

People-Centered Justice in Ukraine Virtual Series



Introduction

The *Justice for All* Report calls upon all countries and partners from all sectors to work together to prevent and resolve people's justice problems, while using justice systems to help people, communities and societies fulfil their potential. The report calls for a transformative shift in the justice sector towards a people-centered approach to close the justice gap for the 5.1 billion who lack meaningful access to justice.

People-centered justice is about making all actors in the justice system—formal and informal—put people at the center and focus on solutions that solve people's justice problems. Moreover, it is about providing equal access to justice for all, regardless of income levels, gender, age, race, ethnic group, and other differences between people. A people-centered approach to justice starts with an understanding of people's justice needs and designs solutions to respond to them.

The need for people-centered justice has never been greater due to the urgent challenges that the COVID-19 pandemic poses. Major COVID-related shocks dealt to justice actors, both formal and informal, have posed unique challenges and obstacles that threaten to widen the global justice gap. However, where there are pitfalls, there are also opportunities for innovation and change by putting people at the center of justice. People-centered justice can help societies manage the institutional, social and economic fallout from the pandemic and can help build more just and peaceful societies for the future.

The Ukrainian Access to Justice School of Practice, the USAID New Justice Program and the Legal Development Network and Pathfinders for Peaceful, Just and Inclusive Societies propose to hold two virtual national consultations with government and nongovernment organizations in Ukraine to explore the role that they can play in resolving and preventing justice problems and what they can do to make their justice system more people-centered.

Access to Justice in Ukraine

According to a survey of legal problems and needs in Ukraine conducted by the Kyiv International Institute of Sociology in 2018, approximately 49% of Ukrainians reported that they had experienced at least one legal issue over the past three years. Of those who experienced legal problems, 32% did not even attempt to resolve their legal problem and 77% did not fully or satisfactorily resolve their problem. The survey also found that people did not feel there were effective avenues available to address their justice needs and that efforts to resolve their problems would be too costly.

Similar results were recorded by a legal needs survey conducted by HiiL in 2016. That survey found that 53% of people encountered a serious justice need in the past four years. Consumer disputes, employment problems, disagreements between neighbors and housing grievances were mentioned as the most prevalent justice needs. Internally Displaced Persons (IDPs) faced most of their justice problems around securing housing, obtaining identity documents, receiving aid from the government and damage to property caused by military action.

In recent years, Ukraine has taken a series of steps aimed at making its justice system more accessible, as part of broader efforts to reform a traditionally unresponsive system. The former Directorate for Human

Rights, Access to Justice and Legal Awareness was a way for the Ministry of Justice to shape legal policy and move towards decentralization and empowerment. However, it has ceased operations and the Ministry is looking for other ways to engage on this topic. The government is also putting a good deal of effort in legal aid and empowerment on different levels: local, regional and national.

Format

With the aim of strengthening people centered justice in Ukraine, two 2-hour virtual national consultations will be held.

I. People-Centered Justice

The first national consultation will introduce and emphasize the concept of people-centered justice. Attention will also be paid to the justice problems people face during the COVID-19 pandemic.

A survey will be conducted in advance of the national consultation to capture the priority interests of participants and to help inform the development of specific topics for discussion. Participants will include justice actors from the formal sector, government (national and local authorities), grassroots legal empowerment organizations, civil society, and the donor community.

The format is interactive allowing for substantive conversation between the moderator and panelists. The moderator will engage the speakers in a conversation focusing on questions listed below. The speakers are meant to set the stage that will lead to a broader conversation amongst all participants during a question and answer session. Breakout sessions may be included.

The following is a preliminary list of questions to be explored during the national consultation:

- What would we do differently if we put people and the justice problems they are facing, at the center of all our efforts as justice actors?
- What are the most pressing legal problems facing Ukrainians? Has the COVID-19 pandemic exacerbated and/or existing justice problems? Which groups are particularly affected?
- How can justice actors contribute to the mitigation of the socio-economic impacts of the COVID-19 pandemic and contribute to economic recovery?
- What can justice actors do, individually and collectively, to resolve and prevent people's justice problems more effectively and fairly?
- How can local legal empowerment efforts contribute to an effective response to the increase in justice problems in the context of COVID-19.
- How can resources available at the municipal and local levels of government best be used to resolve people's justice problems in the most effective, efficient and inclusive manner?

- What role can civil society play in responding to people’s justice problems, in collaboration with government actors?

The following outcomes are anticipated:

- Better understanding of the justice problems that people face and the justice journeys that are open to them in the Ukrainian context.
- Better understanding of the role and contributions of different justice actors, how they collaborate, where there are opportunities for improvement.
- Formation of a technical advisory committee to assess justice problems to be discussed in future national consultations.
- Ideas for the integration of people-centered justice in national, regional and local justice plans, strategies and reforms.
- Sharing of experience on innovative ways to resolve people’s justice problems.
- Sharing of experiences on people-centered justice approaches across various countries.

The following speakers for the first session will include:

Opening Remarks from *Ministry of Justice of Ukraine*

Keynote: *Allyson Maynard-Gibson*, Former Attorney-General and Minister for Legal Affairs of the Bahamas, Member, Task Force on Justice

Discussion with international and Ukrainian experts:

Gustavo Maurino, CIC NYU Fellow, former National Director of Access to Justice in Argentina and Sherpa of Task Force on Justice

Maha Jweid, CIC NYU Fellow, Former Acting Director of the U.S. Department of Justice’s Office for Access to Justice

Yevgen Poltenko, Executive Director, Legal Development Network

Dmitry Foremnyi, Justice Accelerator Head, Ukraine, HiIL

II. People-Centered Justice Solutions

Following a discussion of people-centered justice during the first national consultation, a national technical committee will be formed. The technical committee will consist of justice actors from various sectors in Ukraine including government, formal justice sector, grassroots legal empowerment organizations, civil society and private sector.

The objective of the technical committee is to prioritize and select a particular justice problem facing the population-at-large that will be the topic of focus for the second national consultation. Particular emphasis will be placed on those justice problems affecting marginalized populations in Ukraine. The technical committee will also be tasked with developing an empirically based description of people's justice journey under the current circumstances. Additional surveys may be conducted by the technical committee.

The second national consultation may address the following questions:

- How can different actors contribute to improving people's justice journeys for this particular justice problem? What are the obstacles and challenges to overcome?
- Are there other actors that need to be involved or structural problems that need to be addressed?
- What innovations or methods have been used in other countries to help resolve this particular problem and what can be learned from these experiences for the Ukrainian context?
- How can the partnerships between different types of justice actors be strengthened to address this specific justice problem?

The following outcomes are anticipated:

- A roadmap for action to ameliorate people's justice journeys in resolving the justice problem.
- Commitment to action that participants can take for implementing the roadmap to resolve the justice problem.
- Strengthened partnerships between justice actors, in particular civil society and government.