator is directly related to the «number of applications» indicator. Quality of services provided by the Centre can be estimated by comparing the number of applications and prepared documents with due regard for issues raised by applicants to the value of the «level of satisfaction with services» indicator. Usually, applicants apply with a given legal issue and expect to receive practical aid. If the number of documents prepared is much less than the number of applicants, this would have impact on satisfaction with services, and, accordingly, bear evidence of the Centre's underwork.

### 4. Number of appearances in the media (indicator of external communication level)

Legal education should be one of the areas of the Centre activities. The number of appearances in the media reflects the activity of the Centre experts in this area. «Appearances in the media» can include articles, publications, comments on legal issues, opinions of events and other informational messages prepared and distributed within the scope of activities of the Community Law Centre. The indicator works properly when comparing the number of appearances to that number in similar periods of the Centre past activities.



### 5. Number of appearances and participation of the Centre's employees in public events

Participation of the Centre's employees in public events should be an integral part of the Centre successful operation. The indicator is effective when comparing the number of appearances to that number in similar periods of the Centre past activities.

### 6. History of applications (comparative analysis of the number of applications from the date of the Centre establishment)

This indicator is closely related to the «number of applications» indicator. It is used when comparing the number of applicants in a given period to the number of applicants in similar period in the past. The indicator allows estimating the level of dissemination of information on the Centre's activities with a given territorial community and acquiring new clients of the Centre's services

### 7. Volume of the information disseminated (newspaper circulation, information leaflets, articles etc.)

This indicator gives insights into external legal education activities of the Centre. The Centre employees should keep records of approximate total number of people who receive information of the Centre and recipients of information products delivered within the scope of the Centre activities. The indicator is effective when comparing to past periods data and enables monitoring the Centre activity level in terms of information dissemination and level of external communication with the community.

### 8. Number of published success stories (printed media, Internet).

The Community Law Centre should continuously distribute examples of its successful activities. Publishing success stories in printed or electronic media is a perfect practice of distributing positive information of the Centre, generating a successful organization image and public trust building. Employees of the Centre should keep records of published success stories and number of copies published by media. The indicator is effective when comparing to past periods' data and determines the level of activity of the Centre's personnel in terms of generating positive image of the Centre and community trust building.

### 9. Number of employees engaged in legal aid providing (evaluating activities and management)

Number of personnel engaged in the Centre's activities should be one of the indicators of the Centre's activities efficiency. To use the indicator properly it is necessary to calculate monthly workload per each expert who works with applicants. When using the indicator, it is necessary to divide data into categories by primary and secondary legal aid. The indicator enables comparative evaluation of the Centre activities for different periods and determines optimum number of the Centre's employees.

### 10. Number of legal cases

Number of legal cases for a given period is indicative of the level of comprehensive approach used by the Centre staff to address the issues raised by applicants. The indicator is effective when comparing to past periods data and determines the level of the community members' trust in the Centre's experts.

## KEY QUALITATIVE INDICATORS

### 1. Accessibility in time

Accessibility of free legal aid in time can be an indicator of the Centre's activities quality. In the above sections of the Manual we have outlined the minimum requirements for the public access to aid provided by the Centre's specialists. The level of compliance with the above requirements in terms of the legal aid accessibility

to the public in time is a quality indicator thereof.

### 2. Accessibility of communication sources to employees and applicants

Each Community Law Centre should possess information and reference materials (reference books, guidelines, collection of laws and codes (preferably

with commentaries) etc). Level of the Centre provision with information and reference materials and their physical availability to applicants is a qualitative indicator of the Centre's operation effectiveness.

### 3. Physical accessibility, comfortable location

Location of the Centre is essential to its work efficiency. The most comfortable Centres for applicants are those located in a city Centre, on the ground floor and near municipal transport stops. At the same time it is recommended that the Centre entrance is equipped with an access ramp. The level of physical accessibility is an indicator that influences significantly the efficiency of activities of the Community Law Centre.

### 4. Availability of hand-outs

Every Centre should make available hand-outs that can be provided to the Centre applicants. These can include leaflets, brochures, flyers, booklets etc. The level of provision with hand-outs is an important indicator of the Centre activities.

### 5. Qualifications of employees engaged in legal aid provision

The Community Law Centre shall engage a professional lawyer or several lawyers. Since applicants raise different issues to be successful the Centre should engage lawyers having relevant knowledge and experience in different branches of law – civil, administrative etc. Employees skills and experience level is one of the most important indicators measuring the quality of activities of the Community Law Centre.

### 6. Community awareness of the Centre accessibility and activities

The awareness of individuals of the Centre activities serves as a quality indicator because for the successful operation of the Centre it is necessary to spread the information of its services among community members. This information can be disseminated in different ways. Valuation of awareness can be performed using simultaneously quantitative indicators such as «number of applications» and «history of applications» and examining forms in relation to satisfaction with services that specify

from where an applicant has obtained information of the Centre.

### 7. Urgency of legal aid providing (the word «urgency» should be introduced as a term)

Urgency of free legal aid providing is one of the most important factors of the Centre activities. Very often legal aid should be provided urgently – information is needed for a court session, a time period for filing an appeal or a cassation expires, there is an urgent need to make a request or file an application etc. Urgent legal aid providing system is an excellent indicator of the Centre activities efficiency. The efficiency in this area of activities can be monitored using the Register of Individuals Applications and applicants satisfaction evaluation forms.

### 8. Interviewing the employees of executive committees of municipal councils and government authorities (develop relevant questionnaire) – evaluation of the Centre activities by local self-government authorities and government authorities (outside parties)

Interviewing the employees of local self-government authorities and other government agencies is yet another tool of evaluating the quality of services provided by the Community Law Centre. Whereas a significant number of the Centre clients apply in connection with social issues and matters falling within the competence of local self-government authorities, the cooperation with their employees should be an essential condition to successful operation of the Centre. Estimation of the Centre activities by outside parties is an important element of evaluating the Centre activities efficiency.

### 9. Over time questioning applicants of the Centre after they have received legal aid

To monitor the quality of the Centre activities and level of clients' satisfaction it is recommended to re-interview (directly or on the phone) applicants in 6-12 months after they have received legal aid. Level of the client satisfaction in a significant time period is an important indicator of efficiency of activities of the Community Law Centre and acts as a marker of positive/negative perception of the Centre by the community.

## 10. Selective monitoring of legal cases conducted by different lawyers

To evaluate the quality of delivered legal services it is expedient to perform selective monitoring of clients' cases at certain points of time. An impartial monitoring should involve an independent consultant. For the purpose of examination the monitoring should include different legal cases conducted by different lawyers, cases conducting should be analyzed and timeliness and effectiveness of lawyers' actions should be evaluated. This selective examination of legal cases reflects the quality of the Centre's lawyers.

Procedures of the Community Law Centre shall be subject to monitoring since it performs continuous or regular actions the observation of which allow gathering necessary volume of information for conducting further analysis, formulating conclusions and making relevant adjustments to the areas and standards of activities.

At the same time the monitoring can include a more functional element targeted at identifying

and evaluating the changes that can influence the monitoring findings positively. The internal monitoring as performed by the Centre coordinator may be of use to provide self-monitoring and maintain sensitivity to arising events and possible changes.

External monitoring of the Centres' activities efficiency is a separate topic. Since this activity involves significant financial resources the feasibility thereof depends directly on funding availability in the Centre or a grantor's interest.

External monitoring and effectiveness evaluating are generally targeted at such activities as performance audit, inspections conducting, depth interviews etc.

«Timely monitoring reveals problems that arise or may arise in the course of the Centre activities and enables anticipating necessary changes. The strategic development plan of the Community Law Centre should provide work evaluation criteria that assist in comparing anticipated and actual situation to achieve expected results». Olha Nastina, Head of the Community Law Centre in Bila Tserkva.



# ATTRACTING FUNDS FOR THE CENTRE FUNDING

Activities of any organization are hardly possible without supply of resources. Successful resolution of issues raised depends to a significant degree on optimum searching approach and resources use. Goals of any organization involve transforming resources to achieve results.

Essential resources used by any organization should

include people (human resources), capital, materials, technologies and information. Recently an increasing number of organizations and individuals in our country apply for additional funding to non-government institutions through submitting applications for grants because it is a real opportunity to attract additional financial resources.

## FUNDING SOURCES

---

Searching for funds and other resources may be performed both for an organization activities as a whole and implementation of given projects. The process of searching for funds also known as fundraising is bilateral. On the one side there are the activities of fundraising experts who raise money to support the activities of their organization or

conduct a given event. On the other side there are the activities of the grantor that provides financial or other material resources to NGO (non-governmental civic organization) or initiative group.

Essential fundraising rule relates to diverse funding sources.

---

### Social initiatives funding sources should include:

- Government and local self-government authorities;
- Business;
- National and international charitable grantor organizations;
- Society.

### Government and local self-government authorities

Understanding the feasibility and necessity of activities of the Community Law Centres in communities legislators have given local self-government authorities (city, town and village councils) an opportunity to create at their own discretion Centres for Free Primary Legal Aid i.e. at their own cost, within their own premises and with determined staff. This opportunity is prescribed by the Law of Ukraine «On Local Self-Government in Ukraine».

Taking into account that most regions of Ukraine are subsidized i.e. funded directly out of the state budget, raising money to create Centres for Primary Legal Aid would be a problematic task.

That's why local self-government authorities are entitled to engage private entities, including public organizations, in providing free primary legal aid.

Procedure for such activities is provided in the regulation known as the Procedure and Criteria for Engaging by Local Self-Government Authorities of Private Legal Entities in Providing Free Primary Legal Aid as approved by order No. 891/5 of the Ministry of Justice of Ukraine of June 15, 2012. This Procedure provides competitive selection of private entities that express their wish to be engaged in providing primary legal aid.

Therefore, public organizations are given an opportunity to obtain funding from local budgets through competition.

It should also be mentioned that local self-government authorities are entitled but not obliged to create Centres, engage private law entities in provision of free primary legal aid.

### Business

Business has a sufficient philanthropic potential. Small and medium business organizations such as banks and companies are actively engaged in charitable activities and create charitable organizations. Reasons for business engagement in charitable activities are different. These can include sense of personal worth, an opportunity to show oneself, a wish to do something valuable to

society and an opportunity to advertise own products and services. However it should be remembered that big sponsors do not feel anxiety to support local initiatives, they tend to work across the nation. There is no professional philanthropy in business environment because businessmen are afraid of showing revenues of their companies or amounts of charitable aid.

### Factors of business companies charitable activities

a) Companies are looking for continuous revenues. Therefore, charity promotes their own interest since it enhances a company's image. When providing financial support companies act for the benefit of their future earnings.

b) Business attempts to strengthen its political influence. Companies strengthen their impact on the government through providing charitable endowments to non-governmental organizations, creating coalitions with them and building close relations.

c) Business endeavours to be socially responsible by funding programmes of non-governmental organizations aimed at solving social problems of the community or society.

Companies attempt to address problems of the community while understanding that the community has certain expectations and put hopes on their business.

## National and international charitable grantor organizations

---

Today in Ukraine there are many international charitable organizations providing support to social initiatives of individuals. By agreement the aid is provided in the form of grants considered as targeted non-repayable financial aid (to learn more about grants, please, see below). Activities funded by the grant improve employees' skills because they learn prospective planning, management, financial administration, reporting, and self-assessment. The work rests upon partnership not competition when providing paid services. Therefore, an organization has

an opportunity to use preliminary work of a grantor to select priority areas of activities.

To convince the grantor of efficiency of a proposed project it is important to prove the urgency of the issue at the resolving of which the project is aimed. Moreover, the issue should not reflect internal problems of the organizations but those of society, and specify the problems which the organization is ready to solve.

## Government authorities

---

The State Budget of Ukraine may provide funding to support certain types of public organizations. Legal reasoning of such practice is set forth in certain legislative acts. The disadvantage of the state support

at the national level is that funding is provided not for certain areas of civic society activities, but individual organizations.

## Local self-government

---

Support from local self-government authorities at the local level looks like the most promising. According to the Law of Ukraine «On Local Self-Government in Ukraine» city councils adopt at their plenary meetings the development programmes (or other) on different issues (economy, culture, trade etc.). Such a programme may envisage engagement of public organizations in solving certain issues of the territorial community of a city, for instance, to increase legal awareness of population, which is one of areas of activities of the Community Law Centre, or to improve activity of the public. The programme should be prepared by relevant employees of the executive committee of the city council, considered by deputies in committees and adopted by relevant resolution of the city council. Of course, each programme needs economic feasibility and its implementation should be funded out of local budget. If all the conditions have been met and the programme has been adopted, relevant department of the executive committee of the city council shall invite tenders for the best project proposal as to solving one or the other issue (problem etc). The tendering procedure, tender conditions, composition of the competition committee and other important issues should be clearly stated and approved by relevant decision of the executive committee or municipal council (depending on their powers). Support to the

Community Law Centre from local self-government will ensure stable operation of the Centre for at least one year or until the implementation of the Development Programme is complete.

Thus, for example, with assistance from the Community Law Centre in Kreminna and Nasha Gromada Kreminna Centre for Regional Development Regional Civic Organization in cooperation with the regional Centre of social functions for families, children and youth the Comprehensive Programme for Providing Legal Aid to Families and Individuals in Complicated Real-Life Situation in Kreminna District for 2012-2016 was developed and adopted in January 2012 at the 13th meeting of Kreminna District Council. Despite the fact that as of the meeting date district budget was already adopted, funds for the Programme implementation were allocated out of the budget of Kreminna District Council and Kreminna State District Administration.

The Community Law Centre may engage in already existing local council initiatives of narrow specialization, for instance, providing legal aid to disabled people, single mothers. Since the Community Law Centre provides free legal aid to poor and vulnerable groups of population (disabled persons, single mothers,



families with many children), such initiatives fall directly within the scope of the Centre activities. It is characteristic that such initiatives (programmes) are often aimed at not only providing legal aid to certain groups of population but deliver comprehensive aid, including legal one.

Usually such initiatives are adopted annually, but they are short term (three months at most) and their implementation requires insignificant amount of funds.

Therefore it is better to carry out monitoring of

existing programmes, city councils initiatives that are implemented in the community where the Centre operates, and engage in the implementation thereof.

The following disadvantages worth mentioning: Local self-government authorities are generally bureaucratic, inflexible partners for NGOs; availability of corruption; dependence on changes in personnel, policy; limited resources of local budgets.

Certain public organization can not cooperate with the government because they are in opposition thereto.

## Individuals

Cash contributions from individuals are transferred to the organization on the basis of agreements that do not provide any repayment or compensation thereof. Financial contributions can have the form of money of founders, contributions made by members of the organization. An obligation to pay membership fees can be prescribed by the organization charter depending on the organization's needs. Payment schedule, amounts and procedure of charging are set forth in the minutes of the organization general members meeting. Private donations and charity support can be used as funding sources of the Centres. The strategy of raising funds for NGO's should provide alternative funding sources.

The Centre may open special charity account and specify such account in all printed materials, on the website etc. Charity boxes can be also used. If the Centre is popular with the community, really solves local problems and people know about it, they will

undoubtedly acknowledge it – it is necessary just to propose the way to do it.

**F**unding of the Community Law Centre may be received from different legal sources with due regard for non-commercial principle requirements. Fundraising procedure of the Centre envisages looking for potential grantors; substantiating the organization's needs with due account of prospective grantors' interests and level of their understanding of the problems that can be solved with the project; continuous work with prospective grantors (establishing, maintaining and developing relations); generating positive public opinion in favour of activities of the organization or staff, gathering support letters, gaining credibility.

## GRANT AS A FORM OF DONATION

**Grant** (grant (English) – act of donation, subsidy) is the funds given free of charge by the grantor (foundation, corporation, government establishment or private entity) to a non-governmental organization or private entity to perform certain work.

Work related to providing financial support for the Centre through filing a grant application is divided into several phases:

- searching for prospective grantors;
- development of the project and executing the set of documents.

**ATTENTION! Essential elements of the project application, practical recommendations as to execution thereof, requirements for the draft budget are set forth in Annex 13.**

## Searching for prospective grantors

### Who are grantors?

**Grantors** are private individuals or legal entities that provide funding based on the results of the project application consideration. For convenience of reference virtually all organizations that allocate grants on competitive basis are called «foundations».

**Foundations are divided into the following categories:** public foundations, intermediary foundations, private, corporate foundations, direct action foundations, local foundations, award issuing foundations.

**Public foundations and programmes** use state budget funds for grants assignment. Such foundations (programmes) are generally short term because their existence depends on budget funds allocation.

**Intermediary Foundations** are public organizations that receive funds from governmental and private grantors and allocate them among applicant organizations.

**Private Foundations** use funds generated generally as interests charged on turnover of capital specifically allocated to such activities.

**Corporate Foundations** are funded out of money of companies (commercial organizations). These foundations allocate funds to those areas where they have corporate interests.

**Direct Action Foundations** are foundations that use their own resources to support own researches or deliver direct services.

**Local Foundations** are established by population of a given district, city or village to satisfy local needs. Such foundations are targeted only at local initiatives support.

**Award Issuing Foundations.** Awards are issued to private individuals or organizations for outstanding achievements.

### Peculiarities of Foreign Foundations

1. Expats both managing and expert staff; accordingly, applications to these foundations can be filed in Ukrainian, Russian, and English.

2. Careful work with an applicant: In most cases applicants can approach the foundation for consultation, clients may be contacted several times during the process of their applications handling. Sometimes these foundations arrange seminars on project applications writing.

**REMEMBER**, that an effective funding should be based on the development of a sound organizational

strategy and related programme proposal.

When developing your strategy you should answer clearly and directly the below questions:

- What is the purpose of the organization?
- What is its target audience?
- Does the audience receive similar services from another organization?
- Which important need or needs are you going to satisfy?
- Which problem are you expecting to be solved?

## RECOMMENDATIONS

1. Funding is a long-term relationship!

2. Successful funding often rests upon establishment of long-term relations between partners. Three or four prospective grantors on your list can have a many years experience in your area of activities or interests in gaining

such experience in this area in your country or region.

3. Before submitting the project application you should carefully review the activities of a prospective grantor, because interests of your organization should meet interests of the foundation.



Поширення інформаційних матеріалів в селах Пирятинського району. (Використано фото ГО «Жіночі ініціативи»).

4. Not a single grantor will provide funding on the basis of a report written on a half page and one year later.

5. When cooperating with a grantor the organization shall be committed to long-term relations. These provide communication in the form of effective and timely reporting as required by the grantor, and continuous notifying the grantor of significant changes in the project proposal.

6. Over time this communication may transform into mutually beneficial professional relations of both parties, if the grantor and the grantee work to achieve a specific common goal.

7. Perceive your grantor not only as a «wallet», create the atmosphere of partnership; engage your grantor in different project events and never forget to thank for contributions with which the grantor helps to enhance the image of your organization and develop its status in right direction.

**RECOMMENDATION!** Whenever possible you should perform an annual financial audit of the organization (Centre) – earnings and expenses must be transparent and checkable. Budget of the organization should be public, open and accessible for examination. Regular audits evoke the government's and prospective grantors' credibility.

## ANNUAL REPORT AS A FORM TO PRESENT SUCCESS STORIES

**RECOMMENDATION!** To ensure transparency of the Centre (organization) and raise funds we recommend preparing annual reports of the organization since they first and foremost present success achieved by it.

Annual report is a document that enables you to prove your organization success. The annual report proves the civic development of the organization, its efficiency and financial soundness.

Annual reports in the form of an organization's success story allow you to tell about your activities.

The grantors will provide financial support to the organization only if they have visible evidence of sound use of funding provided by them. The annual report may become a key factor. Using photos and pictures of clients' personal life to demonstrate successful activities of the Centre confirm the trustworthiness of the work performed. Development of the annual report can be a time-consuming and costly process, but your money and time would not be muddled away if the report is written and executed properly and contains reliable information. The annual report is a long-term document, which can serve as your business card for



prospective grantors and general marketing brochure concerned with your organization activities.

**RECOMMENDATION!** If the organization has no

resources or sufficient number of successful projects to prepare a traditional annual report, we recommend changing the document name! It can be called a public report or annual review.

## PATH TO SUCCESS

Implementation of the project, which is as important and responsible as the annual report, is a specific

organizational process that should be implemented on a step-by-step basis.

### 1. Keep permanent records.

Since the annual report contains the history of the organization in chronological order and the roads to its success, your employees should be given an opportunity to make their own contribution in the report writing. It is imperative that every employee

keeps records to register achievements of the organizations: dates, events, people, acknowledgment etc. It's not easy to come back and restore information. Moreover often it occurs that necessary information is incomplete or inadequate.

### 2. Select the project leader.

Delegate essential authorities to one person. Select a responsible employee who has good communication and organizational skills, is creative and competent in charity issues. The project leader will be responsible

for preparation and execution of the budget; meeting deadlines; searching for people who will be in charge of the project writing and contracting designers and proofreaders.

### 3. Prepare the budget.

The budget should provide employees salaries and, depending on their professional skills, expenses for

contracting project writers, designers, photographers and print workers.

#### 4. Formulate the topic.

---

Think about key messages and prepare the project topic that would give insights thereto. These can include «5,000 consultations for six years»; «We thank our innovators» etc. The project topic helps to outline your information. You can develop new

topic or make a link to one of other topics available in your marketing materials. Invite key personnel and members of the board to take part in developing the project topic and conduct a «brainstorming» sessions to generate new ideas.

#### 5. Professional presentation of the material.

---

The annual report gives insights into different issues: from demonstrations of your last year programmes and financial reviews to individual stories that gives a thrill. You should present this various information in such a way so that it will look understandable, clear and reliable. Selection of right phrases and visual

effects is critical. Use headings and subheadings to make readers well acquainted with the content. Tables and highlighted fragments help to not only outline the information, but also attract visual attention to a page. Select images and pictures that will supplement your text.

#### 6. Be precise in what relates to facts and finance.

---

The annual report bears evidence of your reliability. Therefore, you should check all facts and figures twice. Make sure that submitted financial information is adequate and you have correctly calculated the number of people you provided legal aid to. Allocate your finance properly otherwise you may present misleading information on operational expenses. Your list of achievements – projects, programmes, and

services - should be significant. For this reason you should check it in cooperation with your employees and managers to make sure that it covers all issues. Select the most important people who provided their support, your upholders, grantors, donators, volunteers, and partners. Check the spelling of their names, names of organizations and branches twice or even three times.

#### 7. Present your work using words and pictures.

---

Write what activities of your organization are beneficial to people and community. Use pictures to attribute importance to your messages and notify the community of support received by your non-profit organization. Demonstrate interaction with clients to high valued individuals, community leaders and grantors. On the front and last page

attach pictures that will support the activities and outcomes of your organization (for example, pictures of facilities that you have repaired). Seeing with own eyes means to believe. When selecting pictures for the presentation, please, bear in mind that pictures should be in line with relevant messages or thinking you want to express.

# ANNEXES



# ANNEX 1

## KhmelIntytskiy Community Law Centre Procedure for Case Selection to Provide Free Legal Aid

### INTRODUCTION

---

1. The Community Law Centre (hereinafter the Centre) was established to protect citizens from illegitimate actions, absence of actions, or decisions made by government authorities, local self-government authorities, their officials or employees, and other subjects of power; ascertainment of corporate rights of individuals against illegitimate actions, absence of actions, or decisions made by legal entities acting as businesses and, in certain cases, legal defense of the vulnerable population groups, as well as to provide legal aid in a form of consulting to individuals deprived of such possibility for a number of reasons (low income, limited physical capabilities etc.)
2. The Centre operates within the framework of the initiative "Legal Empowerment of Poor Social Groups" and works towards implementation of the Initiative goals.

### CASE SELECTION CRITERIA

---

#### A. Case Selection per Clients

---

1. The following shall be the Centre's clients:
  - (a) low income citizens, that is, individuals deprived of financial capability to pay for legal aid services;
  - (b) individuals belonging to vulnerable population groups (retired people, disabled, members of large families, single parents, palliative patients, combatants, war veterans and equivalent status persons, liquidators and victims of Chernobyl accident, etc.)

#### B. Case Selection per Categories

---

1. The Centre's employees provide legal aid on the cases pertaining to the following branches of law:
    - (a) Civil law;
    - (b) Family law;
    - (c) Land law;
    - (d) Labor law;
    - (e) Housing law;
    - (f) Administrative law;
    - (g) Social security law;
    - (h) Enforcement proceedings;
    - (i) Tax law;
    - (j) International private law;
    - (k) Procedural law branches, except for criminal procedure law;
    - (l) Criminal and criminal procedure law (on the issues concerning civil law claims in criminal cases and private prosecution cases).
  2. The Centre's employees DO NOT provide legal aid on the cases pertaining to the following branches of law:
    - (a) Constitutional law;
    - (b) Criminal and criminal procedure law (except for the cases concerning civil law claims in criminal cases and private prosecution cases).
    - (c) Criminal enforcement proceedings;
    - (d) Economic law;
    - (e) Finance law, except for the cases concerning taxation of individuals;
    - (f) International public law.
-



3. The Centre's employees DO NOT provide legal aid on the cases where the issues have signs of legal abuse (tax mitigation, fictitious transactions, subtraction from obligations, evasion from fulfillment of judicial and other judgments, delaying the judicial proceedings, etc.)

### C. Case Selection per Complexity Level

---

1. All cases admissible for the Centre's involvement are classified into three complexity levels:

- (a) Low complexity cases;
- (b) Medium complexity cases;
- (c) Complex cases.

2. Low complexity cases include those which can be resolved within the first visit of the Centre, including the cases involving assistance in preparing standard process documents.

3. Medium complexity cases are those in which the subject requires additional examination, requesting additional materials, preparation of non-standardized process documents or representing the client before the courts by the Centre's lawyers.

4. Complex cases include the following:

(a) cases of great public interest: resolving such case may become a precedent to resolve other similar cases; it serves the interest of a large number of people; it will become a great benefit to the community; it will enable preventing systemic violations of human rights by the government and local self-government authorities;

(b) cases of great personal interest: resolving such case will enable preventing damage to life and health of the client or third party individuals; it will enable preventing alienation of the client's property, illegitimate dismissal of the client or other material violation of labor law, illegitimate assessments from an individual entrepreneur or will contribute to overcoming the obstacles in access to business undertaking; it will enable avoiding material violation of the client's right to access the justice (illegitimate imposition of a large levy, missing the period for appeal, etc.)

### CASE SELECTION PROCEDURE

---

1. Cases eligible for free legal aid provision are selected by the Centre's lawyers during reception of clients on the Centre's premises or during onsite consulting.

2. For the purposes of such selection, the lawyer will decide as follows:

(a) to verify, being guided by the criteria specified in clause A of section "Case Selection Criteria" of this Procedure, if the Centre's visitor is eligible to become the Centre's client;

(b) to verify, being guided by the criteria specified in clause B of section "Case Selection Criteria" of this Procedure, if the case in question belongs to the categories in which the Centre's employees provide legal aid;

3. According to the results of such verification, the lawyer will decide whether free legal aid should be extended or refused.

4. The above decision may be appealed by the visitor before the Centre Head. The Centre Head's decision whether free legal aid should be extended or refused shall be final and not subject to appeal.

5. The lawyer studying the case background will, guided by the criteria specified in clause B of section "Case Selection Criteria", ascertain the complexity level of the case. The lawyer shall promptly notify the Centre Head upon discovery of medium and high complexity cases.

6. The Centre Head will, at least on weekly basis, review the incoming applications from the Centre visitors to see if complex cases are present. Handling such cases will be personally monitored by the Centre Head.

7. If needed, the Centre Head will send the case for further pro bono legal support to one of Centre's partner attorneys.

---

# ANNEX 2

## Training Program Section Law School conducted by Rivne Oblast Public Organization «Electorate Committee of Ukraine»

---

### Day 1

---

#### Topic 1. Relations between human and state: development history and modernity

---

1. Development history and theory of human rights.
2. Human rights and development of civil society. International standards of human rights.
3. Human rights in Ukraine.
4. General description of human right protections.

#### Topic 2. State and its instrumentalities

---

1. System of government authorities (legislative, executive and judicial).
2. Operational principles of executive power (subordination, coordination, control, etc.).
3. Decisions of government authorities and officers. Hierarchy of laws and regulations.

#### Topic 3. Local self-government in Ukraine

---

1. Essence and procedure for establishing local self-governments authorities.
2. Structure and powers of local self-government authorities and legal status of local council members.
3. Decisions of local self-government authorities and their legal effects.

#### Topic 4. Specific features of relations between human and government in the modern state

---

1. Description of specific features of interaction between human and government in the modern state
2. Application of the Law of Ukraine «On Citizens' Appeals» and «On Access to Public Information».

### DAY 2

---

#### Topic 5. Civil laws of Ukraine

---

1. General description of the civil laws of Ukraine.
2. General description of the legal provisions in Civil Code of Ukraine.

#### Topic 6. Sources used to search for laws and regulations

---

1. General description of sources used to search for laws and regulations
2. Legislation of Ukraine Searching System of the official website of the Verkhovna Rada (Parliament) of Ukraine.

#### Topic 7. Specific features of protection of personal data in modern Ukraine

---

1. General description of the Law of Ukraine «On Personal Data Protection» and its role in private life of people.
2. Specific features of processing citizens' personal data by organizations and other entities.

#### Topic 8. Acquisition and transfer of right of ownership and right of use

---

1. Notion and contents of the right of ownership.
  2. Reasons for acquisition and termination of the right of ownership.
  3. Legal transaction and representation: general description.
  4. Formalizing the right of ownership to immovable property.
-

5. Formalizing the right of ownership to movable property.
6. Specific features of right to use under the laws of Ukraine.

### DAY 3

---

#### Topic 9. Specific features of water management related to water reservoirs used by villagers

---

1. General description of water management.
2. Specific features of using ponds and other water reservoirs that are leased.

#### Topic 10. Inheriting and formalizing of the inheritance

---

1. Notion, contents and types of inheritance.
2. Inhering by operation of laws.
3. Inhering under will.
4. Formalizing of the inheritance.

### DAY 4

---

#### Topic 11. Compensation of damage

---

1. General description of laws and regulations governing compensation of damages.
2. Compensation of moral and property damage.
3. Compensation of damages caused by sources of heightened danger.

#### Topic 12. Legal regulation of marital and family relations

---

1. General regulation of marital and family relations.
2. Right of ownership to spousal property.
3. Termination of marriage, division of property, maintenance of children and other family members.

#### Topic 13. Labour laws

---

1. Legal regulation of right to labour in Ukraine.
2. Hiring and dismissing employees.
3. Employees' rights: Labour remuneration, leaves, holidays, additional payments and compensations.

### DAY 5

---

#### Topic 14. Principles of social protection in Ukraine.

---

1. General description of social security system.
2. Categories of citizens using benefits in Ukraine.
3. Various benefits, guarantees and compensations applicable in Ukraine.

#### Topic 15. Pension benefits in Ukraine

---

1. General description of the state pension system.
2. Type of pensions in Ukraine.
3. Structure of pensions payments (additional payments and pension premiums).
4. Formalizing and recalculating pensions.
5. Changes in the pension laws in 2011 increase of the retirement age, etc.

#### Topic 16. National human rights remedies.

---

1. General description of extrajudicial and judicial human right remedies.
  2. General description of litigation forms.
  3. Protection of human rights in civil litigation.
-

4. Protection of human rights in administrative litigation.
5. Practical resolution of complicated everyday life situations.

## **DAY 6**

---

### **Topic 17. International human rights remedies.**

---

1. General review of international human right remedies.
2. The European Court of Human Rights and its role in protection of human rights.

### **Topic 18. Liability for violating existing social order in Ukraine**

---

1. Contents of administrative and criminal liabilities.
2. Reasons and procedure for bringing to administrative liability.
3. Reasons and procedure for bringing to criminal liability.

### **Topic 19. Rules of paralegal operation in the community**

---

1. Specific features of paralegal working in a rural community.
2. Accounting and reporting of the consultant.
3. Rules for preparing and providing consultations.

### **Topic 20. Application of information system for operating a public reception office**

---

1. Potential application of information sources for operating the Legal consultant in the community.
  2. Rules for using information systems in the work.
-

# ANNEX 3

## RULES

### For Consultants to Notify the Supervisors of their Activities

---

1. Each law consultant in the community maintains in the form of Excel file a Registration Journal showing citizens' applications and services provided (the «Application Register»).
2. The Application Register shall show entries on citizens who apply to the paralegal for help.
3. All personal details (surname, first and patronymic names, residence address and contact telephone of paralegal's clients) to be recorded in the Application Register are intended to be used only for internal work of Rivne Oblast Public Organization «Electorate Committee of Ukraine» and the consultants and may not be disclosed to third parties without specific written consent from the paralegal's client. Citizens may grant such consent in written application in arbitrary form executed in compliance with the Law of Ukraine «On Citizens' Appeals».
4. By the 4th day of the month next following the reporting month, each consultant sends to the Supervising Community Law Centre at [cvurivne@cvu.rv.ua](mailto:cvurivne@cvu.rv.ua), email address of Rivne Oblast Public Organization «Electorate Committee of Ukraine», a copy of the Application Register.
5. Such copy of the Application Register received at [cvurivne@cvu.rv.ua](mailto:cvurivne@cvu.rv.ua), email address of Rivne Oblast Public Organization «Electorate Committee of Ukraine», from the paralegal shall be kept in a separate folder.
6. Consultants may address lawyers of Rivne Oblast Public Organization «Electorate Committee of Ukraine» in all issues as related to methodological assistance needed to operate the paralegals by phone, via skype or by sending requests, proposals, remarks and comments to such lawyers' email address as given below:

[glotov\\_k@ukr.net](mailto:glotov_k@ukr.net)  
[s-gorbenko@ukr.net](mailto:s-gorbenko@ukr.net)  
[mirkaua@rambler.ru](mailto:mirkaua@rambler.ru)

Letters may be sent at the email address of Rivne Oblast Public Organization «Electorate Committee of Ukraine», which is [cvurivne@cvu.rv.ua](mailto:cvurivne@cvu.rv.ua)

7. If any problems arise with respect to implementation or protection of the rights of the community people when their resolution has become complicated due to gaps in the legislation, obstacles in administrative procedures or at the level of government authorities, the consultants inform Rivne Oblast Public Organization «Electorate Committee of Ukraine» of such events by preparing and sending its lawyers a brief description of the situation in question and the problem revealed in the Word format. A copy of such description of the situation in question and the problem revealed should also be sent to the Supervising Community Law Centre head at [glotov\\_k@ukr.net](mailto:glotov_k@ukr.net)
-

# ANNEX 4

## Instruction

### Regarding the rules of accounting the legal aid provided by the consultants

---

**1.** In order to register the provided aid and track the activities of paralegals, a law Centre's lawyer records each aid provided at request of their consultants (consultation; prepared form, template or other document; printed out legislative document) in the Report on the methodological and consultancy aid provided to the Centre per month.

**2.** By the 4th day of the month next following the reporting one (*for example, report for August must be sent by the 4th day of September (inclusive)*), each of the lawyers sends to the email address of Rivne Oblast Public Organization «Electorate Committee of Ukraine» [cvurivne@cvu.rv.ua](mailto:cvurivne@cvu.rv.ua) or directly records in respective report folder the Report on the methodological and consultancy aid provided to the Centres for the pervious month.

**3.** The Report on the methodological and consultancy aid provided to the paralegals must in the form of Word file designated as shown below on an example:

**07-11\_GM\_mdz**

Where:

07 is the index number of the year month (July);

11 is the index number of the year (2011);

GM is encoding for Glotov Mykola (i.e., the reporter);

mdz is designation for the Report on the methodological and consultancy aid.

---

# ANNEX 5

## Registration Journal for Comments and Proposals of Consultants

<b>Full name of the consultant, and populated area name</b>	<b>Comments and proposals</b> <i>(contents of the comment or proposal, when and in what form presented)</i>	<b>Note</b> <i>(consequences and status of implementation)</i>
<b>Maidan Village</b> (Dubno District)		
<b>Verba Village</b> (Dubno District)		
<b>Zhovtneve Village</b> (Radyvyliv District)		
<b>Povcha Village</b> (Dubno District)		
<b>Piskiv</b> (Kostopil District)		



# ANNEX 6

## AGENCY AGREEMENT

Rivne

\_\_\_ June \_\_\_

**Rivne Oblast Public Organization «Electorate Committee of Ukraine», USREOU code 25320088, legal entity's state registration certificate series AOO No. 813669, state registration date 18 March 1998, located at: 6 Korolenka Street, Rivne, as represented by the Chairman of the Board Oleksii Andriiovych Horetskyi, acting on the basis of the Charter, hereinafter referred to as the «Principal» or «Organization», on one side; and..... (consultant's full name), (identification number.....) residing in ..... Village, ..... district, Rivne Oblast, hereinafter referred to the «Agent» on the other side; the Principal and the Agent shall hereinafter be collectively referred to as the «Parties»,**

having previously reviewed the requirements of the applicable laws related to invalidity of legal transactions and acting in their free will, without by coercion, being fluent in the Ukrainian language, have entered into this Agency Agreement (hereinafter referred to as the «Agreement») as follows:

### 1. Subject Mater and Purpose of the Agreement

**1.1.** Subject to and on terms and conditions as set forth in this Agreement, the **Agent** shall carry out law educational activities among the public, that are statutory activities of the **Principal**, and the **Principal** undertakes to facilitate such activities of the **Agent** by providing respective organization and legal support, methodological aid and supplying equipment.

**1.2.** The purpose of this Agreement is to improve legal culture and knowledge of citizens of Ukraine by appointing and supporting activities of paralegals in ..... village, ..... district, Rivne Oblast. The paralegal shall implement its activities with the support of International Renaissance Foundation as part of the Program «Expanding Legal Potentials of Poor People»

**1.3.** The Parties shall act based on voluntary and gratuitous principles as provided by applicable laws of the Ukraine.

**1.4.** For the effective period of this Agreement, the **Principal** shall provide the **Agent** for term free of charge use certain valuables that will be delivered under a delivery and acceptance act, which shall be an integral part of this Agreement. This Agreement shall not imply any transfer of title to the valuable so delivered.

### 2. Parties' Rights And Obligations

#### 2.1. The Principal shall be obliged to:

- provide the **Agent** with methodological materials, literature, equipment, and Internet connection;
- provide consultancy aid to the **Agent** as related to issues arising out upon fulfilling its obligations under this Agreement;
- facilitate and assist the **Agent** in implementing legal informing of the public;
- inform the **Agent** of the **Organization's** activities and opportunities of updating its level of knowledge, skills and expertise by participating in various educational efforts which are in line with the purpose of the Agreement they entered into.

### **2.2. The Principal shall be entitled to:**

- gather, keep and use information obtained by the **Agent** during fulfilment of its obligations.
- monitor that the **Agent** observes the working schedule with respect to its work as the Legal consultant in community as agreed upon with the **Principal**;
- inspect the quality of consultations the **Agent** has provided to the public;
- control the recording of citizens to whom legal information or consultations have been provided and **Agent's** reporting on its activities;
- engage the **Agent** with its consent to take part in other statutory activities of the Organization, delegate the Agent for participating in various events in order to improve its professional knowledge, skills and expertise.

### **2.3. The Agent shall be obliged to:**

- determine at its sole discretion the working schedule with respect to its work as the Legal consultant in the community and agree upon such schedule with the Principal;
- provide primary information legal aid to citizens applying to him (her) according to the schedule;
- inform the **Principal** of problems and legal demands of villagers in Rivne region;
- keep records of the citizens received and of the works performed, and monthly provide the **Principal** with respective reports;
- ensure that the valuables delivered under the this Agreement are safely kept;
- The **Agent** shall use such valuables for their intended purpose and to fulfil its obligations hereunder only;
- return the valuables so received if this Agreement is terminated or rescinded within five days after such termination or rescinding.

### **2.4. The Agent shall be entitled to:**

- carry out legal educational activities among the public through by providing verbal consultations, providing written information, opportunity of reviewing laws and regulations and otherwise as not prohibited by the laws of Ukraine and is in line with the purpose of this Agreement;
- use the valuables provided by **Principal** or other material valuable that have been raised on its own for its work;
- publish information as related to Parties' activities and achievements, except for the information containing personal data and of which the Agent becomes aware upon fulfilling its obligations under this Agreement;
- provide the **Principal** with proposals to improve operations of his (her) activity;
- if the Agent is not able to properly provide information and legal aid to a citizen, recommend such citizen for apply to other law experts , including the **Principal's** Organization;
- with its consent, participate in other statutory activities of the **Organization**.

## **3. Parties' Liability:**

---

**3.1.** If the **Principal** finds out that the **Agent** has failed to comply with terms and conditions set forth in section 2.3., the **Principal** shall be entitled to unilaterally terminate this Agreement by giving written notice thereof to the **Agent**.

**3.2.** If this Agreement has been terminated or repudiated, the **Agent** shall return to the **Principal** the valuables received from the **Principal** within five days of the receipt of written notice that this Agreement has been terminated/repudiated. The property shall be returned in their full set and in working condition subject to normal tear and wear.

---

## 4. Effective Period of the Agreement

---

**4.1.** This Agreement shall become valid and effective upon its signature by the Parties and shall remain in force until 00.00.0000.

**4.2.** This Agreement shall be treated as prolonged for the next six months, if neither of the parties declares of its intention to terminate this Agreement by giving written notice at least one month prior to the termination of this Agreement.

**4.3.** This Agreement shall become void once terminated or rescinded.

## 5. Miscellaneous

---

**5.1.** The **Agent** shall be entitled to terminate at any time fulfilling its obligations under the Agreement by giving written notice thereof to the **Principal**, and return the valuables received from the **Principal** within the time limits as set forth in section 3.2. of the Agreement, in such event the Agreement shall be deemed as terminated ten days after the receipt of such notice.

**5.2.** Any disputes shall be resolved through negotiations. The disputes the parties have failed to resolve shall be referred to the court.

**5.3.** The issues not covered by this Agreement shall be governed by the applicable laws of Ukraine.

**5.4.** This Agreement is made on three sheets of paper, in two copies of equal legal force and effect, one copy for each of the Parties.

## 6. Parties' Details

---

### Principal:

Rivne Oblast Public Organization «Electorate  
Committee of Ukraine»  
6 Korolenko Street, Rivne 33028  
c/a No. 26002301586101 with Rivne Central Office  
of Prominvestbank  
MFO 333335 USREOU code 25320088  
Tel.: 0 (362) 26-39-43  
Chairman of the Board  
O.A. Horetskyi

---

### Agent:

..... (full name),  
Identification number: .....  
Registration (residence) address:  
....., street, apt ....., ... village, ... district,  
Rivne oblast.  
Passport series CP No. 000000 issued by ..... District  
Office of the Administration of the Ministry of Internal  
Affairs of Ukraine in Rivne Oblast in 00.00.2001  
Phone: 000-000-00-00

---

# ANNEX 7

## REGULATION ON THE COMMUNITY LAW CENTRE

---

City of \_\_\_\_\_  
20 \_\_\_\_\_

This Regulation shall set out organizational principles of the Community Law Centre (the «Centre»), the right to receive free legal aid and procedure for implementing such right, and reasons for having such legal aid provided.

### 1. General Provisions

1.1. The Community Law Centre has been established pursuant to the resolution of the general meeting of the public organization \_\_\_\_\_.

1.2. The Centre is not a separate legal entity and shall not be registered with government authorities.

1.3. The Centre shall, upon conducting its activities, be governed by the Constitution of Ukraine, international treaties ratified by Ukraine, applicable laws of Ukraine, resolutions of managing bodies and this Regulation.

1.4. The Centre shall implement its activities based on principles of lawfulness, non-profitability and publicity.

1.5. The Centre shall provide legal aid on a free of charge principle.

1.6. The Centre is located at: \_\_\_\_\_

### 2. Legal aid forms

2.1. The legal aid is provided in person, through an authorized representative, at written request, by phone, via the Internet, or as onsite legal aid.

2.2. The legal aid may be in the following forms:

1) Primary legal aid:

- providing legal information;
- providing excerpts from laws;
- providing reference information as related to functions of governmental authorities and local governments;
- consulting on legal issues;
- explaining applicable laws;
- assisting in drafting applications, complaints, procedural and other documents of legal nature;
- consulting on procedural documents and explaining their contents and drafting procedure.

2) Secondary legal aid:

- advocating accused persons;
- representing interests of individuals who are entitled to free secondary legal aid before courts, other governmental authorities, local governments, other entities;
- drafting procedural documents.

### 3. Procedure for providing legal aid

3.1. The legal aid shall be provided to all individuals (clients) who have addressed to the Centre, irrespective of age, education, citizenship, sex, property standing, with respect to the problems which are directly connected with such individuals or their relatives, who may not apply to the Centre due to health problems, imprisonment, etc.

3.2. Procedure for provision of legal aid:

- at the time of personal application, a client should be registered in the registration journal and review the Centre's operational rules;
- in order to receive legal aid from the Centre, a client personally (or assisted by a Centre's employee) fills and mandatory signs the admission form;
- In order to work with a client, the Centre's lawyer shall initiate a client case.

3.3. Registration in the registration journal is mandatory for all of the applicants.

3.4. An admission form should be filled in for any of the applications.

---

3.5. The Centre shall not provide aid nor receive:

- individuals who are under the influence of alcohol or drugs;
- individuals who are aggressive or show disrespect for Centre's employees or behave in an immoral way;
- individuals who knowingly provided untrue information about himself/herself or circumstances of his/her case;
- individuals who have a conflict of interests with a person who asks for help and the individuals who have earlier applied in the same case;
- individuals who without a good reason failed to appear within a month to take a document drafted by the Centre in relation to the case and did not notify of his/her failure to appear.

#### **4. Terms and conditions for provision of legal aid**

4.1. Правова допомога надається в індивідуальному порядку.

4.2. Якщо звернутися в індивідуальному порядку в Центр неможливо з яких-небудь поважних причин — через фізичний стан, відсутність за місцем проживання тощо, консультація надається за зверненням до Центру представника такої особи.

4.3. Правова допомога надається тому, хто звернувся до Центру в усному порядку. За бажанням клієнта консультація може бути оформлена письмово.

4.4. The legal aid shall be provided in the following manner:

4.2. If a person cannot personally appear in Centre for any good reason, such as physical state, absence at the place of residence, a consultation may be given to a representative at its application to the Centre.

4.3. The legal aid shall be provided to a person who verbally applies to the Centre. If a client requests do, the consultation may be in writing.

Preventing conflict of interests

4.4. If the Centre receives at the same time applications for legal aid from both parties involved in the conflict, the lawyer shall reject consulting both the parties by explaining the reasons.

4.5. If in the process of providing legal aid to one party, the other party applies to the Centre, the lawyer shall reject such other party.

4.6. The Centre's lawyer shall not be entitled to redirect a client to commercial lawyers, attorneys, etc. If a client needs legal aid, but for the reasons set forth in section 4.4. or 4.5., may not receive such aid from the Centre, the lawyer may advise finding necessary address of the bar association/commercial law firm in respective directories, public informational resources, etc.

#### **5. Client's Rights and Obligations**

5.1. The Client shall be obliged to:

- Comply with the Centre's operational procedure.
- Personally or with the help of Centre's employees fill in the admission form;
- Provide true information with respect to the subject of application;
- Provide copies of documents necessary for the legal aid;
- Inform the Centre of progress in the case and with its consent provide copies of the documents obtained in the case.

5.2. The Client shall be entitled to:

- Review the Regulation on the Centre and make excerpts thereof;
- Have certain information regarding the identity of the person providing Legal aid (lawyer's full name, duration of law practice);
- file complaints, proposals and applications to the name of Centre's head and at the Centre's address;
- Provide feedback regarding operations of the Centre in the feedback book;
- If there are information materials, leaflets, flyers, brochures designated to free circulation, receive them or make their copies;
- Reject the legal aid provided by the Centre.

## 6. Lawyers' Rights and Obligations

6.1. The lawyer shall be entitled to:

- request a client to fill in and sign the admission form;
- request all necessary documents being provided to resolve the case and attach them to case file;
- If necessary, request from a client to prepare written statement of the factual background and problem issues;
- with consent of a client, determine the time for the next meeting;
- Reject providing legal aid for the reasons as set forth in section 3.5. of this Regulation.

6.2. The lawyer shall be obliged to:

- Explain for the client the Centre's operational rules.
- If the client requests so, provide information about himself/herself, such as: name, surname, profession and information related to the organization and reception rules and procedure.
- Register an applicant in the registration journal and execute the admission form if the client status has been assigned.
- Provide the client with full information regarding the issues he/she is interested in, point out all potential solutions and all risks as related to each of the solutions.
- If any gross violation of human rights detected, document such violation with consent of the applicant.
- Comply with the applicant reception schedule and treat the fulfilment of his/her obligations in a responsible way.

### Additional provisions

7.1 Information received from a client or case details will be disclosed only if personal written consent thereto is obtained.

7.2. Remarks, wishes, proposals, and complaints shall be submitted in writing to the name of the organization's director and sent at the organization's address.

7.3. If there are extraordinary circumstances (disease, suspension of work with the Centre of the lawyer who conducted the case, urgent departure), a case may be transferred to another lawyer.

7.4. Upon completing working with the client, the case should be transferred to the archive for storage.

---

# ANNEX 8

## Applicant form Community Law Centre

(name of populated area, district, oblast)

Case Number/registration number:	
Date	
Applicant's full name	
Full name of the Centre's consultant	
Application summary	
Documents submitted	

### Personal details

- city resident     village resident     other (please specify)  
 man     woman  
 employed     not employed  
 Under the age of 18     from 18 to 29     from 30 to 44     from 45 to 59  
 60 and older

### Occupation

- Temporary unemployed     pensioner     student     public officer  
 entrepreneur, self-employed (including husbandry)     military officer  
 State-financed / municipal organization employee     commercial employee

### Social status

- Disabled persons     children of war     single mothers     large families  
 Veteran     arm hostilities participants     palliative patients     other

### Contacts:

address: \_\_\_\_\_

### Additional information the applicant wishes to provide

---



---



---



---

By my signature, I certify this application for legal aid and acknowledge my consent to the employees of the Community Law Centre to collect, keep, process, use and disclose in full my personal details as related to my application. This consent covers the disclosure of information related to this case to partner organizations, media, government authorities and other persons as may be needed for more efficient protection of my rights in relation to this application.

Personal signature \_\_\_\_\_ Full name \_\_\_\_\_



**Case progress** (to be filled in by the Centre's employee)• **category:**

- social security     inheritance     family     medical law  
 enforcement of court decisions     labour     administrative     land  
 contractual     housing     other civil     commercial     criminal  
 other

• **Does the case fall in the following areas:**

- violation of labour rights     right to justice     right of ownership  
 initiation of business     other than the above

• **Provided aid:**

- consultancy     excerpts from laws  
 applications to /complaints against government authorities     Applications to /complaints against local self-government authorities     applications to/complaints against companies, establishments, organizations     assisting in drafting documents and agreements

**application/statement of claim to**

- courts of general jurisdiction and specialized courts  
 to the European court

**appeals to**

- courts of general jurisdiction and specialized courts

**appeals of cassation to**

- courts of general jurisdiction and specialized courts

## Outcome

Case is closed:     on the date of application     meeting appointed

next meeting is scheduled on:    « \_\_\_\_ » \_\_\_\_\_ 20\_\_ at \_\_\_\_\_

« \_\_\_\_ » \_\_\_\_\_ 20\_\_ at \_\_\_\_\_

case closing date    « \_\_\_\_ » \_\_\_\_\_ 20\_\_ at \_\_\_\_\_

Consultant: \_\_\_\_\_

**Feedback**

(to be filled in the applicant of the date of closing the case under the application)

Where did you get knowledge of the Centre \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Are you satisfied with the services rendered? \_\_\_\_\_

Have you any comments regarding operations of the Centre? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date \_\_\_\_\_ 20\_\_\_\_

Signature \_\_\_\_\_



# ANNEX 9

## CASE REGISTER

No. \_\_\_\_\_ (the same as the number of admission form)

Consultant \_\_\_\_\_

Case opening date	Description of documents relevant to the case	Number of documents relevant to the case	Case closing date

Date of transferring the case the archive

« \_\_\_ » \_\_\_\_\_ 20 \_\_

# ANNEX 10

## BUSINESS CARD Community Law Centre

Location of the Centre: \_\_\_\_\_

Contact phones: \_\_\_\_\_

Date of application \_\_\_\_\_

Case number: \_\_\_\_\_

Full name of the Centre's lawyer \_\_\_\_\_

<p>Date and time of the schedule consultation</p>	<p><b>1<sup>st</sup> meeting</b> on _____ 20__ at _____.</p> <p><b>2<sup>nd</sup> meeting</b> on _____ 20__ at _____.</p> <p><b>3<sup>rd</sup> meeting</b> on _____ 20__ at _____.</p>
---	--

Notes: \_\_\_\_\_

# ANNEX 11

## How to Work Efficiently with Media: Practical Recommendations

*There are only two forces that can carry light to all the corners of the globe...  
the sun in the heavens and the Associated Press down here*

**Mark Twain**

For non-governmental organizations cooperation with media and journalists is now absolutely essential. This Annex sets forth practical recommendations of media and PR practitioners to help you work with media with maximum efficiency<sup>1</sup>.

First let us quote the classical **seven commandments of media relations** quoted by great many publications:

- Always strive to improve your relations;
- Treat all journalists equally, without bias;
- Provide journalists with information which is written no worse than by journalists;
- Remember: you cannot hide from press!
- Always tell only the truth;
- In your relations with journalists, even friendly, there are no such things as information “on” and “off” the record.
- Never “wage wars” against the press.

**Often during relations between NGO and media some of the following issues may arise:**

- Lack of understanding by public organizations of what media people want from them;
- Misunderstanding each other's purposes and functions;
- Mistrust towards each other;
- Non-professional attitude of both NGO spokesmen and journalists;
- Censorship and editorial policy in media;
- Rigidity of thinking of both journalists and public people;
- Incapability of public people to create coverage opportunities;
- Unreliable information provided to NGO.

For efficient relations and communication with media it is necessary **to find common language with them**. For that it is necessary to become familiar, little as it may be, with the specifics of media activities, as there are many myths about their work which could easily mislead uninformed people. So if you try to learn a little about the schedule of journalist work, requirements to workers of press, radio, TV or even specific editions or studios, you will certainly agree that:

- it is necessary to notify media beforehand;
- systematic and consistent approach is required;
- efforts need to be redundant;
- media should not be overloaded with your information;
- journalists should obtain the information they need.

So, **it is necessary to notify media beforehand**. Put the media to notice about your event, press conference or a similar activity one week in advance. **Press announcement** is also used as a preliminary notice. It needs to be sent to media 3-5 days in advance. Consider that, if properly written, announcement can be used as a piece of information of its own. Yet suspense is the crucial thing for the press announcement. Although you have already sent a timely one-week or five-day advance notice, be sure to do it again a day or two in advance. This time a simple telephone call will do. In addition to reminding about your event,

<sup>1</sup> To prepare this material the following editions were used: “How to cooperate efficiently with media. Guidelines. Based on proceedings of the European Commission project “Contributing to social partnership development in selected Ukrainian regions”; G. Usatenko “How public organizations should cooperate with the press”; as well as materials of training for NGO’s of Maryna Govorukhina, PR Manager of the Ukrainian Helsinki Human Rights Union.

ORGANIZATION'S LOGO

ORGANIZATION'S NAME

*and its details: postal and electronic address,  
telephone/fax*

### Press announcement

*Desired circulation time  
Send date*

*Contact details of announcement author:  
first name, last name, telephone*

### Press announcement heading

*which in one expanded sentence sets forth the substance of the forthcoming event.*

*Lead paragraph which in two-three sentences exposes the contents of the future event answering the five "informative questions": what, where, when, why, and how?*

*Significant details of the forthcoming news/event (1-2 paragraphs)*

there is always a possibility for the announcement to be lost in the tumult of the busy press office, and thus you will reconfirm your interest to cooperate with that specific edition/studio.

Second: the **need for systematic and consistent approach**. Personal contacts should be maintained with all journalists with whom you have cooperated. It is irrelevant whether this journalist wrote about you or not: you work for the future, so it will be useful not to leave him/her out of sight.

Third: **redundant efforts**. No need to stop after inviting a couple of biggest editions to your event. Invite as many as possible. Only a fraction of them will come, and a fraction of that fraction will print information of the event.

Fourth: **do not overload press with information**. Notify only what is really interesting and important. If every time downloading the mail journalists will find letters from you with information being relevant for you only, after some time they will delete them without opening, even if some time later it is interesting and useful and telling the specifics of your work in the region. Moreover, information should also possess such an important feature as online update. That is, the faster you tell about an event, the more interesting news will it be for the readers and the more likely will this information be used by media.

One could wait until media pay attention to you. But another option is attracting attention by **creating a coverage opportunity**. A coverage opportunity is an event which, with its significance or eccentricity, can attract interest of readers/viewers/auditors of some media and become a subject for discussion.

Quite often we offer the others what we personally like. Yet it is what they want that we should offer. The same is true for information. Dale Carnegie in his well-known book wrote: "I often went fishing up in Maine during the summer. Personally I am very fond of strawberries and cream, but I have found that for some strange reason, fish prefer worms. So when I went fishing, I didn't think about what I wanted. I thought about what they wanted. I didn't bait the hook with strawberries and cream. Rather, I dangled a worm or grasshopper in front of the fish and said: «Wouldn't you like to have that?»"

So what are people (and, accordingly, media) interested in? People are curious about news, events, and information being significant and useful for the community. Therefore, it's not general information we need but the one compliant with genre requirements of journalism.

It is established that the **attention of media is normally focused on:**

- damage and loss volumes, number of deaths and injuries;
- eccentricity of events;
- eccentricity of people;
- unique and specific details;
- involvement of well-known and influential people;

- important events, situations, declarations.

Press releases are used when there is an urgent opportunity to inform the population about the event. It is sent along to regional editions, personally to local journalists, personal correspondents, information agencies, and web portals featuring news blocks. This is the so-called news press release not requiring any extra explanation. Yet at times certain events or situations occur which require discussion, and therefore, a gathering of journalists. In such event press releases are spread at media events which you hold. Through them you have to notify of a certain event occurred/occurring about which information was provided at the press conference. Furthermore, press releases may be tools for a variety of activities (round tables, street events etc.)

**Coverage opportunity is the one thing a press release must have!** “Media were not created to promote your campaign. Their purpose is providing people with interesting stuff. Your purpose is giving the journalist what he wants, and thus you’ll have your position advertised free of charge. (Bill Stoller, American journalist).

Press release is similar to press announcement in its pattern. Yet the latter delivers the message of the event in the future tense, whilst the former, in the past. Even if it is speaking of a press conference that will only commence in ten minutes, the release to be received by the journalist should speak of it as an event in the past. The point is that journalists should be able to use your information without any amendments.

**Headings require special attention:** they should arouse interest and attract attention. The press release heading should make it clear what you are speaking of. It is an established fact that 80% readers never go further than the headings. Claude Hopkins, a classical author in marketing, increased efficiency of advertisement 8 to 10 times using necessary headings.

Use in your press-release the well-known psychological **principle of inverted pyramid** when the key information is located at the beginning of the statement. In most cases people build their impression about the importance of the proposed information based on the first message. The press release’s lead paragraph needs to be composed as a complete piece of news. That is, this text, if separated from the rest of the press release, should be fit to insert it into the news feed. Practically speaking, only a part of information submitted in the press release can be published by media. The main details of the notice are set forth in the first two paragraphs, and the rest of information, analysis, and comments, in the following ones. Note that journalists are fond of figures and facts. Try composing your text without complex sentences and not using any specialized terms. Press release also should specify the address of website/blog where the journalist will be able to find its electronic version. Also specify the contact person and his/her contact details (telephone, email).

Press-release containing all information required normally complies with the **rule of five ‘W’ and one ‘H’:** Who? What? When? Where? Why? How?

Press release must be written in smooth language, without grammar mistakes! Leave broad margins on which the journalist will be able to note any extra information he/she obtains on the subject. Such psychological trick may prevent the journalist from making notes on scraps of paper which are so easy to lose. To avoid embarrassing misunderstandings, the whole text of press release needs to be checked by decision-makers (department or company manager). If the press release is prepared for a press conference or presentation, all its data should be coordinated with the speakers.

Press release must not exceed the volume of one, one and a half, or two pages at most. Should you have much information for a press conference and it does not fit into the press release, prepare it as a separate document titled “Information for Press» and distribute together with press releases.. If you have illustrations (photographs, charts, diagrams etc.) which can emphasize the information, have them copied and added to each press release. Such selection of materials for journalists is called a **“press package”**, its contents and external aspect are also a part of your image and corporate style.

**Press conference** is one of the best ways to communicate quickly and with the least communication barriers to media spokesmen the information about your Centre and its activities. Press conferences should only be called when you really have information that deserves attention of people in the city, oblast, or country. The mandatory requirement for a press conference is an important occurrence or news. Should

ORGANIZATION'S LOGO

ORGANIZATION'S NAME

*and its details: postal and electronic address,  
telephone/fax*

### **Press announcement**

*Desired circulation time  
Send date*

*Contact details of announcement author:  
first name, last name, telephone*

### **Press announcement heading**

*which in one expanded sentence sets forth the substance of the forthcoming event.*

*Lead paragraph which in two-three sentences exposes the contents of the future event answering the five "informative questions": what, where, when, why, and how?*

*Significant details of the forthcoming news/event (1-2 paragraphs)*

*Supporting details of the news/event (1-2 paragraphs)*

*Quotations of participants*

you think one day that you have not appeared in the public too long and should like to "have a word with the press", this is not a good reason to call a press conference. Furthermore, the coverage opportunity must really require the "question-answer" communication form. Otherwise a news press release will do. There are "**positive**" and "**defensive**" press conferences. The first type occurs the most frequently and is intended to present a new product, program, activity, a certain problem etc. Where certain actions or things causing negative effects for the society are incriminated to an entity, it is only natural that the media and the public will expect your response. This is when the "defensive" press conferences are used, as offence is the best defence. It is best to withstand the barrage of challenging questions than keep silent, thus feeding the rumours and suspicions.

It is advisable that a **press conference should have one subject**, in line with the coverage opportunity. Where another extremely important occasion exists, it may have two subjects, but not more. The optimal number of speakers is up to three. Do not forget: shortly before the conference you will need to work with the speakers: discuss the procedure and the structures of their speeches. For instance, if the head of your NGO commences with a lengthy speech on a vague subject, he/she may never come to the point – or that point can slip past the attendees. Try to forecast questions which can be asked during the press conference. It is likely that they may refer to conflict or negative phenomena in your activities, problems, etc.

**Ascertain the time to hold the press conference**, making sure that it will not coincide with the time for holding other important and interesting events which will attract journalists. Not only should the time of advance notice to media be considered (the time limit, taking into account the release date of radio or TV program or printed media) but also the other (local, national or global) events. Should your press conference be "superposed" on any other earlier planned event, it can adversely affect you. Where the press conference is held in a place not widely known to the public, add the location map to the invitation. If you are unaware how many journalists are likely to come to your press conference, select a room where



10-15 people can conveniently stay. Consider that a large room with just a handful of people sitting in it may produce a poor impression.

At least a week in advance **distribute press announcements or invitations** to the conference both to editors of the media you intend to invite and to the journalists of those same media with which you are already cooperating or just would like to. Work with news agencies: they are an excellent opportunity since they are doing your work on distributing your press announcement and press release.

One day before the conference repeat your invitation by telephone. This will also enable you to get a clearer picture as to who is going to come to your event. The badges should be arranged for the hosts as an indication for journalists whom they should approach if needed. Do you want to have the photographs from your press conference? You should better arrange it beforehand with one specific person. Do not count on the news photographers in attendance: it can happen that there will be none, and in any event, they will be busy doing their jobs, not yours. Prepare the room before the press conference. At the entrance place an announcement specifying where the event will occur (floor, room number) and mark the directions to the location with arrows. On the wall place the banner or the logo of your NGO, best of all, behind the back of the speakers, to ensure it will appear on the pictures. Put nameplates on the tables specifying the first and last names of participants: the exact names of their offices were already stated in the press release.

**Register the journalists.** Be sure to verify they leave on the registration sheet their telephone numbers and emails. Such registration sheets will further serve to compose the media database. A moderator is necessary at the conference to keep timing and manage the event (give the floor to speakers, receive questions from media). One of the speakers could assume the role. Yet if someone lacks experience in this, better invite a professional. It is important to sense the situation, not to miss the hands raised to ask questions (regardless of whether these are hands of friendly or hostile journalists), relieve the tensions if they build up, and in no case attract too much attention of the public: you are only a speaker!

From the very beginning of the press conference specify its duration and announce the procedure for it to avoid subsequent complaints. Try to limit the speakers with five-minute presentations (as it was agreed before). The time is best to be spent for questions and answers. It is good for a press conference to last **no longer than 30-40 minutes**. Your remarks should indicate the end of the press conference: "The next question will be the last one" or "Please ask the second last question, as we're getting past the due procedure". Close the press conference before the interest of the audience sways, offering the journalists to speak with the organization's spokesmen informally. The TV journalists call press conferences the "talking heads" since such events lack the variety of sight plans. Think about it and prepare video and photographic material. Ease the TV people's work, and they will thank you with excellent materials and further visits of your events.

It is always useful to make a **review of the event conducted**. If you cannot record the video, record it on a dictaphone and listen: what can be improved in the future? Moreover, the record will prove useful should anyone alter or distort the ideas uttered during the press conference. Track all materials appearing in the media after the press conference, analyze them and draw your conclusions.

**There is certain recommendation concerning preparation and holding certain public addresses, in particular, interviews:**

Prior to the interview be sure to ask the journalist:

- which media he/she represents;
- what the subject of interview will be;
- if the journalist works for TV, remember the 35 seconds rule.

During the interview itself:

- stay in charge: you have to tell the journalist what you intend, not what he/she wants to hear from you;
  - behave naturally;
  - never say anything you do not want to see tomorrow in media!
  - make use of the facts!
  - if you are not in a position to answer, explain the reason;
-

- do not agree with anything you are not sure of;
- speak looking at the journalist, not anywhere;
- do not call the journalist by name, even if you are long acquainted;
- never forget that the microphone is on.

Interview is your joint creation with the journalist. You may make corrections and request the text for preliminary perusal. The comments are submitted just once, there may be no second chance to make corrections.

During public addresses emergencies may occur. It is virtually impossible to avoid them, but there are several specific recommendations to untangle difficult situations:

- exercise all the time, forecast possible tricky questions and prepare dignified answers beforehand;
  - remain honest if the difficult issue has been raised and there is no way to avoid it. Do not deny the truth, or you may be called a liar.
  - remain composed, in any situation keep self-possession and prevent panic;
  - and, of course, remain human. The journalists and their targeted audiences should see you as a caring and humane person, so try to inspire affection and respect.
-

# ANNEX 12

## Joint Activities Agreement

Odesa

« \_\_\_ » \_\_\_\_\_ 2012

**The Main Department of Justice in Odesa Region**, as represented by its Head, Mr. Kostiantyn Vasyliovych Prodius, hereinafter referred to as the **“Department”**, on one part, and **Odesa regional organization All-Ukrainian Civic Organization “Committee of Voters of Ukraine”**, hereinafter referred to as the **“ORO AUPO CVU”**, as represented by its Head, Mr. Anatoliy Mykhailovych Boiko, on the other part, have entered into this Joint Activities Agreement for the provision of free legal aid and public legal education as follows:

### 1. Goals and Objectives of Joint Activities

The activities as provided hereby shall be carried out for the purpose of ensuring the legal empowerment of the poor in Odesa Region, overcoming legal isolation and nihilism, and increasing the legal culture.

The objectives of the joint activities shall be as follows:

- joint provision by the Department and the ORO AUPO CVU of social services to the population in the form of free legal aid;
- identifying the most critical legal problems of the poor groups of the population, jointly developing and taking action to resolve such problems;
- carrying out joint legal education activities: preparing and publishing educational literature, other educational materials, holding relevant events; and
- improving the image of the Department and the ORO AUPO CVU.

The goals and objectives of the Agreement shall particularly be implemented by setting up and supporting the network of the Legal Centres in Odesa and Odesa Region.

### 2. General Activities Concept

The activities concept was formed within the framework of the global poverty eradication strategy, as specified in the United Nations Millennium Development Goals (United Nations Millennium Declaration as approved by Resolution 55/2 adopted by the General Assembly on September 8, 2000; Part III of the Declaration is devoted to the theme of the development and poverty eradication), and is aimed to reduce the legal isolation of the poor from general social processes under crisis. This concept is based on that that one of the reasons for extreme poverty is legal restriction of the fundamental rights of a certain group of the population such as the right to justice, possibility to start a private initiative, observance of property and labour rights.

### 3. Areas of Joint Activities under the Agreement

#### 3.1. Setting up and supporting the Legal Centres

In terms of this trend the ORO AUPO CVU, using its own funds and the funds of donator organizations, shall support the activities of the Legal Centres in Odesa and Odesa Region, namely: provide them with communication facilities, equipment, literature, information and reference materials, ensure the work of the Centre's staff (including lawyers and attorneys) and arrange for field receptions.

The Department shall support and assist the activities of the network of the Legal Centres to be carried out hereunder by providing the premises of territorial divisions of the Department for temporary free of charge use.

### 3.2. Provision of free legal aid to residents of Odesa and Odesa Region

Within this area of activities, the ORO AUPO CVU shall:

- ensure the provision of free legal aid (legal consultation, assistance in drafting applications, service of process documents) to everybody, regardless of his/her financial status, in the premises of the Legal Centres, using the “hot line” phone service, during field receptions;
- in separate cases relating to groups of people or arousing public concern, the Legal Centres shall, within the framework of their activities, provide secondary free legal aid, including representation before government authorities and courts;
- ensure that citizens who are recommended to apply to Legal Centres are received in priority to others by the employees of the Department and its structural divisions.

Within this area of activities, the Department shall:

- **involve experts of the justice authorities in providing free legal aid;**
- **inform the government and local self-government authorities and citizens on the provision of free legal aid;**
- **assist in organizing and holding receptions during onsite visits;**
- ensure the informing of citizens of the opportunity of receiving free legal aid from the Legal Centres when citizens apply to the Department to address the issues, which are beyond the competence of the Department, if they need legal aid; and
- provide, if necessary, the premises of territorial divisions of the Department for temporary free use for the purpose of provision of free legal aid.

### 3.3. Identification and response to typical legal problems addressed by citizens to the Legal Centres

Within this area of activities, the ORO AUPO CVU shall:

- appoint a responsible officer for communication with the Department;
- prepare, within the fixed period of time, the Legal Centres’ performance reports, including statistical information and list of typical legal problems and deliver them to the Department;
- provide proposals regarding an opportunity to fix the identified legal problems at the level of Odesa Region;

Within this area of activities, the Department shall appoint a responsible officer in charge of communication with the ORO AUPO CVU, which shall also be responsible for acceptance and discussion of reports, preparing instructions or responses to proposals regarding an opportunity to resolve the identified legal problems at the regional level.

### 3.4. Educational and informational activities

Within this area of activities, the ORO AUPO CVU shall:

- disseminate in media the information and notices regarding activities of the Legal Centres and solution of legal problems faced by residents of the Odesa Region, legal consultation and explanations, place them in its own print media “IzBirKom” and in the Internet information resource “IzBirKom”;
- organize public (press conferences, round tables, conferences, etc.) and legal education events (lectures, trainings, meetings, etc.), participate in events organized by the Department;
- prepare and submit for approval to the Department the texts of educational booklets and other legal education literature.

Within this area of activities, the Department shall:

- participate in the events organized by the ORO AUPO CVU, assist in preparing and holding such events;
- disseminate in media the information and notices regarding activities of the Legal Centres and solution of legal problems faced by residents of the Odesa Region, legal consultation and explanations, place them on its own website and in the Odesa Legal Bulletin newspaper;
- assist in preparing and disseminating the information and education materials.

#### 4. Term of the Agreement

---

This Agreement shall become effective once signed by both parties and shall remain in full force and effect until December 31, 2013.

This Agreement may be terminated by any party through giving at least two weeks prior written notice to the other party.

#### 5. Miscellaneous

---

This Agreement has been executed in two copies having equal legal force, one copy for each of the Parties. A more detailed list of joint events shall be executed in the form of a Joint Action Plan, which shall be agreed upon and signed on an annual basis and shall constitute an annex hereto.

#### 6. Addresses and Signatures of the Parties

---

##### Party 1

Main Department of Justice  
 in Odesa Region  
 Address: 34 Bohdana Khmelnytskoho  
 Str., Odesa, 65007  
 Head of the Department \_\_\_\_\_ K.V. Prodius

Place for stamp

##### Party 2

Odesa regional organization All-Ukrainian  
 Non-Governmental Civic Organization  
 "Committee of Voters of Ukraine"  
 Address: 25 Sadykivska Str., Odesa, 65091  
 Head \_\_\_\_\_ A.M. Boiko

Place for stamp

---

# ANNEX 13

## DEVELOPING A PROJECT AND A SET OF DOCUMENTS

Drafting a project for grant is a long process, particularly, for those who make it for the first time ever, and an opportunity to view the organization, its goal and objectives in a new fashion.

### Application drafting process

To begin drafting an application, you **should know your own potentials**.

### Recommendation

Before drafting an application, you should put and find answers for three issues:

- Who will benefit from the outcome of your project?
- Will this project contribute to your further development and development of your organization or solving urgent issues of the community?
- Will you have enough energy, time and will to draft and fulfill the project?

### Preparatory work

To know how to present a project in the most favourable light is an important and complicated thing. If you could show its significance and importance for the public, you would make the first step towards preparatory work over the project. You should gather detailed information with the respect to the elements constituting the basis of any project and potentially having effects on its successful implementation. While preparing your project, it will be useful reviewing the project evaluation criteria that are used by foundations or the foundation to which you have decided to submit your application.

Most foundations list the information required to be included in the project and a scheme of its drafting.

***You should clearly meet the foundation's requirements to be able to submit a competitive project.***

If you have identified the problem and gone through the preparatory work, you may start on drafting the project. ***You must not be a great writer to draft a competitive project!***

**A project should be integral, clear, brief and convincing.** A form of the project may vary; however, any project should contain the following elements.

## PROJECT STRUCTURE

### 1. PRESENTATION OF THE ORGANIZATION

*Give summary reference information about the organization:*

- What organization you act for?
- What is the purpose and main goals of the organization?
- Does your organization have sufficient amount of experienced and qualified personnel to implement this project?

### 2. DEFINING THE PROBLEM

- Briefly describe the situation in question and the problem which you intend to resolve.
- define a number of people affected by such problem, provide quantitative and qualitative information.
- show the correlation between the problem and your organization's goals and potentials.
- Explain why your organization in particular should handle this problem.

**GOOD definition:** «About 2 thousand families living in Henichesk district, Kherson oblast, have small husbandries for harvesting cucurbits crops, however, until now there are no potential in the oblast to arrange sales of their products.»

**BAD definition** «Many families in the district have no access to market channels to sell their cucurbits crops.»

**Problem definition should not show internal problems of the organization, but rather social problems which the organization is striving to resolve.**

### 3. EVALUATING THE NEEDS

*Projects will be successful if they have been drafted based on proper understanding of some principles of their creation.* Success of the project almost always lies in proper planning and appropriate understanding of the project contents that would be acceptable for a grantor.

#### A) Gathering and analyzing information

Once you have understood general needs and selected certain problems which the project will be intended to tackle, you are able to gather further information about such problems, available resources and part of the community that will be involved in the project.

**Elements constituting the basis of any of the projects and potentially having significant effects on its success are:**

- POPULATION – number, age, sex, social status;
- ENVIRONMENT – conditions in which the target group lives;
- INFRASTRUCTURE – hospitals, schools, clinics, etc.;
- RESOURCES – material and human resources, their sufficiency or scarcity;
- PRACTICE – in what manner and who strived to resolve the problem with which this project deals;
- ECONOMY – available funds, allocation and sources;
- THOUGHTS, IDEAS AND PREFERENCES – public opinion regarding the needs and available potentials.

#### B) Distinguishing and selecting the problem

General vision you have due to evaluation of primary needs would help outline principal problems and needs. Then you can select the problem or problems which your organization will be able to handle. *It is essential, since the project will turn out to be the most successful if it focuses on a small number of specific problems.*

Once the problems which the project is aimed at are outlined and selected, further detailed information should be gathered taking into account the circumstances arising out of certain problems.

**For example, your organization decided to implement a project in one city. If the organization mostly deals with protection of civil rights and freedoms, naturally, you would not be able to implement project related to agriculture or land management.**

#### Criteria of proper definition of the problem

The problem may be defined in such order of sequence:

1. Brief summary of the situation to be changed.
2. Outlining a group of people affected by such situation.
3. Provision of quantitative information.
4. Dealing with issues related to organization needs/tasks.

#### Reasons

Please, consider the following:

- What has caused the problem?
- Are there more than one reason?
- Are these reasons interrelated?

#### Consequences

Please, pay attention to such issues:

- What are the consequences of the problem?
- Which number of people does it affect?
- Are there any political, legal and economic consequences?



#### 4. DEFINING THE GOALS AND OBJECTIVES

**The goal** is what the project is initiated for. *These general statements are difficult to evaluate quantitatively and their main goal is to show a type of the problems at which resolution this project is aimed.*

**GOOD definition** «The goals of our organization's project is to help families living in Henichesk district, Kherson oblast and having small husbandries to enter the market by establishing small companies arranging sales of their products.»

**BAD definition** «The goals of our organization's project are to enable families living in Henichesk district, Kherson oblast to enter the market.»

**Objectives of the Project** are specific actions to be taken to change current situation for the better, i.e. steps to achieve the outlined goals. Such changes should take place while your project is being implemented.

**GOOD definition** «Within the first month after the project has been commenced, first 50 families from five villages in the district will receive education to master the principles of entrepreneurial activities».

**BAD definition** «Forming a group of families for training».

#### RECOMMENDATION

**A)** The more understandable your goals is, the easier it would be to plan activities so that to achieve the goals as soon as possible.

**B)** Expressly defined objectives would facilitate monitoring the progress towards the goal and evaluating the success of your project.

**C)** Each objective should be defined so that you could understand that you have reached it.

#### Defining the objectives

Project objectives are a set of specific achievements aimed at solving the problems in question.

**Such objective is not a process** but rather an eventual outcome; while the goal means a state of affairs we expect to attain at the end of the project.

The objectives should be specific (specifying what and when), measurable (how many), desirable (appropriate and comfortable), and attainable (realistic).

**The goal and objectives of the project logically arise in a view of the problem in question!!!**

**Avoid words pointing out to a process:**

- supporting
- improving
- intensifying
- facilitating
- coordinating
- rebuilding

**Use words denoting the perfection:**

- prepare
- distribute
- reduce
- increase
- arrange
- make
- adjust

#### 5. WORKING PLAN

The working plan of the project is designated to explain how the project will be implemented to attain the set objectives. This part should clarify how you intent to implement the project.

- Who will be responsible for achieving the stated objectives?
- What will be done?
- What resources will be used to achieve the stated goal?
- What is the timing for fulfilling of the objectives?

**RECOMMENDATION!** Do not confuse objectives and methods of implanting the project!

### Use SMART criteria while defining the objectives:

#### **S** Specific

Is the goal specific and understandably illustrates what, how, when and where the situation will be changed?

#### **M** Measurable

Could the objectives be measured (for example, how much is the increase, what number of people)?

#### **A** Area-specific

Does the objective outline the area and group of people?

#### **R** Realistic

Will the project implementation result in the transformation and changes required in the view of the goal?

#### **T** Time-bound

Does the goal reflect the period of time within which it shall be achieved (within the first quarter or first half of the intended period of time)?

## 6. EVALUATING THE PROJECT IMPLEMENTATION

Here you should explain how you are going to evaluate successful implementation of the project. Use specific methods to evaluate a level of project efficiency. It is necessary to enable the understanding how you have managed to achieve the project objectives.

Such evaluation may take different forms using quantity and quality performances. This evaluation is needed for you and your organization to make sure one more time that the project objectives are successfully implemented.

### MONITORING AND EVALUATION

The objectives, working plan, and personnel arrangements are subject to monitoring and evaluation. Monitoring is in various aspects similar to evaluation.

Difference lies in the time of fulfilment, people who fulfil it, and diversity and details of the gathered information. The monitoring and evaluation mostly coincide as per the types of the information gathered.

**Monitoring** is a process of constant accumulation of information as related to all aspects of the project and which purpose is to define the progress in implementation and final completion of scheduled actions and facilitate achieving the goal in question.

The monitoring is to reveal problems arising upon implementing the project and necessary changes. It enables making timely corrections to the project and schedule of actions to be taken before they turn to be too serious or uncontrollable.

The project manager shall be responsible for monitoring and report on its results. The grantor allocates funds and is responsible for monitoring and relies on the reports prepared by project employees.

**Evaluation** is a process of gathering and analyzing information to define whether the project actions taken at the time of its implementation and scheduled actions are appropriate. It is aimed at finding out to which extent such actions facilitate the achievement of the goal defined in the project.

**Indicators** are general figures that will help to compare actual and intended results. They will help answering the questions: «How do you know that you move towards the stated goal?» The best indicators are such that may be easily calculated and enabling to extrapolate information generalized in one figure, from examining a small group to a big group (for example, your organization's social service users and population of the region).

## 7. PROJECT COST ESTIMATE

A cost estimate shall be prepared after the project has been drafted.

Such cost estimate should contain true and verified financial information. It is advisable to prepare two cost estimates: the first one would show the cost of the project in general, while the second is aimed to show the cost of each project step. *We recommend to determine the timing of fulfilling the cost estimate.*

## BUDGETING PRINCIPLES

---

1. A budget is an obligatory part of the project proposal.
2. You should prepare a budget once you have drafted the project proposal.
3. You should be aware off the budget requirements and potentials of the grantor financing the project.
4. The budget should contain true and actual financial information.
5. You should gather necessary information about costs of services and goods.
6. You should set time limits for fulfilling the budget.
7. You should take due account of potential delay in the financing and inflation.
8. You should develop a simple, comprehensive form of the budget indicating various expenditure items for goods and services, prices and general cost.

**NOTA BENE!** *Upon preparing reports on expenditures and project progress, the grantor will verify the actual state of affairs and your designated use of funds and draw comparison between them and the activities and objectives designated in the funding agreement, and project works you have completed.*

**Check the plan and project progress from time to time!** Thus you will see which activities are fulfilled according to schedule, which are ahead of schedule and which are delayed. Such comparison would facilitate focusing both on achievements and problems to be resolved.

**We wish you good luck!**

---

