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# MID-TERM PERFORMANCE EVALUATION OF THE UKRAINE ACCESS TO JUSTICE AND LEGAL EMPOWERMENT PROJECT

FINAL REPORT

Prepared under Task Order, AID-121-TO-12-00006 under the Democracy and Governance Analytical Services Indefinite Quantity Contract, AID-OAA-I-10-00004.

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February 2013

The author's views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.



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# EXECUTIVE SUMMARY

This report is the product of Democracy International's (DI) mid-term evaluation of the Access to Justice and Legal Empowerment Project (LEP) in Ukraine, implemented by Management Systems International (MSI) under U.S. Agency for International Development (USAID) cooperative agreement number AID-121-A-00-10-00704. The purpose of this mid-term evaluation is to examine the relevance and effectiveness of LEP activities and the institutional sustainability of LEP's framework. This evaluation will allow USAID and MSI to determine whether adjustments to current LEP programming are needed.

This mid-term evaluation focused on the current results of LEP activities and on the evolving rule of law environment present in Ukraine in light of legal and institutional changes on free legal aid. Through document review, informant interviews, focus groups, an online survey of LEP partners and attendance at the recent LEP quarterly meeting, the Evaluation Team (ET) was able to gather information to address the five questions outlined in the scope of work:

1. Given changes in the overall legislative environment and country context, such as the passage of the Law on Free Legal Aid and related reforms in the rule of law sector, to what extent is the planned LEP approach of addressing access to justice and legal empowerment issues through three issue-based coalitions achieving the desired results?
2. Is the project doing enough to achieve the first project objective?
3. To what extent are project beneficiaries adopting desired behaviors?
4. What are the prospects for sustainability of the end results produced by this project, focusing on the following components:
  - a. The provision of legal services by partner LAOs;
  - b. The three legal coalitions formed by the program;
  - c. The project's web site referral and consultation processes; and
  - d. The provision of a clearinghouse model for pro bono contributions by private lawyers to the three coalitions?
5. To what extent is the project addressing gender issues in its activities? Could these interventions be improved to better promote gender equality in the provision of legal aid?

The ET also gathered information to respond to the following requests for recommendations outlined in the scope of work:

1. To what extent is the current staffing mix of LEP adequate to ensure the effective achievement of planned results and objectives in the current legal reform environment and country context?

2. What local organizations targeted by LEP may have the capacity to directly implement USAID programming in the access to justice sector in the future?
3. What potential activities and means of support could be furnished over the final two years of the project to reveal which Ukrainian partners are most suited (financially, organizationally, and technically) to be recipients of direct USG assistance?

We have provided findings, conclusions, and recommendations to guide the remaining two years of the LEP project as per requests communicated to the ET during the in-brief with USAID. In September 2010, USAID launched the LEP project to strengthen the capacity of legal advocacy organizations (LAOs) and student law clinics. Both of these groups became LEP partners through membership in one of LEP's three thematic coalitions. LEP also encouraged law firms to provide pro bono assistance cooperating with coalitions. LEP's goal was to build the capacity of LAOs and student legal clinics to represent the interests of citizens, build a sustainable nationwide network of LAOs that address citizen demand for legal services in specific areas of the law and leverage the work of such organizations for national reform efforts and to promote broader access to justice, and develop partnerships and attract additional private resources to expand and enhance the impact of the program's pro bono efforts. To reach these objectives, MSI created a network of three thematic coalitions consisting of 128 LAOs and student legal clinics and 27 pro bono law firms that are willing to provide legal services to the LAO members (a total of 155 LEP partners) for the purpose of strengthening the capacity of LAOs to effectively represent the interests of Ukrainian citizens as well as leveraging the work of the LAOs for national reform efforts and to promote broader access to justice. MSI is focusing on ensuring the sustainability of the three thematic coalitions by pursuing the creation of a charitable organization that would help to cement the current organizational structure of the LEP partners. MSI is providing assistance to LAOs to collectively seek outside sources of funding to ensure the financial self-sustainability of the charitable organization post-LEP. The findings and conclusions assess the progress of LEP on reaching these objectives.

## Findings and Conclusions

LEP partners believe their capacity has increased due to their involvement in the LEP project. This is due largely to the relationships and networks they have been able to form with their fellow LAOs. The three thematic coalitions have allowed LAOs to organize themselves around key issues, but also represent limiting divisions in the legal assistance sector. Most LAOs and student legal clinics provide services across many different legal areas.

A key focus of LEP is building the outreach skills of LAOs through training sessions and direct funding of public information and advocacy campaigns to help inform citizens of their legal rights. Although LAOs have broadly positive views of the effectiveness of these campaigns, it was difficult to independently ascertain the effectiveness of these campaigns.

LEP engagement with the judicial sector, other rule of law programs, and the broader Ukrainian legal assistance community has been mixed. LEP programming has reacted to other rule of law assistance and MSI has adjusted its programming accordingly, successfully transitioning from providing organizational to coalition-level capacity building support. However, at the same time LEP has not pursued a close working relationship with other rule of law programs.

LEP remains in a delicate position in regard to the Ministry of Justice in Ukraine navigating the transition from a partnership with the Department on Coordination of Legal Work and Legal Education to working with the newly created Coordinating Center for Legal Aid. It does not appear that LEP yet enjoys a close working relationship with the center.

The profile of LEP remains low with the Ukrainian legal assistance community and the broader public. This has resulted in a lack of awareness of LEP activities and objectives. Although this is due in part to a deliberate attempt on the part of LEP to promote LAO ownership of activities and coalitions, LEP could benefit from a better and more prominent public image. In fact, the main areas for improvement for LEP are in regard to their public materials, specifically LEP publications and the website. Neither the publications nor website of LEP fully meet its intended objectives of providing synthesis and analysis on legal issues and promoting broader access to justice by providing a referral and consultation process and acting as a clearinghouse for pro bono contributions. The participation of private law firms providing pro bono assistance remains the least addressed program objective thus far. Although there are contributing private firms much work remains to be done on this front.

It is clear that LEP has worked consistently to build the sustainability of the three coalitions by selecting a partner LAO to lead each coalition as opposed to LEP staff, encouraging voluntary monthly reporting requirements to generate data for fundraising, and conducting periodic coalition meetings. What is less clear is how sustainable the networks and relationships that have been built will be in the absence of funding support to continue to bring LAOs and student legal clinics together. LEP is currently exploring options for the sustainability of the coalitions.

As a result of the above findings and conclusions gathered during the evaluation, the ET has developed specific, realistic, action-oriented recommendations that USAID and MSI can utilize to improve the current implementation of LEP and plan for future follow-on work. The ET has provided several recommendations within the existing framework of LEP; however, the major recommendations of the ET suggest a shift in the objectives of the program. These recommendations are the product of changes in the legal environment, particularly with the passage of the Law on Free Legal Assistance, the creation of the Ukrainian Legal Aid Foundation (ULAF), and the accomplishments of the LEP program thus far. The revised approach should consist of the following three new objectives:

1. Increase Ukrainians' knowledge of their legal right to counsel under the Law on Free Legal Assistance, and enhance their knowledge of and access to legal aid services;
2. Develop a Comprehensive Legal Aid Foundation with the objective to (a) coordinate the nationwide network of non-governmental organizations and charities that provide the access to justice, and (b) cooperate with the emerging government-run system of free legal aid in Ukraine; and,
3. Develop the Ukrainian Legal Aid Website, a comprehensive website that encompasses all information regarding access to justice in Ukraine.



# I.0 INTRODUCTION

At the request of USAID/Ukraine, DI conducted a mid-term evaluation of MSI's LEP project. The purpose of this mid-term evaluation is to examine the relevance and effectiveness of LEP activities and the institutional sustainability of LEP's framework. This evaluation will allow USAID and MSI to determine whether adjustments to current LEP programming are needed.

Coming at the mid-term of the program, this evaluation focuses both on the results of LEP activities thus far and the evolving rule of law environment in Ukraine, particularly in light of legal and institutional changes underway on free legal aid. As directed in the scope of work of this evaluation, the ET focused on five major evaluation questions:

1. Given changes in the overall legislative environment and country context, such as the passage of the Law on Free Legal Aid and related reforms in the rule of law sector, to what extent is the planned LEP approach of addressing access to justice and legal empowerment issues through three issue-based coalitions achieving the desired results?
2. Is the project doing enough to achieve the first project objective?
3. To what extent are project beneficiaries adopting desired behaviors?
4. What are the prospects for sustainability of the end results produced by this project, focusing on the following components:
  - a. The provision of legal services by partner LAOs;
  - b. The three legal coalitions formed by the program;
  - c. The project's web site referral and consultation processes; and
  - d. The provision of a clearinghouse model for pro bono contributions by private lawyers to the three coalitions?
5. To what extent is the project addressing gender issues in its activities? Could these interventions be improved to better promote gender equality in the provision of legal aid?

Through document review, informant interviews, focus groups, an online survey of LEP partners, and attendance at the recent LEP quarterly meeting, the evaluation team was able to gather information to address all of these questions and provide a series of recommendations to USAID and MSI to refine LEP's strategy and future activities. These recommendations are supported by evidence-based findings and conclusions detailed throughout this report. These findings, conclusions, and recommendations are based on the five evaluation questions set forth above and are presented according to the five evaluation questions.

## 2.0 BACKGROUND

Since obtaining its independence in 1991, Ukraine has worked to overcome a long tradition of communist rule characterized by an arbitrary and limited system of justice and suppression of human rights. Despite some efforts to reform the national systems of justice, progress in establishing the rule of law in Ukraine has been slow, and critical obstacles remain. Among them are an unstable legal foundation for reform, a corrupt system of judicial and law-enforcement bodies, low awareness among Ukrainian citizens of their rights, and the lack of a pro bono legal culture.

In the late 1990s, USAID and the International Renaissance Foundation (IRF) began to promote the concept of legal aid clinics at major law schools throughout Ukraine. Over the course of the last decade, LAOs focusing on the provision of legal services for the underserved began to emerge and become more widespread. The scope of activities of these LAOs ranges from protection of human rights (e.g., Ukrainian Helsinki Human Rights Union, and Kharkiv Human Rights Protection Group) to electoral integrity (Committee of Voters of Ukraine, and Opora) to the protection of the environment (Ukraine Nature Conservation Society, and Ecoclub). They are devoted to various causes and are financed from various sources. With the entry of international law firms to Ukraine, Ukrainian law firms and individual Ukrainian lawyers have learned a new concept of pro bono legal services. Since then, law firms have begun to provide an increasing amount of pro bono assistance, including support for international moot courts, legal education, and legal consulting.

Despite the relative expansion of the availability of legal assistance to citizens who previously had no ability to obtain such counsel, understanding and awareness of how to protect one's rights in the courts remains low. In 2006 and 2007, a leading Ukrainian think-tank, the Razumkov Center, conducted several public opinion polls asking respondents if they knew how to protect their rights in courts. One-third of respondents were unaware of how to protect their rights with judicial bodies; over 50 percent were somewhat familiar; and only ten percent knew how to defend their rights well.<sup>1</sup> This may, in part, be due to the fact that LAOs remained isolated and therefore had limited ability to collectively advocate for further reform of the justice sector. Although each continued to provide discreet services, there was no collective effort toward publicizing their existence or more broadly that citizens were entitled to free legal assistance. Article 59 of the Constitution of Ukraine guarantees the right to legal assistance, stating that "such assistance shall be rendered free of charge."

USAID designed LEP to address these issues. The idea behind LEP was that forming a network of LAOs would allow these isolated organizations to learn from each other and develop relationships that would strengthen each individual organization as well as the climate for access to justice more broadly. Such a network would also facilitate specific skills-based and general advocacy training. In this vein, LEP was a rather unique USAID project in that it focused on building a coalition from scratch in addition to working with existing organizations to provide technical assistance and funding. A critical element of LEP was to provide technical assistance and direct funding support to simultaneously build and strengthen coalitions of LAOs while addressing individual organizational needs. A key challenge faced by LEP in building the coalitions was the lack of large-scale funding to incentivize participation in a coalition.

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<sup>1</sup> Sociological Study, Razumkov Centre (Jan. 15, 2013, 4:02 PM), [http://www.razumkov.org.ua/ukr/poll.php?poll\\_id=207](http://www.razumkov.org.ua/ukr/poll.php?poll_id=207).

LEP has three fundamental objectives: (1) strengthening the capacity of Ukrainian LAOs to effectively represent the interests of citizens; (2) building a sustainable nationwide network of LAOs that addresses citizen demand for legal services in specific areas of the law and leverages the work of such organizations for national reform efforts and promotes broader access to justice; and (3) developing partnerships and attracting additional private resources to expand and enhance the impact of the program's pro bono efforts. The program was officially launched on September 21, 2010.

In the summer of 2010, LEP placed announcements in various publications informing the public of its intent to engage in outreach efforts with existing LAOs and student legal clinics. LEP invited more than 110 LAOs to participate in a network building event in September 2010. The purpose of the event was to present the need for and the potential creation of a nationwide network of LAOs who would join one of three thematic coalitions: healthcare, property rights or employment, and also recruit law firms who would be willing to provide pro bono legal services to the coalition members.

LEP issued a request for expressions of interest to become an LEP. LEP attempted to ensure that only LAOs that provide legal services were eligible to join a coalition, while discouraging those LAOs whose only purpose for joining was to obtain financial assistance. Information would be shared across LAOs nationwide as well as among lawyers of pro bono law firms and professionals of the various LAOs. The concept was designed so that professionals of older LAOs and mature lawyers could play a mentoring role to newer LAOs and younger lawyers.

By the end of 2010, LEP coalitions consisted of 62 LAOs and student legal clinics and 6 partnering pro bono law firms. As of September 2012, LEP partners consisted of 128 LAOs and student legal clinics, and 27 pro bono law firms.

Throughout 2011, each coalition worked on setting goals and objectives, developing strategic plans, and establishing membership standards and shared best practices. Each coalition engaged with relevant stakeholders, including the government, to enhance legal aid services, supporting joint applications for public information campaign grants, and hold town hall meetings to publicize the availability of their services. Each coalition also created its own logo to uniquely brand the nature and purpose of the coalition.

On June 2, 2011, the Ukrainian legislature passed the Law of Ukraine on Free Legal Aid. Up until this point, while the guarantee to free legal aid existed in the Constitution, there was not a clear definition of legal aid nor were there comprehensive guidelines for the government's provision of legal aid and how the public could exercise its right to it. The law also introduces the important concepts of primary and secondary legal aid and distinguishes between them. Article 7 of the Law on Free Legal Aid defines free primary legal aid as follows:

[T]he provision of legal advice to persons of their rights and freedoms, procedures for their execution, their restoration in the event of infringement, and procedures for appealing against decisions, actions or lack thereof by the state authorities, local authorities, and public officials. Free primary legal aid includes the following types of legal services: provision of legal information, granting consultation and explanation of legal issues, drafting requests, complaints and other legal documents (except for

procedural documents), and assisting in individual's access to the secondary legal aid and intermediation.<sup>2</sup>

Free secondary legal aid involves representation in court. Article 13 provides a definition of free secondary legal aid:

[F]ree secondary legal aid is the type of state guarantee that provides equal access to justice for everyone. Free secondary legal aid includes the following types of legal services: defense against prosecution, representation of the interests of persons that have a right to free secondary legal aid in the courts, other state agencies, self-governing authorities versus other persons, drafting procedural documents.<sup>3</sup>

This law came into effect on July 9, 2011. According to the Law of Ukraine on Free Legal Aid, the Ministry of Justice (MOJ) is responsible for providing primary free legal aid to the public through legal aid consulting offices located at local Department of Justice (DOJ) offices at the level of oblasts and rayons. These offices were created and had been providing primary legal aid well before the adoption of the Law on Free Legal Aid. Based on the MOJ's website there are 732 public legal aid consulting offices operating across the country.<sup>4</sup> Although the Law represents an important step toward the provision of free legal aid nationally, the funding for implementation remains limited. Due to the low salaries and the high volume of work, the public legal aid consulting offices have failed to attract experienced lawyers, thereby leading to a lower quality of legal services provided by these offices.

On June 6, 2012, in accordance to the newly-adopted Law of Ukraine on Free Legal Aid, the Cabinet of Ministers established the Coordinating Center for Legal Aid. The Coordinating Center is responsible for organizing the provision of legal aid in Ukraine by liaising among different agencies involved in such provision and ensuring the quality of the legal assistance provided. The Coordinating Center will oversee the implementation of the law and draft additional legal acts as needed. Free secondary legal assistance will be available beginning January 1, 2013 when the centers of free secondary legal aid become operational. Initially, the DOJ centers will provide free legal aid in criminal cases, and will expand their services to include administrative and civil cases. Free secondary legal aid will be fully available for the designated groups of citizens as defined in Article 14.1 of the Law on Free Legal Aid from January 1, 2017 onward.

While most of the LAOs who are LEP partners currently provide primary legal aid, the extension of governmental responsibility to secondary legal aid will undoubtedly impact the extent of services provided by such LAOs. They may expand their capabilities to meet the demands of citizens in need of secondary legal aid.

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<sup>2</sup> Law on Free Legal Aid (Vidomosti Verkhovnoi Rady Ukrainy, 2011, No. 51, p. 577).

<sup>3</sup> Ibid.

<sup>4</sup> According to the Ministry of Justice website (<http://www.minjust.gov.ua/7840>), updated on December 5, 2012 there are 732 legal aid consulting offices.

## 3.0 FINDINGS

In September 2010, USAID launched the LEP project to strengthen the capacity of LAOs to represent the interests of citizens, build a sustainable nationwide network of LAOs that addresses citizen demand for legal services in specific areas of the law and leverages the work of such organizations for national reform efforts and to promote broader access to justice, and develop partnerships and attract additional private resources to expand and enhance the impact of the program's pro bono efforts. To reach these objectives, MSI created a network of three thematic coalitions consisting of 128 LAOs and student legal clinics and 27 pro bono law firms that are willing to provide legal services to the LAO members (a total of 155 LEP partners) for the purpose of strengthening the capacity of LAOs to effectively represent the interests of Ukrainian citizens as well as leveraging the work of the LAOs for national reform efforts and to promote broader access to justice. MSI is focusing on ensuring the sustainability of the three thematic coalitions by pursuing the creation of a charitable organization that would help to cement the current organizational structure of the LEP partners. MSI is providing assistance to LAOs to collectively seek outside sources of funding to ensure the financial self-sustainability of the charitable organization post-LEP. The findings below answer the five evaluation questions put to the Evaluation Team to evaluate the progress of LEP on reaching these objectives.

In response to **question one and two** of the scope of work, the desired results of LEP are to increase the capacity of Ukraine's civil society legal service providers to effectively a) provide legal services, b) advocate for citizens' rights, and c) solidify their place in the broader justice sector in Ukraine. The development of public-private partnerships and the formation of issue-based coalitions are two important elements to achieving these desired results and ensuring sustainability.

DI has gathered a number of findings in regard to the effectiveness of this approach:

### Capacity to provide services:

- LEP partners report that their capacity to provide services has been improved by the connections they have formed with other LEP partners at the quarterly meetings, which were a catalyst to developing relationships among disparate LEP partners by encouraging networking, expanding their knowledge on substantive law, developing legal skills, and sharing best practices. Reports of the usefulness of training sessions at quarterly meetings remain mixed as many cited a lack of activeness.*

Quarterly meetings were envisaged as a major LEP network and coalition-building tool as well as a venue for skills-based training sessions. LEP has conducted eight quarterly meetings since the start of the program. Originally, LEP planned to conduct the following types of training for the LAOs: demand-driven skills workshops, public outreach, and capacity building. Attendance at the eighth quarterly meeting as well as review of project reports demonstrates that technical training sessions are being conducted at every quarterly meeting. According to the survey of LEP partners conducted by the evaluation team, 27 out of 43 respondents stated that their participation in quarterly meetings contributed to the strengthening of the capacity of their organizations to protect citizen interests. Similarly, 30 respondents believed that the main benefit in attending the quarterly meetings was an increase in the organizational capacity of the coalitions. During interviews, representatives of active

LEP partners confirmed that their participation in LEP has contributed to the strengthening of the capacity of their organization to provide legal aid. They did however cite that the training sessions were not interactive enough and often too general to be useful to all the attendees. The ET confirmed this perception of the training portion of the quarterly meeting they observed.

The quarterly meetings were reported by LEP partners to be a catalyst to developing relationships among disparate LEP partners by encouraging networking, expanding legal knowledge, developing legal skills, and sharing best practices. LEP partners told the ET that the connections they had made with their fellow LAOs and student legal clinics as a product of LEP activities forged networks and channels of communication that helped them benefit from each other's expertise and more effectively solve their clients' problems. During the quarterly meeting which the ET attended, it observed firsthand the strong relationships and trust that had been built through interaction at these meetings and other LEP activities. Additionally, these opportunities were seen as so valuable that during meetings with LEP partners throughout the country, many LAOs and student legal clinics lamented their lack of inclusion at quarterly meetings.

- 2. While LEP began with a focus on strengthening the institutional capacity and strategic planning skills of their partner LAOs and student legal clinics, it proactively evolved its support to provide capacity development to the coalitions.*

Originally, LEP provided technical assistance to build organizational capacity of its LAO partners on strategic planning, and institutional development by using the Institutional Development Framework (IDF) and the Institutional Development Plan (IDP). From MSI's reports, it is clear that organizational capacity development played a large role in LEP programming. MSI's first semi-annual report covering activities from May through September 2010 indicates that LEP used MSI's IDF to help LAOs to assess their strengths and deficiencies and complete self-evaluation studies. In fact, 65 LAOs completed a self-evaluation and an IDF. Institutional issues, including strategic planning, played a large role in the second quarterly meeting with six hours devoted to strategic planning. As the capacity of the LAOs increased over the course of LEP other areas were prioritized. Further institutional development was transitioned to the USAID funded Ukraine National Initiatives to Enhance Reforms (UNITER) project, implemented by PACT, which began in 2008, and focuses on strengthening pro-reform civil society organizations. LEP, therefore, shifted its focus to building the organizational sustainability of its three coalitions leaving traditional organizational level capacity building to PACT.

#### **Capacity to advocate for citizens' rights:**

- 3. LEP focused on building the outreach skills of its LAO members through training sessions and directly funding of public information and advocacy campaigns to help inform citizens of their legal rights. While LAOs have broadly positive views of the effectiveness of these campaigns, it is difficult to determine the effectiveness of these campaigns as changes in the level of the public's awareness of its rights would require a broader survey.*

Among the most important objectives of LEP is to raise awareness among Ukrainian citizens of their rights as well as their awareness of the existence of organizations that provide free legal aid to the population. LEP worked with its partner LAOs to improve its public outreach skills. Training sessions were conducted at quarterly meetings and coalition network meetings on outreach and advocacy.

To further support these efforts, LEP established a public information grant program to support

information campaigns of partner organizations in the three legal areas targeted by LEP coalitions. LEP designed the public information and advocacy campaign grants program to inform the public of their rights and of services available to them through the coalitions as well as to advocate for further reforms in the three thematic areas of law of the coalitions. To date, LEP's public information campaign program has approved sixteen proposals from partner LAOs. The employment coalition received seven grants, the property coalition received six, and the health care coalition received four. The distribution of public information grants was less uniform geographically with western Ukrainian LAOs being awarded nine grants, central and eastern Ukrainian LAOs three grants each, and a joint Kyiv-Crimean project one grant.

According to our survey of LEP partners, there is a widespread perception that both public information and advocacy campaigns have been quite effective with only two of forty respondents believing the campaigns were not effective. Despite a smaller response rate, perhaps reflecting lower levels of familiarity with advocacy campaigns, respondents similarly found advocacy campaigns to be effective, with only one respondent believing the campaigns were not effective. Respondents also widely believed that their own public information campaigns were where citizens got their information on legal aid services and pro bono law firms. Little analysis is being done on the effectiveness of these campaigns. Data does not exist that would allow the ET to independently verify this. The data from the PMP was not gathered in a way that allowed LEP to definitely conclude that people's awareness has increased.

#### Place in the broader justice sector:

*4. LEP has consistently and formally reached out to the judicial sector, inviting judges to LEP events and training sessions as well as encouraging coalition members to work with local DOJ officials involved in primary legal aid provision, as well as those officials whose jurisdiction affects the area of law of the coalitions. Levels of collaboration with the newly created Coordinating Center for Legal Aid remain unclear.*

The head of the Department on Coordination of Legal Work and Legal Education, Ms. Oksana Yukhta, has attended all of the quarterly meetings, except for the first quarterly meeting in Khavkiv, while two other MOJ representatives attended the quarterly meetings in Simferopol, L'viv and Odesa. Following the quarterly meeting in Simferopol, the MOJ decided that its regional representatives of the oblasts' DOJ should attend the training portions of the quarterly meetings. As a result, the number of DOJ representatives in attendance at the quarterly meetings increased sharply from a few participants to between twenty and forty beginning with the fourth quarterly meeting. A new section within the MOJ was recently identified as the focal point for the delivery of free legal assistance, the Coordinating Center for Legal Aid. There was little evidence of LEP interaction with this center. During the meeting between the ET and the director of the center, the director did not seem to be aware of LEP's activities. Since the Coordinating Center will oversee the implementation of the Law on Free Legal Assistance, a relationship with LEP is key.

*5. Some Ukrainian members of the legal assistance community expressed a dismissive attitude of LEP.*

A number of interviewees perceive LEP as a well-financed project that produces little results. Interviewees pointed out a few public examples that led to this conclusion:

- The perception that LEP's publications are attractive and glossy, but lack substance and are a poor example of the considerable achievements of LEP;
- The selection of the Hyatt Regency, one of the most expensive hotels in Ukraine, for the national pro bono award ceremony was perceived by the Ukrainian legal aid community as an inappropriately luxurious choice for an event promoting free legal aid. Regardless of the costs associated with the event, this venue alienated a number of potential participations; and,
- The location of the LEP office in the most expensive area in Kyiv, Pechersky Lyvky, in the building next door to the presidential administration is viewed by the Ukrainian legal aid community as another example of an inappropriately luxurious choice for an organization promoting free legal aid.

From the ET's interviews with LEP staff, it is clear that LEP's low profile is at least somewhat a product of a deliberate attempt to promote local ownership of its coalitions and individual LAO information campaigns. The trade-off to promoting Ukrainian ownership of these activities is that LEP's contributions are less visible. However, this approach does not address some of the negative perception examples provided above.

*6. LEP has not extensively collaborated with other rule of law programs, both those supported by USAID and those funded by other donors.*

While all of the stakeholders associated with rule of law and legal aid programs were complimentary of LEP's efforts, interviewees stated uniformly that LEP was not proactive in maintaining robust relationships with other programs. They referred to sporadically meeting with LEP staff or occasionally attending a quarterly meeting, but felt that LEP was not as active in the international community as it should be. Despite this apparent lack of outreach, LEP has demonstrated an awareness of other rule of law programming and has adjusted its own programming to reflect these activities, particularly in the case of PACT's UNITER program mentioned previously. LEP has also encouraged its coalition members to reach out to relevant organizations for funding support or technical assistance that it cannot provide. Specifically, LEP encouraged coalition members to apply for IRF funding to support its legal assistance and other related activities.

One important new player in the rule of law community in Ukraine is the Ukrainian Legal Aid Foundation (ULAF). It was formed in November 2011 by four Ukrainian organizations: IRF, Ukrainian Helsinki Human Rights Union, Ukrainian Bar Association, and Union of Lawyers of Ukraine. The ULAF has been registered as a charitable foundation to establish a framework for free legal aid in Ukraine. ULAF lists the following priorities for 2011-2012:

- Institutional development of the organization;
- Development of a network of organizations providing free legal aid;
- Advocacy and lobbying; and
- Establishment of standards and practices of free legal aid in Ukraine.

Despite its very young age, ULAF is becoming a major player in the sphere of providing free legal aid in Ukraine. Currently, it runs a nationwide network of centers for legal information and



consultations,<sup>5</sup> and a nationwide network of professional lawyers who provide free legal assistance to vulnerable groups (HIV infected, drug-addicts, and patients of substitution maintenance therapy.) The Kherson Foundation for Charity and Health with IRF support maintains an informative website (pravo.prostir.ua) showcasing ULAF activities and information. It contains several legal guides and information booklets that provide legal advice in the area of labor law, property law, land law, contract law, inheritance law, family law, social protection, rights of owners of small businesses, and consumer rights. In addition, the ULAF website provides online free legal help and consultations. This on-line service is actively used by citizens.

Although LEP has some sporadic contacts with ULAF so far there has not been meaningful cooperation between the two projects despite the similarity in their missions.

A telling example of the almost non-existent state of cooperation between LEP and other stakeholders associated with legal aid programs is the recent International Legal Aid Conference “The role and institutionalization of defense in the context of implementation of the Law of Ukraine ‘On Free Legal Aid’ and the newly-adopted Criminal-Procedure Code of Ukraine” held on December 13, 2012, and organized by the Ministry of Justice of Ukraine, Coordination Center on Legal Aid Delivery, Ukrainian Legal Aid Foundation, International Renaissance Foundation, and the U.S. Department of Justice (OPDAT, funded by INL). LEP was not listed as a presenter in the conference program. The Evaluation Team was informed that LEP did not attend a similar round table in 2011 although they were listed among the presenters.

#### *7. LEP publications do not contain the type of synthesis and analysis intended.*

LEP publishes two periodicals which are also available in electronic format on the LEP website: the informational bulletin *Visnyk “Pravova Krayina”* and *Digest*. Seven issues of *Visnyk* have been published quarterly in Ukrainian. Additionally, there was one issue in English which summarized Ukrainian issues published between February 2011 and March 2012. The two issues of *Digest* (were published in Ukrainian and English. LEP also funds the publication of a MOJ newsletter which is distributed to all primary legal aid centers.

A typical issue of *Visnyk* contains the following sections: “Events” (first joint meeting of two LEP Coalitions, Media-Club meeting, a success story, pro bono award ceremony, etc.); “News” (quarterly meeting, summer school, TV interview by the Chief of Party, appreciation letter from MOJ, LEP participation in the All-Ukrainian Week of Law); “Open Collar Meeting” (an interview with either a government official or a representative of partner LAO); “Capacity Building” (as a rule, an article that summarizes training materials from QMs); “Success Stories”; “Media about US”, etc. *Digest* has two sections: “News from Partners” and “Cooperation with Media.” The primary goal of all these sections is to inform a reader about the activities of LEP, coalitions, and partner-organizations.

Both of these publications include sections that are supposed to summarize LEP activities. However, a detailed analysis of these publications shows that they barely relate to the legal issues of the network or increase awareness of substantive issues. The content does not match the legal issues

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<sup>5</sup> Some of these centers of legal information and consultations (for example, Podillya Legal League, Association of lawyers of Kamyanyets-Podilsky, etc.) are simultaneously members of one of the LEP coalitions.

being debated by the coalitions. There appears to be a disconnect between the content of the publications and the discussions at the quarterly and coalition meetings. It appears that the publications were designed to provide a similar function to ULAF's publications which provide advice about legal situations and are widely accessible to the public.

8. *LEP is unique among USAID projects as being fully Ukrainian-led. This has been an asset and a hindrance.*

The LEP program staff consisted of the following positions:

- **Chief of Party**, who is responsible for building an effective and sustainable nationwide network of issue-based legal advocacy organization; supporting joint advocacy campaigns among networked organizations; facilitating public policy debates championed by affiliated advocacy organizations; promoting an institutionalized forum bringing together representatives of the legal advocacy groups with justice sector officials; creating programmatic links and points of interaction between USAID-funded rule of law activities in the formal justice sector and access to justice activities; and ensuring quality programming, monitoring, and financial reports as required by USAID and MSI;
- **Deputy Chief of Party**, who is responsible for overall administrative, procedural, and financial issues of the office operation;
- **Communications & Outreach Specialist**, who is responsible for developing and implementing a communication strategy to ensure visibility of LEP; providing tools for effective communication and networking among LEP partners; contributing to developing the design, structure, and initial information of a website; and maintaining the substantive part of the website;
- **Project Assistant**, who is responsible for technical, administrative and logistical support of LEP activities;
- **Part-time Legal Advisor**, who is responsible for monitoring developments in Ukrainian legislation in the three coalition legal areas; delivering training on targeted legal issues; facilitating public policy debates championed by affiliated advocacy organizations; assisting in promoting an institutionalized forum bringing together representatives of the legal advocacy groups with justice sector officials, and improving linkages between partner organizations and courts; supporting public information campaigns and other types of educational outreach on targeted legal issues; contributing to developing a website and maintaining the substantive part of the website; writing success stories of LEP on a regular basis; and facilitating communication and networking among LEP partners.
- **Part-time Coalition Coaches**, who are responsible, inter alia, for facilitating trainings of coalition members; assisting coalition coordinators to conduct coalition meetings; providing expert substance assessment of the information and advocacy campaigns grant proposals; providing follow-up support to the applicants to ensure strengthening the proposals by integrating assessment committee members and technical experts comments; assisting grantees in implementing their projects; and monitoring coalition strengthening process in accordance with the criteria suggested by LEP.

The ET interviewed every full-time and part-time staff member and observed them while carrying out their responsibilities. A review of staff members' educational and professional backgrounds clearly indicated their suitability for their positions. Through interviewees with LEP partners the ET

found that the four full-time and four part-time staff have reputations of being exceedingly helpful to not only LAOs, student legal clinics, and pro bono law firms, but also to individuals associated with LEP partners. On several occasions, the ET heard from individuals who turned to LEP staff for advice and guidance often after work hours finding at least one staff member still in the office. At the eighth quarterly meeting, the ET observed all eight staff members acting as a team collectively working together to ensure the success of the meeting while also overcoming some unexpected obstacles. In several meetings with the LEP staff, the ET observed a positive working environment in which staff members had a healthy respect for each other.

Overall, the LEP project team appears to have the right mix of technical and operational experience to successfully implement the program. However, at least six interviewees noted that the LEP leadership is not held in as high professional esteem among the Ukrainian legal aid community as the leadership at other organizations. It was difficult to ascertain for the ET the root cause of this perception; it is quite possible that the LEP leadership focused on technical requirements of completing their work rather than building relationships within the Ukrainian legal aid community. The ET did observe the close oversight of USAID on this project contributing to a technocratic focus on the part of LEP leadership. This was evidenced in conversations with LEP staff members, USAID, and review of LEP documents USAID had edited. This substantial involvement in LEP's activities by USAID, even though LEP is operating under a Cooperative Agreement, required the LEP staff to focus almost exclusively on the technical side of each activity in order to respond to all of USAID's inquiries.

*9. Dissatisfaction with the Property Rights Coalition Coordinator was expressed by several interviewees.*

In meetings with an LAO in Lviv, the ET learned of dissatisfaction with the property coalition coordinator who dismissed its offer to attend a coalition meeting, even at its own expense. The LAO mentioned, although not by name, that other LAOs were also dissatisfied with the property coalition and thus joined another coalition in order to have more interaction with other LAOs. The ET also observed a lack of leadership skills in the property rights coalition coordinator. The ET learned that some LAOs and student legal clinics were critical of the reporting requirements of each coalition, as only those who met the reporting requirements were invited to attend quarterly meetings. They reported a lack of staff to complete the monthly reports as well as an unwillingness to share proprietary information with certain coalition coordinators.

*10. There are no legal clinics and only a few legal advocacy NGOs which focus on only one of the three thematic areas of the coalitions.*

Most legal advocacy NGOs are broad-based and encompass several subject matters. Ukrainian law faculties that appreciate the value of clinical education have only one legal clinic each that deal with different cases that relate to various areas of law. Yet, each LAO must choose to join one coalition. From conversations with representatives of LAOs in Lviv and Donetsk, the choice of a coalition often depends not only upon the priority of the legal issues they confront within their LAO, but also upon the leadership and organization of the coalition. Two LAOs in Donetsk specifically stated that, although they work in all three thematic areas, they chose the property coalition as many of their cases dealt with property issues. Furthermore, a sizable number of other LAOs were members of the property coalition giving a greater opportunity for networking. For many legal advocacy NGOs and for all legal clinics at the Ukrainian law faculties and law academies, the division of three

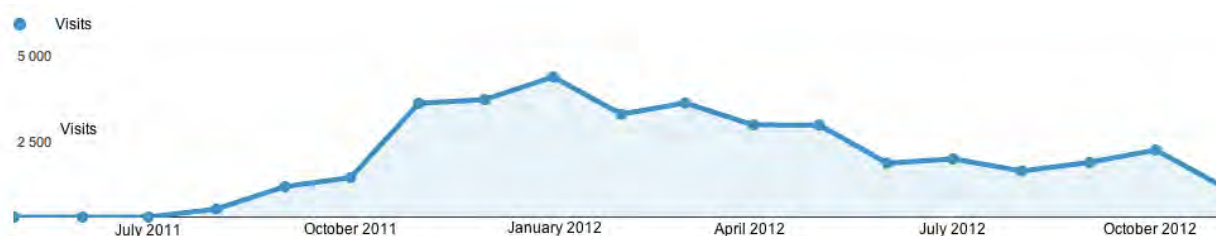
coalitions limits their effectiveness as a LEP partner as they are stove piped. Recognizing the necessity of the thematic divisions, several of the 43 LAOs who responded to the ET's questionnaire suggested that communication among the three thematic coalitions, by e-mail, at quarterly meetings and through the LEP website referral process will help improve the services they provide to their clients. Some were quoted as follows: "Interconnections always give more opportunities for solving problems of general public;" "the case referral mechanism among LAOs should be up and running which would help the efficiency of LAOs and coalitions;" and "common network will give opportunity to provide legal aid in three areas of law simultaneously, and this will facilitate better access of underserved to justice, and legal awareness."

Pursuant to **question three and four**, the desired behaviors of the LEP partners include providing effective legal services to their clients, actively engaging in their respective coalitions by responding to coalition coordinators' request for information, networking with other LEP partners, sharing advice, guidance, and best practices, utilizing the LEP website to communicate with other LEP partners and the public, and joining together to seek other sources of funding. The success at encouraging these desired behaviors is directly linked to the sustainability of the services LEP partners are providing and the coalitions themselves.

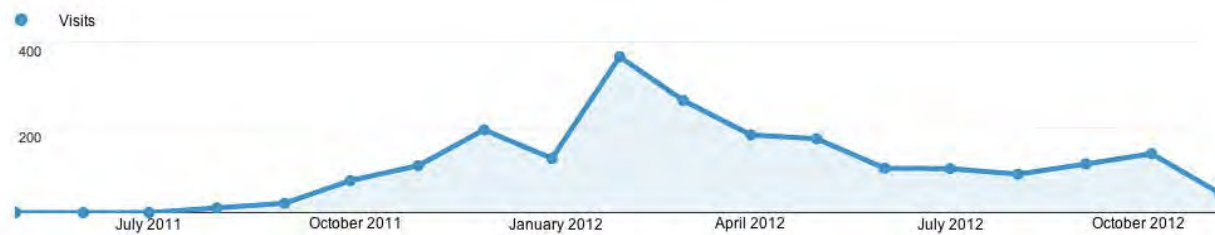
*11. While the original intent of the LEP website is to promote broader access to justice by providing a referral and consultation process of LEP partners and acting as a clearinghouse for pro bono contributions, the website instead focuses primarily on LEP's activities around the three thematic coalitions. Although there is contact information of LAOs, albeit incorrect or misleading in some instances, none of the 27 law firms providing pro bono services are listed.*

LEP's website, "Pravova Krayina" is currently the main source of information for the public to learn of LEP's activities, including legal aid services provided to the public by LAOs. Since August 25, 2011, when a counter was installed, a total of 18,642 visitors logged on to the website 34,019 times, generating a total of 81,549 page views. At the same time, however, 66 percent of all visits resulted in leaving the site after viewing only the home page. Interestingly, two percent of all visits to the website were from USAID, and there were more visits to the website from Washington D.C., than from several Ukrainian cities.

The public section of the website has seen a constant decline of visits since January 2012.



In addition to the public section of the website, LEP created an internal section to which only LEP partners were allowed access with the goal of facilitating dialogue among the partners. Each coalition has its own thematic forum within the secured section of the website. The level of activity differs among the coalitions, but there are regular postings in each forum by LEP partners. Similar to the public section of the website, the internal section saw a significant growth, albeit inexplicable, of visitors in January 2012, but a steady decline thereafter.



According to the survey of LEP partners that the evaluation team conducted, the website is one of the most popular means of communication among them. In response to the questions regarding how LEP partners communicate with one another, they responded as follows:

|   |    |
|---|----|
| LEP website                             | 27 |
| Coalition meetings                      | 30 |
| Quarterly Meetings                      | 32 |
| By other means e.g. telephone and email | 20 |
| We don't communicate                    | 0  |

The survey revealed that LEP partners prefer the public section of the website for the following reasons:

- The public section gives additional professional information;
- From the public section, we learn news about activities of all coalition members;
- Our organization covers all aspects of legal aid, but we have access only to the Healthcare coalition in the private section. The rest of the information we can only get from the public, open part; and
- There is more information on the public section.

As reported to the ET in interviews, LEP partners are frustrated that they only have access to the internal section of their own coalition and not that of the others. Additionally, the information relating to the LAOs listed on the website is not completely accurate. The contact information for some LAOs is either non-existent or not current, nor is the list of LAOs, some of which are no longer LEP partners. This inattention to detail, as well as the absence of contact information for *pro bono law* firms, defeats the purpose of LEP's website to serve as a clearinghouse model for *pro bono* contributions. With regard to the website's referral and consultation processes, there has been minimal activity, although LEP is planning to add a function to its website to facilitate private consultations.

The internal website is used sporadically for referral and consultation. For the most part the sites are used for informational purposes to announce training sessions, conferences, and other events. The internal website is also actively used for coalition members to send greeting messages to each other. For example, there were the following entries on the property rights coalition internal website: about 30 announcements about various events (training, conferences, etc.), about 20 congratulations (birthday, professional holiday, women's day, army day, etc.), five announcements about newly available resources, three requests for "success stories", two requests for legal assistance (both of them seemed to be left without answers), one discussion on a property topic (total five entries). In

2013 the overall picture has somewhat changed: overall six topics have been initiated: four informational announcements and two referrals both of which were addressed by the coalition members.

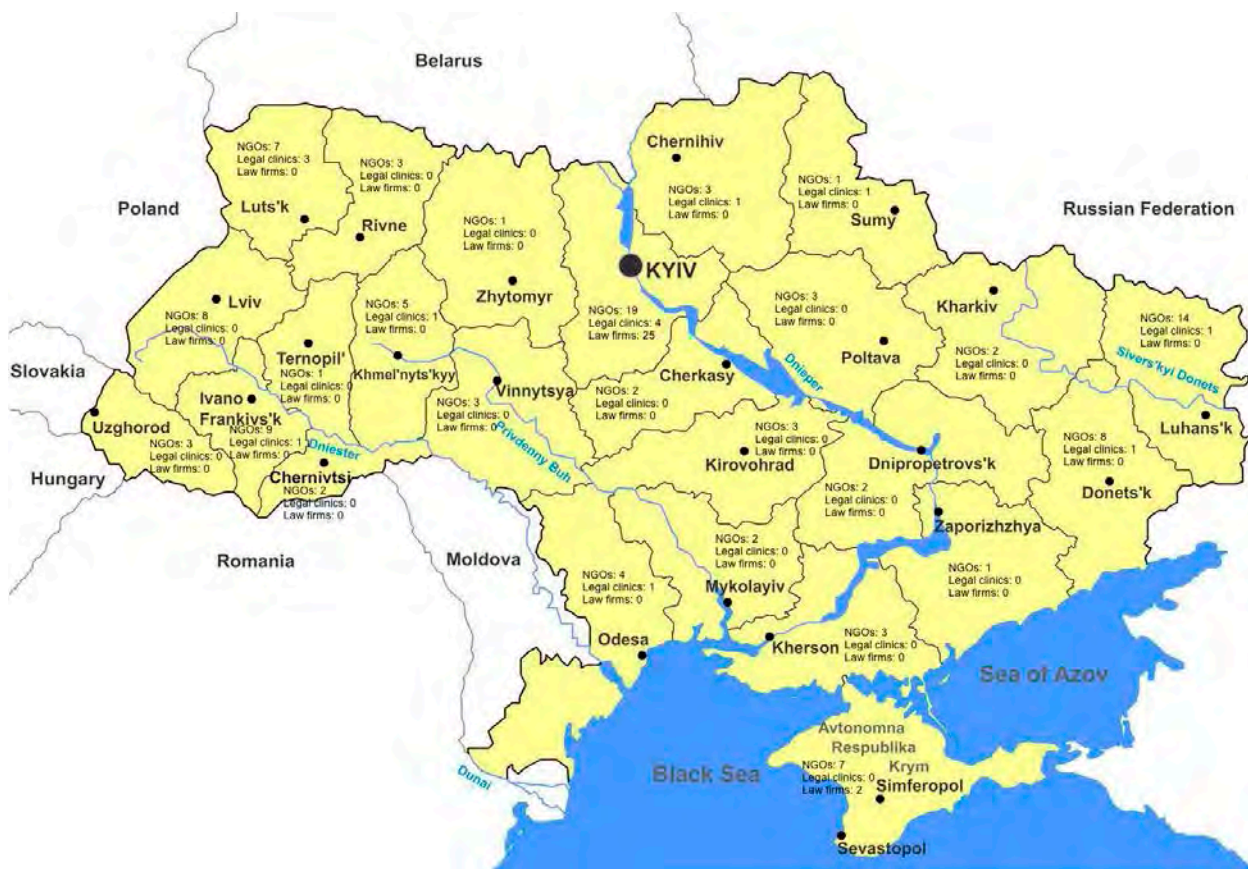
*12. LEP has worked to build the sustainability of the three coalitions by selecting a partner LAO to lead each coalition as opposed to LEP staff, encouraging voluntary monthly reporting requirements to generate data for fundraising, and conducting periodic coalition meetings.*

LEP conducted an open competition for coalition coordinators from members within the three coalitions, whereby an independent panel of experts reviewed 12 applications for the position of coalition coordinator, and based on the applicants' demonstrated ability to lead, communicate, and facilitate publication of the progress and success of coalition activities, three coalition coordinators were chosen by the end of 2010. The three coalition coordinators are the Foundation for Medical Law and Bioethics of Ukraine, Volyn Oblast organization of the Union of Lawyers of Ukraine, and the Agency for Private Initiative Development.

LAOs are asked to track the number of client consultations and nature of cases or consultations they conduct each month and to share that information along with client satisfaction data with the coalition coordinators. While the information shared is used in LEP reporting, the primary purpose for monthly reporting is to help LAOs develop the skills to build documentation of their work for use in fundraising. While there was some resistance to reporting this data initially, there has been an increase in the number of LAOs reporting.

Individual coalition meetings have helped to grow the size and capacity of the individual coalitions. Coalition meetings began in the last quarter of 2011 with the healthcare coalition meetings in L'viv, the property rights coalition meetings in Kyiv, and the employment coalition meetings in Yaremche. The coalition meetings continued in 2012. At the coalition meetings, members have an opportunity to establish a coalition identity, determine reporting and information-sharing procedures, learn specific solutions to legal aid problems in their thematic area, collaborate on public information and advocacy campaigns, and develop a greater rapport with one another. Members also have the services of LEP's coaches who act as capacity development experts to not only assist in the cohesion and sustainability of the coalitions but also advise individual LAOs in the submissions of their applications for public information and advocacy grants.

13. Although LEP's thematic coalitions have nationwide coverage, there remain many LAOs, student legal clinics, and law firms providing pro bono services that are not currently a part of LEP that could benefit from collaboration.



According to LEP staff member interviews, recruitment of new members was pursued aggressively during the first quarter of the program with emphasis placed on achieving nationwide coverage. As can be seen in the above representation of LEP partners, LEP has largely achieved this goal. However, out of the total number of LAOs and student legal clinics that exist nationwide, membership in LEP's thematic coalitions remains low, LEP staff have reported that they no longer focus on recruitment, delegating that function to thematic coalition heads.

14. LEP has achieved some success at encouraging private law firms and lawyers to provide greater pro bono assistance, but this remains the least addressed program objective.

Throughout the first year of the project LEP targeted law firms that it believed could be of assistance to its partner LAOs and to the cause of pro bono legal work. Of the 27 law firms that LEP cooperates with that provide pro bono services, 25 maintain headquarters in the capital city of Kyiv. These law firms are also not included on the LEP website, which hinders the referral process.

One of the main goals of LEP is to promote the pro bono culture through recognizing firms and individual lawyers who have made substantial contributions. The First National Pro Bono Award

Ceremony to honor project's partner lawyers was held in December 2011 and it was well attended by Ukrainian government, USAID, and Ukrainian Bar Association officials. However, during three informant interviews with prominent members of the rule of law community in Ukraine, interviewees noted that the selection of the Hyatt Regency for the ceremony was perceived to be an inappropriately luxurious choice for a ceremony promoting free legal aid. This was confirmed by a senior official at IRF, who had refused to attend the ceremony because of the choice of venue. The Second National Pro Bono Award Ceremony is planned for December 2012.

Also in support of this objective, LEP envisioned holding advocacy and skills training programs for private lawyers. This is being done directly by LEP partners, but on a highly sporadic basis with LEP support. It seems unlikely that such lawyers would be able to devote the time to participate in LEP quarterly meetings or other organized training sessions.

In response to **question five** regarding the incorporation of gender issues into activities, the ET gathered the following finding:

*15. The employment coalition addresses gender issues in their activities quite often, but less attention is given to gender issues among the other two coalitions or systemically in LEP programming.*

An analysis of the survey as well as LEP's own documentation of activities indicates that the employment coalition is by far the most active at addressing gender issues and promoting gender equality in the provision of legal aid. LEP management publicizes these activities and success stories among its members. However, such activities are not conducted on a regular basis. The ET found fewer examples of the healthcare and property rights coalitions engaging in gender activities. The LEP partners who already prioritize gender rights in their programming were the most active LEP partners on gender issues.

On many occasions members of the Employment Coalition addressed the issue of gender and employment. For example, from May to June, 2011, NGO "Uspishna Zhinka" ("Successful Woman") located in Kherson organized a series of training sessions for local employers "Gender Issues and Employment."<sup>6</sup> In 2012, as part of its information campaign, the NGO "Etalon" (Ivano-Frankivsk) organized five seminars in major regional centers of the oblast and produced an information booklet "Labor Rights of Women." In 2012 in Chernihiv, NGO "Chernihiv Public Committee of Human Rights" helped to restore labor rights of Olga Pustovoit who was refused employment because she had a child under the age of six.

LEP has a number of partners that were established with a primary objective to protect women's rights and promote gender equality, specifically in the regions of Donetsk, Kyiv, Luhansk, Kherson, Poltava, and Ternopil. Some of these organizations are among the most active LEP partners and have applied for information grants. The ET asked groups whether these activities simply fell within their mandates or were directly advocated for and encouraged by LEP. Answers were largely inconclusive, with many respondents replying that both were relevant.

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<sup>6</sup> Relevance of Gender Issues in Employment, Uspishna Zhinka, (Jan. 15, 4:54 PM)  
[http://www.uspishnazhinka.org.ua/index.php?option=com\\_content&view=article&id=89%3Agenderquestionsinwork&catid=3%3A2009-01-25-20-32-57&Itemid=1](http://www.uspishnazhinka.org.ua/index.php?option=com_content&view=article&id=89%3Agenderquestionsinwork&catid=3%3A2009-01-25-20-32-57&Itemid=1)



# 4.0 CONCLUSIONS

Based on the above findings, the evaluation team came to the following conclusions regarding the LEP program.

1. It appears the main value of quarterly meetings came in their ability to bring LAOs together to network and learn from each other as opposed to impart technical knowledge through formal training sessions. A shift in LEP's focus from building organizational capacity of individual LAOs to building the capacity of coalitions was a positive development. It removed duplication of activities of two USAID-funded projects and allowed LEP to focus on its most important objective: developing the organizational sustainability of its coalitions.
2. An analysis of reports from LEP partners that conducted public information campaigns and interviews with representatives of these organizations demonstrate that many of these campaigns reach a variety of Ukrainian citizens, but without a systematic study (i.e., nationwide survey) on the reach of public information campaigns, it is difficult to determine the success and impact of such campaigns. For example, Youth Public Center "Etalon" (Ivano-Frankivsk) was awarded a grant to conduct an information campaign "Know and Defend Your Labor Rights." Etalon organized a wide variety of activities, such as meetings with social services providers, ten workshops in five counties of Ivano-Frankivsk oblast for targeted audiences (unemployed youth, young women and mothers, single mothers), preparation, printing and distribution of information booklets, providing primary and secondary aid, and more. The ET did not find any evidence that would demonstrate that the public information campaigns have had any impact on national reform efforts.
3. Although LEP invites sitting judges to quarterly meetings and training sessions to make presentations, coordination with the focal point within the MOJ for free legal assistance, the Coordinating Center for Legal Aid continues to appear weak. This may understandably be due in part to the newness of the center's mandate and to tension between the center and the Department on Coordination of Legal Work and Legal Education, an important LEP partner. However, better coordination with the center is vital for the success of LEP.
4. The dismissive attitude towards LEP appears to be based on a lack of awareness of LEP's mission, objectives, and activities throughout the Ukrainian legal assistance community. Public elements of the project are used to judge LEP more broadly because actors lack broader awareness of LEP's activities and contributions.
5. While LEP reached out to all appropriate national and international organizations engaged in legal and justice reform programs and relevant USAID rule of law programs, the collaboration was minimal and sporadic. This lack of collaboration represents missed opportunities.
6. The publications of LEP documents and LEP activities but do not provide useful information for public consumption. They do not advance the national reform debate nor provide information to the public on key legal issues.
7. Given their relevant professional experience, all of the full-time and part-time staff members are qualified to carry out their responsibilities to fulfill each objective under the Cooperative

Agreement within the current legal and governmental context to enhance access to justice. The lack of esteem expressed by some in the legal aid community as well as USAID's pronounced oversight could be due to a lack of treatment of LEP staff as senior professionals in line with the treatment afforded their expatriate colleagues. This is a sensitive issue that the ET cannot definitively conclude based on solely a few weeks in Ukraine, but is an issue for the mission to consider.

8. The views of partner LAOs of the Property Coalition Coordinator are hindering the effectiveness of the Property Rights Coalition.
9. The organization of the three thematic coalitions is limiting, in that while the subject matters of property, healthcare, and employment represent most of the legal issues affecting the underserved population of Ukraine, there are no legal clinics and few legal advocacy NGOs which focus on only one thematic area.
10. The public section of LEP's website, developed to promote broader access to justice, and the internal section of LEP's website, designed to be a clearinghouse model for pro bono contributions and for referral and consultation processes, are not effectively designed and do not achieve their purpose.
11. Using LAO to lead each coalition as opposed to LEP staff, encouraging voluntary monthly reporting requirements to generate data for fundraising, and conducting periodic coalition meetings successfully contributed to the sustainability of the coalitions. However, whether these coalitions will be sustainable without external funding support remains unclear. There are divergent opinions among the ET in regard to whether the coalitions could be sustainable without funding. On the one hand, the three coalitions have responded to a real need within the rule of law sector in Ukraine by unifying their efforts to provide free legal assistance. Solid relationships have been established among LAOs within and among the three coalitions. Whether this networking and information sharing would continue without financial support for the organization of meetings, a paid coalition coordinator, grants for public information campaigns, and a common website is debatable. Sustainability of the relationships might be tied to the sustainability of the coalitions themselves, which will require funding support to exist.
12. More aggressive outreach by LEP staff to encourage membership of LAOs and student legal clinics in the three thematic coalitions should have continued alongside nurturing the active participation of existing partners. Broad and active members are both key elements of the sustainability of the coalitions.
13. While 27 *pro bono* law firms are an impressive number, there should have been a more aggressive outreach effort in seeking law firms and individual lawyers who would be willing to provide *pro bono* services in the areas of healthcare law and employment law to coalition members. Also, the fact that all of these *pro bono* law firms are headquartered in Kyiv or Crimea with no law firms based in the other 24 oblasts is an issue. Although individual NGOs of the employment coalition address gender issues and LEP distributes information about their activities and successes among LAOs, gender does not appear to be a systematic priority. In addition, the two other coalitions and their members are quite passive in addressing gender issues. This could change, however, since the employment and healthcare

coalitions have recently signed a cooperation agreement recognizing as one of their priorities the protection of women's labor rights and ensuring the full realization of the rights of working women on motherhood.

# 5.0 RECOMMENDATIONS

Based on the findings and conclusions from this mid-term evaluation, the evaluation team offers the following recommendations:

## RECOMMENDATIONS FOR ADJUSTMENTS TO CURRENT ACTIVITIES

Based on current LEP programming, the evaluation team offers the following recommendations to enhance LEP to reach the goals of the three current objectives within the remaining period of the project:

1. While the quarterly meetings were essential to develop the initial relationships among LEP partners, the number of quarterly meetings should now be reduced to semi-annual meetings where more LEP partners can be invited. Such meetings should focus only on networking and developing solid relationships, rather than on substantive legal training, except for legal advocacy skills-based training, which could be applicable to all participants. The meetings should be considerably more interactive where participants engage in discussion groups using adult-teaching methodologies, rather than the current format of panel presentations, which was found to be too passive for the participants.

Conversely, to strengthen the organizational and leadership capacity of each coalition the number of coalition meetings should be increased and should be conducted in various oblasts, not always in the same oblast where the coalition coordinator resides, in order to allow greater attendance of LEP partners. Reducing the number of quarterly meetings and increasing the number of coalition meetings could increase the number of organizations able to participate in such networking events and allow the events to bring organizations doing more similar work together.

Both meetings should be open to more members in order to enhance the development of personal relationships among all LEP partners and, ultimately, sustainability. Also, LEP should explore the possibility of supporting more informal one-day (or half day) meetings among all LEP partners in each oblast to enhance geographic cooperation among LEP partners. LEP could devolve significant planning of these meetings to their partners and merely provide limited financial support and oversight when needed. Finally, given the persistent complaints about the effectiveness of the property rights coalition, it may be timely to allow for a new competition among LEP partners to become coalition coordinators.

2. Focus on organizational capacity building should continue to focus on the coalitions rather than at the LAO-level.
3. LEP needs to conduct greater analysis of public information campaigns' activities to evaluate which activities have been the most effective and share information across LAOs. Currently, general information is distributed but analysis is not taking place to evaluate which campaigns and strategies have been the most effective and how campaigns could work toward being complementary. Analysis of past experiences with public campaign grants could occupy a major portion of future quarterly meetings or coalition meetings. This analysis should evaluate the geographic distribution of grants and discuss ways to better collaborate with organizations

from regions across Ukraine. Western Ukrainian LAOs were awarded nine grants, Central and Eastern Ukrainian NGOs – three grants each, and a joint Kyiv-Crimean project won one grant.<sup>7</sup>

4. An enhanced relationship between LEP partners and MOJ legal assistance providers will facilitate the referral of cases to one another and the sharing of information and experiences, thereby providing better primarily legal aid services to citizens. Until the Coordinating Center for Legal Aid assumes full operational control over the entire jurisdiction of MOJ legal aid services, primary and secondary, LEP should continue to foster relationships with the Department on Coordination for Legal Work and Legal Education. LEP leadership should focus on developing a productive relationship with the Coordination Center for Legal Aid using the same techniques it applied to develop the excellent working relationship LEP has with the Department on Coordination.
5. LEP needs to work to raise the public profile of the project. This includes both a more aggressive effort to network with members of the Ukrainian legal assistance community and share information about the program as well as revising the media strategy to reach the public as opposed to targeting the legal assistance community and local/regional media outlets. Such national coverage is important to support LEP goals of informing the public of their rights, as well as to encourage the private legal community to get more involved in providing pro bono assistance.
6. LEP needs to increase efforts to meaningfully and consistently engage other rule of law programs, especially in the second half of the life of the program as it looks to make the coalitions it has established sustainable. Better connections with these programs could identify areas where programs with further funding beyond the life of LEP can continue to support the work of LEP. This kind of outreach is critical to fundraising and sustainability and should occupy a more central focus of the Chief of Party.
7. Serious editorial review needs to be given to both publications to produce content that is more consistent with the goal of raising awareness of important issues and highlighting key takeaways from LEP programming. Specifically, in addition to sections that cover events, success stories, and other information items, Visnyk should include substantive information generated at quarterly meetings, training materials, and analytical pieces that would promote development of a sustainable nationwide network of legal advocacy organizations. Digest should include more substantive information added to Visnyk.
8. The current staffing mix should be maintained unless LEP adjusts programming along the lines recommended below. Staffing options are detailed in those specific recommendations.
9. LEP should conduct further analysis to determine if concerns raised about the Property Coalition Coordinator are valid and should result in a reexamination of personnel.

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<sup>7</sup> At the point when the evaluation was conducted, no advocacy grants had been distributed. The ET does not have grounds to judge how effective these types of grants are. At the same time the ET believes that public interest law and advocacy campaigns are a powerful tool to help and protect human rights and liberties. The answer is "yes," advocacy grants have the right to exist, and LEP should encourage advocacy grant applications. Afterward, the relevant experience should be analyzed and conclusions are drawn whether these grants are effective and should be continued.

10. LEP should explore adding additional thematic coalitions, as well as allowing membership in the three thematic coalitions to be porous so that LEP partners may join as many coalitions as they wish. Additional thematic coalitions for addition should be discussed collaboratively between LEP and their LAO partners.
11. LEP should renew focus on their project website and redesign the site to better meet its stated objectives. Further detail on this recommendation is included below.
12. Recommendations for maximizing the likelihood of sustainability are included below in the recommended scope revision.
13. LEP should continue and increase as feasible efforts to recruit additional members. Of course this must be done while prioritizing sustainability of the coalitions. LEP is best poised to make decisions as to what level of recruitment of new membership is possible while undertaking activities to focus on achieving sustainability.
14. LEP should extend its geographical scope and continue to identify and mobilize resources from various law firms that can be of assistance to LAOs in the 24 oblasts of Ukraine which have no law firms providing pro bono legal services. LEP should intensify its effort to develop an intra-network referral system and include a list of partner pro bono law firms in its clearinghouse which would, in turn, allow linking the LAOs and the pro bono law firms and lawyers directly. LEP could better integrate gender issues into its programming by encouraging information sharing from the employment coalition which is currently active on gender issues with two other coalitions. The Healthcare and Property Rights Coalitions are recommended to identify and address the most common gender-based discrimination issues in the sphere of their activities. The evaluation team would suggest organizing a training addressing gender issues at its quarterly and coalition meetings. An outside expert on gender in the rule of law sector could be brought in to assist coalition members in identifying these issues. The next quarterly meeting would be a good venue for training on gender issues and how they affect the legal sector and access to justice. Similarly, LEP could encourage applications from its member organizations for information and advocacy campaigns that focus on gender issues. Common areas of gender-based discrimination in Ukraine that require legal protection include discrimination in labor remuneration, hiring, and gender-based violence. Advocacy campaigns could focus on these topics.

## **RECOMMENDATIONS FOR THREE NEW OBJECTIVES TO REVISE THE SCOPE OF LEP IN ITS REMAINING TWO YEARS OF IMPLEMENTATION**

While the current approach to addressing access to justice and legal empowerment in Ukraine was appropriate when designed two years ago, the changes in the legal environment, particularly with the passage of the Law on Free Legal Assistance, and the creation of the ULAF necessitate a revision of the approach of LEP. A proposed revised approach consists of three new objectives:

1. Increase Ukrainians' knowledge of their legal right to counsel under the Law on Free Legal Assistance, and enhance their knowledge of and access to legal aid services;

2. Develop a comprehensive legal aid foundation with the objectives of (a) coordinating the nationwide network of non-governmental organizations and charities that provide access to justice, and (b) cooperating with the emerging government-run system of free legal aid provision in Ukraine; and
3. Develop the Ukrainian Legal Aid Website, a comprehensive website that encompasses all information regarding access to justice in Ukraine.

Should ET's Recommendation for three new objectives be implemented by USAID, then the LEP staffing mix may need to be altered, or, alternatively, the responsibilities of the current staff need to be revised. The Chief of Party should focus more on financial and organizational sustainability of the coalitions, now that much of the initial coalition-building work has been successfully completed. The Outreach and Communications Specialist should focus on public outreach, informing citizens of their legal right to counsel and how to access adequate legal assistance, rather than on publications. If the vacant position is to be filled, the responsibilities should focus on developing the LEP website and web-based training activities. It might be possible to obtain any needed additional expertise through short-term technical assistance, possibly utilizing the capabilities of the current coalition coaches.

*Objective 1: Increase Ukrainians' knowledge of their legal right to counsel under the Law on Free Legal Assistance, and enhance their knowledge of and access to legal aid services.*

LEP should fully engage in a public awareness campaign to ensure that Ukrainians, particularly the underserved, are aware of their legal right to counsel, and are familiar with the types of legal assistance available to them, including governmental offices responsible for guaranteeing their right to legal aid. Further, citizens should be fully informed as to how they can access legal services through governmental and non-governmental institutions, including all LEP partners.

While there are several national and international programs focusing on the provision of governmental and non-governmental legal aid services, such as UNDP, OSCE, and the Canadian International Development Agency, IRF, HHRU, IOM and ULAF, described above, which supplement the government's responsibility to provide legal aid services, there is not a program which focuses exclusively on informing the citizens of Ukraine of their legal right to counsel. Increasing the capacity of legal aid providers without a concomitant focus on increasing Ukrainians' knowledge of their right to such counsel can defeat the goal of providing access to justice for all.

The public awareness campaign should focus on targeting every citizen of Ukraine, particularly the underserved, by enlisting a variety of communication schemes, printed handouts and posters, community meetings, newspapers, television and radio announcements, and the internet, particularly the Ukrainian Legal Aid Website, recommended below.

Although similar awareness campaigns are already being funded by grants to individual LAOs, with the passage of the new law, LEP itself should implement this nationwide campaign in close collaboration and coordination with its partners. Awareness campaigns can range considerably in cost depending on the scope of the campaign and type of materials used.

*Objective 2: Develop a comprehensive legal aid foundation with the objectives of (a) coordinating the nationwide network of non-governmental organizations and charities that provide the access to justice, and (b) cooperating with the emerging government-run system of free legal aid in Ukraine.*

The end of the LEP project is May 4, 2014. By then, LEP is tasked to establish a sustainable nationwide network of capable LAOs that would promote broader access to justice and represent interests of citizens by providing free legal assistance to them. Presumably, this network (1) should have some degree of centralization without restricting autonomy of its partner member organizations, and (2) be run by a small and creative management team, which would possess strong organizational, fundraising, and public relations skills.

LEP has already begun considering its exit strategy. At present, an option that prevails among the project managers and LEP partners is to create an umbrella organization with the legal status of a charitable foundation, which would include current LAO members. LEP encouraged the coalitions to explore the formation of such a group with a sustainable type of incorporation and internal governance. Uniting the coalitions into one organization with one management, financial, and referral system allows citizens to more effectively access legal services. By creating such an organization encompassing the three coalitions, LEP anticipates that competition among the coalitions for limited resources will be avoided, the capacity of the coalition members will be consolidated, the ability to deal with cross-cutting issues, such as gender and youth, will be greater, and the opportunities for public awareness of legal aid services will be increased.

In pursuing the development of a charitable organization, LEP created in June 2012 an Initiative Working Group (IWG) of leading LAO partners who were tasked with developing bylaws, membership criteria, and funding sources for the charitable organization, including the creation of an endowment which would lead to greater financial sustainability of the charitable organization. In addition to an endowment, membership fees and additional fundraising are being considered. In fact, a number of lectures and training sessions devoted to an endowment and fundraising were conducted at the past several quarterly meetings. No doubt, all of these sources of funding are not without their outstanding problems and the LEP team is aware of them.

The IWG held a second meeting in September 2012, at which they approved draft criteria for membership differentiating between full and associate members and setting fees and responsibilities. By virtue of requiring fees and imposing responsibilities, LEP anticipates that the less active current members will not join the charitable organization, thus resulting in a natural process of attrition.

Currently, all legal work to register a post-LEP charitable foundation is on hold until Ukraine's president either signs or vetoes the Law of Ukraine on Charity and Charitable Organizations, which has been awaiting his signature since the national parliament adopted it on July 5, 2012.

It appears that while LEP partners are in favor of creating a charitable organization, outstanding issues include whether each coalition will operate as a separate division or should be combined into one, and whether new coalitions should be created or new areas of law included (e.g., family law.)

The second exit option for LEP is to strengthen individual coalitions and to create several smaller charities (or NGOs) that would unite and represent LAOs that provide legal services in specific areas of law. In its Performance and Monitoring and Evaluation Plan for the third year of the project,



LEP developed the coalition “network sustainability index.”<sup>8</sup> The assessment of this index in 2012 exceeded LEP’s expectations regarding the level of sustainability of the three coalitions.<sup>9</sup>

At present, the LEP coalitions are not separate organizations which do not have their own legal status, board, management, procurement, or financing. At the same time, using the OCA Framework a conclusion can be drawn that all three coalitions defined their mission (the evaluation team rates it as 3, meaning “moderate capacity” on the OCA Framework), have an organizational structure (2, meaning “basic capacity”), job descriptions of their coaches (3), envision new opportunity development for sustainability (2), conduct communication (2), are involved in linkages & networks (3), and community involvement (3).

The second exit option (“post-LEP separate coalitions”) has two significant downsides: (1) it would lead to a proliferation, particularization, and competition for resources among three or more organizations that aim to broaden access to justice; and, (2) since all three coalitions are currently coordinated by regional LAOs they require a creation of a central management that would be perceived as “neutral and objective” by all members.

The third exit option is to focus on individual LEP partners that might have the capacity to directly implement USAID programming in the future. However, such an approach would defy the main objective of LEP to create a nationwide network of organizations that provide free legal aid to the population. While a number of individual LEP partners may be well-institutionalized and demonstrate relatively high scores on USAID’s OCA scale (particularly those organizations that were awarded grants from UNITER/PACT or other major donors) they are not likely to create and lead an inclusive nationwide network for a number of reasons: the narrow scope of their activities, geographical and cultural factors, their ability to lead a nationwide campaign, and credibility in the eyes of other regional or sectoral NGOs, etc.

Therefore, the evaluation team believes that a creation of a post-LEP umbrella charitable foundation is the preferable exit strategy for LEP. However, in case of its formation, this post-LEP charity would have to face competition with another foundation with the same status and mission, the ULAF.

Although the evaluation team did not have access to ULAF internal documentation (except the ULAF bylaws) a reasonable conclusion can be drawn regarding the organizational capacity of this charitable organization. ULAF has a clear and specific vision and mission statement, well-designed and relevant to its organizational structure, a board and supervisory council that include experienced and internationally-renowned members. It is legally registered according to Ukrainian legislation. Since ULAF has been awarded a major grant from the European Commission, its financial and program management is presumably sound and satisfies requirements set forth by this donor. Despite its youth, ULAF seems well-defined, well-structured, and well-managed with high potential for sustainability and survival.

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<sup>8</sup> This index has not been included in the original PMEP designed in 2010.

<sup>9</sup> See: Performance Monitoring and Evaluation Plan, FY3: October 1, 2011 – September 30, 2012, Objective 2, p.8. The ET is not quite sure what the coalition “network sustainability index” measures. In addition, the index which is measured by a panel of experts (coalition coaches working with each of the coalitions) seems to reflect to some degree a subjective opinion of experts who at least in part assess their own performance.

There are many people in Ukraine who require legal help and cannot afford to pay for it. It is very likely that both foundations, i.e., a post-LEP charity and ULAF, would be able to coexist and cooperate with each other. However, undoubtedly they would also compete with each other for resources, influence, regional and sectoral LAOs, etc. The evaluation team agrees with many interviewees who argued that in the sphere of providing access to justice and free legal help competition would be unproductive. On the contrary, close cooperation of LEP and ULAF would be beneficial for the creation of nationwide network of free legal assistance in Ukraine. If the end goal is bringing together the coalitions LEP has created under the ULAF banner, then coordination of agendas and activities would involve extensive collaboration, co-funding and co-planning of activities.

The evaluation team recommends developing a model that would allow transferring at some point activities and infrastructure of LEP (or a post-LEP charitable foundation) under the umbrella of ULAF. The underlying principle of such integration is to preserve the most prominent achievement of LEP: its three substantive networks, which include three tiers of participants integrated horizontally and vertically. The recommendation is to convince the board of ULAF to create a distinct project supporting the continuation of the three coalitions to which donors to ULAF may specifically direct their funding. This funding would support the continued coordination of the three coalitions. By incorporating the three coalitions under the umbrella of ULAF, there will be no competition for international donor funds for legal aid assistance. It would also strengthen the whole network of LAOs in Ukraine.

Alternatively, if ULAF is not willing to accept the three coalitions under its umbrella, the evaluation team recommends creating a post-LEP charitable organization of the three coalitions. The evaluation team does not recommend the second exit option because of the reasons stated above.

*Objective 3: Develop a Ukrainian legal aid website, a comprehensive website that encompasses all information regarding access to justice in Ukraine from the current LEP partners' website.*

As a result of the Law on Free Legal Assistance, which creates a single governmental authority responsible for guaranteeing the delivery of free legal aid, the Coordinating Center for Legal Aid, and the creation of ULAF, created to represent a single non-governmental entity encompassing all non-governmental legal aid providers, there is an opportunity to create a single website which encompasses all information regarding governmental and non-governmental legal aid services. This website could be merged with ULAF's website in the event that the coalition became a part of ULAF after the end of LEP funding.

The evaluation team recommends the creation of the Ukrainian Legal Aid Website (ULAW), which could become a one-stop resource for anyone interested in legal aid services. ULAW would not subsume the websites of other access to justice programs or any other access to justice websites, but would incorporate information about them with appropriate links. In fact, ULAW would be developed in collaboration with other access to justice programs in Ukraine.

ULAW would educate the public of their right to legal counsel and how to access suitable legal representation, governmental and non-governmental; provide opportunities among legal aid providers to share information and experiences; provide educational opportunities through written materials and distance learning lectures; and allow for interactive conversations whereby legal issues or any question regarding free legal assistance may be resolved online.

As a means of educating the public about its right to legal counsel, ULAW would provide a clear and concise explanation of the Law on Free Legal Assistance, including a basic explanation of primary and secondary legal aid services provided under the law; how the governmental legal aid system works; and how it will be implemented through stages. ULAW would also explain the opportunities for non-governmental legal assistance through legal advocacy NGOs, student legal clinics, and law firms providing *pro bono services*. Given that some members of the public may not be well-educated, ULAW would supplement the text with illustrations, charts and graphs.

ULAW would contain a comprehensive list of *all* governmental and non-governmental legal aid providers, regardless of their affiliation (LEP, ULAF, HHRU, IOM, or MOJ). The list would provide subject matter expertise of the legal aid providers, their current contact information with a link to their website, if available.

ULAW would allow citizens to view a well-structured library of public education materials regarding the fundamental right of access to justice, substantive areas of the law in which most citizens need legal assistance, and “know your rights” information. It would also contain specialized legal materials resulting from grants to NGOs, such as the pamphlets which the IRF program commissioned to different NGOs around the country to quickly write different issues<sup>10</sup> and case studies of basic legal issues with resolution, including basic legal documents dealing with the issues. ULAW would also allow citizens the opportunity to receive online consultation from participating legal aid providers, similar to that which is offered on the ULAF website. In addition to focusing on citizens’ right to legal counsel and where to access legal assistance, ULAW could also be geared toward legal assistance providers by offering an essential learning platform and private communication avenues.

Substantive legal training for LEP partners could also be integrated into such a site. This would allow more LAOs to benefit from the training as well as free up time at the LEP quarterly and coalition meetings to focus on networking, developing personal relationships, and engaging in interactive skills-building exercises. All LEP lectures and worthwhile presentations could be recorded by LEP and uploaded on ULAW as well as YouTube. Recorded lectures by other legal assistance providers or on other websites could either be uploaded to ULAW or, alternatively, a link to them would be provided. If funding is available to LEP, grants to LEP partners would be directed to the creation of distance learning lectures, similar to the California Continuing Legal Education program, which is web-based today. PowerPoint presentations would be uploaded on Slide Share and embedded in the relevant ULAW lecture. When appropriate, webinars would be added to ULAW. The internal section of the current LEP website would continue on ULAW to allow for increased private communications among LEP partners and the referral of cases between them. To build a website can cost from \$10,000 upwards depending on the desired features and hosting options.

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<sup>10</sup> They are on the IRF website: <http://pravo.prostir.ua/?news=655&lang=ukr>.

# 6.0 EVALUATION METHODOLOGY AND TOOLS

Consistent with the terms in the Statement of Work (SOW) of the Task Order, DI submitted a detailed work plan to USAID as part of our original proposal. The work plan included the evaluation's methodology and activities, an illustrative list of individuals and organizations the evaluation team planned to interview, and a preliminary schedule. During the month before arriving in Ukraine, the Evaluation Team held several conference calls with USAID to revise the work plan including the draft schedule and list of interviewees. Upon arrival in Ukraine, the evaluation team met with USAID to finalize the work plan including the list of interviewees and the schedule.

The evaluation team consisted of Mary Noel Pepys as Team Leader, Andrey Meleshevych as Country Expert,<sup>11</sup> and Andriy Gorbal as Local Logistics Specialist. The team conducted fieldwork in Ukraine from October 19 through November 6, 2012. The evaluation team used a multi-method approach that utilized document review, informant interviews, focus groups, attendance at the LEP quarterly meeting in Uzhgorod, review of external and internal portions of the LEP website, and a survey of LEP partners to gather information. This approach allowed the team to evaluate LEP's design, performance, implementation, management, and sustainability.

The evaluation team reviewed all relevant documents prior to arriving in Ukraine, which helped it to gain a thorough understanding of LEP's goals, implementation plans, and performance monitoring efforts. The review consisted of performance management data, documents pertaining to the history and current status of the access to justice sector in Ukraine, relevant laws of Ukraine, USAID project documents relating to rule of law assistance, documents of other international donors providing access to justice and individual evaluation team internet research. The evaluation team also interviewed appropriate individuals from USAID and MSI located in the U.S. and who were identified by USAID/Ukraine.

While in Ukraine, the evaluation team conducted informant interviews with a range of individuals representing government agencies, domestic and international non-governmental organizations, and program partners. The selection of these individuals and organizations was done in consultation with USAID/Ukraine and LEP staff. These interviewees included legal advocacy NGOs, student legal clinics, law firms providing pro bono services, USAID rule of law programs, such as the FAIR Justice project, AgrolInvest, Bibliomest; Ukrainian NGOs, such as the Ukrainian Bar Association, International Renaissance Foundation, Helsinki Human Rights Union, and Ukrainian Legal Aid Foundation; international donors involved in access to justice programs, such as United Nations Development Programme; and Ministry of Justice.

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<sup>11</sup> DI's original Country Expert, Julia Sedyk, had to leave the Evaluation Team mid-way through the field work due to a medical emergency. She was replaced by Andrey Meleshevych. Dr. Meleshevych did not observe the Quarterly Meeting in Uzhgorod.

The team developed a focus group guide which also included the list of questions the team would use for informant interviews (see Appendix B). The list of questions was generated to ensure that all issues to be addressed by the evaluation team were covered during the informant interviews. The team tailored the interviews to each informant depending upon their professional affiliation, background, expertise and other factors. The individuals provided substantive feedback on LEP and its effects and represented a diverse population with diverse viewpoints. The team interviewed a total of 96 individuals (see Appendix D for a list of interviewees).

The evaluation team also conducted three focus groups by inviting a range of individuals who represented legal advocacy NGOs, student legal clinics and lawyers providing pro bono services from the three areas of the focus groups. The three focus groups were held in Lviv on October 27, Khmelnytsky on October 29 and in Donetsk on November 1, each ranging from three to six participants. Using a focus group guide prepared in advance of arriving in Ukraine, and reviewed by USAID/Ukraine, the evaluation team focused on topics that specifically addressed each of the five key evaluation questions.

In collaboration with USAID/Ukraine, the evaluation team also prepared a questionnaire that was sent electronically to all members of LEP. The questionnaire featured a number of close-ended, narrowly-focused questions, and focused primarily on issues in which a quantitative response was appropriate; however, there were some questions that required a narrative response. These questions allowed LEP partners to provide a self-assessment of their participation in the project. The questionnaire is included in Annex B. Of all the LEP partners who received the questionnaire, 43 responded.

At the request of USAID/Ukraine, the evaluation team attended the eighth quarterly meeting of LEP held in Uzhgorod from October 24 to 26. The team had an opportunity to observe the LEP staff in conducting the meeting and making presentations at the meeting. The team also observed the interaction among the disparate LEP “active” members, the interaction among LEP members within each thematic coalition, and the interaction of LEP members with Department of Justice officials. At the quarterly meeting, the team also had separate meetings with each of the three thematic coalition members, a joint meeting with the three coalition coordinators, and two meetings with the coalition coaches. To ensure a positive response rate to the questionnaire, the team, with the assistance of the LEP staff, distributed at the quarterly meeting a hardcopy of the questionnaire to the LEP participants.

### **Limitations of the Evaluation Methodology**

We are confident that the evaluation’s multi-method approach allows us to make a fair and well-founded evaluation of LEP’s work. Nevertheless, there are a number of caveats that need to be borne in mind when considering the results presented below. In this section, we discuss the evaluation’s main limitations, focusing on limitations to the specific methods used.

In conducting the evaluation, we used a mixture of qualitative and quantitative methods. Qualitative interviews with participants and close observers are essential in an evaluation of this nature, but interviews suffer from well-known flaws. Respondents are often self-interested and have biases in both perception and in what they choose to report to interviewers. Recall bias may occur. Their assessments are inherently subjective. In order to account as much as possible for the inherently subjective nature of respondents’ assessment, we interviewed a variety of stakeholders with a variety of perspectives.

To balance the subjectivity of the qualitative interviews, the evaluation team integrated quantitative research methods into its methodology. Quantitative methods, however, also have their limitations. For example, quantitative analysis lacks the details as to why people think a certain way. There is also the risk of response bias. The response rate of the questionnaire was around 27% with 43 responses from the 155 LEP partners who were sent a copy of the questionnaire. This represents mainly active LEP partners who participate in quarterly meetings. Although it is logical that the response rate would be higher among more active members, this also indicates the survey did not evenly reflect the views of all LEP partners and may have missed the opinions of some who were less active for a specific reason beyond lack of interest. It is difficult to draw generalizations from such a limited and potentially biased sample.

The scope of the survey used by the evaluation team also has its limitations. Given the scope of this evaluation it was not possible to obtain nationwide, public opinion data to gauge the effectiveness of LEP activities. Even if such broad a survey was conducted, it is unclear that LEP has enough visibility that it would be possible to obtain reliable information at such a broad level. Instead, the Evaluation Team focused their survey on LEP partners.

# APPENDIX A: USAID SCOPE OF WORK

## I. INTRODUCTION

This is a Statement of Work (SOW) for a mid-term performance evaluation of the four-year \$3.2 million Access to Justice and Legal Empowerment Project (LEP) implemented under the Cooperative Agreement number AID-121-A-00-10-00704 by Management Systems International (MSI).<sup>12</sup> The project targets legal advocacy organizations (LAOs), student legal clinics, and law firms as well as the Ministry of Justice of Ukraine. Ms. Iryna Smolina is the Assistance Officer Representative (AOR) for the project, and Ms. Tatiana Timoshenko is the Alternate AOR for the project.

## II. EVALUATION PURPOSE

The external evaluation comes at the chronological mid-point of the LEP project. It is a mid-term evaluation whose objectives are to learn to what extent the project's objectives and intermediate results have been achieved and to identify the project's major successes and lessons learned in order to more effectively implement the remainder of the project. These findings will also provide a base for assessing the relevance<sup>13</sup> and effectiveness of the project, as well as the sustainability of the model promoted by the program, especially in light of the ongoing reform of the country's legal aid system. The evaluation will help all involved to better understand the initial results and contributions of the project, and help strengthen, and – if necessary – re-focus it given the continuing changes in the environment.

The target audience of the evaluation report (ER) will be the USAID/Regional Mission to Ukraine, Belarus, and Moldova (USAID/UBM) and the implementing partner, MSI. An Executive Summary and recommendations may be shared with the Ministry of Justice of Ukraine. USAID/UBM will use the report to reflect upon and potentially refine its current strategy of supporting access to justice and to share lessons learned with other stakeholders; MSI and their subcontractors will learn about the strengths and weaknesses of their current approach and receive recommendations on how to render their interventions more effective and sustainable; the MOJ will learn more on how to better benefit from the current project. It is expected that the LAO partners will have the opportunity to discuss how the LEP project assisted them, and how this type of project could better assist them in the future to meet their goals. Additionally, the final ER will be submitted to the Development Experience Clearinghouse (DEC) in accordance with the Agency's new evaluation policy.

## III. PROJECT INFORMATION

LEP falls under the Rule of Law and Human Rights Program Area (2.1) and the Justice System Program Element (2.1.3) in the Foreign Assistance Standardized Program Structure. It is the next iteration of USAID's access to justice sector programming, but with some adjustments (see Annex III for additional background information). The aim of the project is to develop capacity within

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<sup>12</sup> Since MSI currently implements LEP, it is not eligible to conduct this evaluation.

<sup>13</sup> Throughout this SOW, relevance is to be interpreted to mean 'appropriateness'.

Ukraine's civil society legal service providers to effectively provide services, advocate for citizens' rights and work with well-established legal advocacy non-governmental organizations (NGOs) in Ukraine to further solidify their standing in the justice sector of Ukraine. The project also emphasizes building public-private partnerships by seeking opportunities to leverage funds from businesses to support project goals. In order to accomplish project objectives it was decided that the access to justice program should focus on a relatively small number of specific legal themes that address citizen needs, notably: health care, property rights, and employment.

In addition to the thematic legal areas, partner LAOs focus on meeting unmet demands for legal services, especially within underserved populations, Government of Ukraine (GOU) priorities, and complement existing donor programs. LEP's model was designed not to provide its beneficiary organizations with operational funding, but rather to build coalitions of LAOs organically, by demonstrating the institutional value of networking.

Thus, the LEP was built on the following reconstructed development hypothesis:

*“Improving poor people's access to justice and promoting their legal empowerment by increasing the availability of pro bono legal services and developing public-private partnerships through a sustainable nationwide network or networks of legal advocacy organizations that address citizen demand for legal services in specific areas of the law to support national legal reform efforts and promote broader access to justice, as well as build support for pro bono legal culture in Ukraine.”*

LEP has three fundamental objectives: (1) strengthening the capacity of Ukrainian legal advocacy organizations (LAOs) to effectively represent the interests of citizens; (2) building a sustainable nationwide network of LAOs that address citizen demand for legal services in specific areas of the law and leverage the work of such organizations for national reform efforts and promote broader access to justice; and (3) developing partnerships and attracting additional private resources to expand and enhance the impact of the program's pro bono efforts.

The project was based on the assumption that by creating specialized integrated legal coalitions (comprising of legal advocacy organizations and student legal clinics, and supported by private law firms) and linking their current efforts, the efficacy and efficiency of access to justice efforts will be improved. These efforts would do so by expanding the availability of legal services geographically, facilitating comprehensive public information campaigns, and coordinating strong public responses on policy issues.



LEP's philosophy is reconstructed in the following graph:



The project was registered by the Government of Ukraine in May 2011, which caused a significantly slower startup of activities than was originally planned. The project was officially launched on September 21, 2010, but due to registration issues it did not launch grant competitions for its partner organizations in the first year of its implementation. While LEP had initially planned to recruit 20 participant LAOs and gradually expand those coalitions so as to have a total of 60 LAOs participating by the end of the project, LEP admitted all 76 organizations that applied for membership in the first year, although not all of them were legal service providers (some were think tanks and NGOs engaged in advocacy campaigns rather than specializing in legal service provision; some legal advocacy organizations were more experienced than others). The rationale for this decision was that it would be difficult to recruit the right participants without knowing them professionally and seeing how they collaborate within the coalitions being formed.

By the end of the second project year, three legal coalitions comprised of more than 80 civil society organizations and student legal clinics, as well as 27 private law firms, from 21 out of 24 regions and Crimea (except for Vinnytsia, Cherkasy and Chernivtsi), had joined the coalitions. LEP hopes to form 60 LAOs by the end of the project. Several advocacy organizations left LEP, following the LEP team's requests for information on their legal services and specialization for the clearinghouse on LEP's web site.

While initially LEP included a substantial focus on building the organizational capacity of its partner LAOs beginning during the second project year, the project instead focused more on building the sustainability of the three coalitions and building the technical, legal service provision skills of the partner LAOs. The project also encouraged partner LAOs interested in building their organizational capacity to collaborate with USAID's existing civil society strengthening project. LEP introduced a *Network Sustainability Index* to measure the sophistication of LEP-supported coalitions in terms of internal governance, commitment of individual members, impact of activities, and fund-raising capacity. LEP's team has selected three coalition coordinators from among the partner LAOs and three coaches (external consultants) who consult with the coalitions on project management and

organizational issues until the three coalitions are capable of choosing their self-governance model (such as by forming an NGO or electing a Management Board). Prior to intra-coalition meetings, the first of which took place in November 2011, and which were introduced for strategic planning purposes, LEP designed three logos for the coalitions and, jointly with coalition coaches and individual participants, drafted purpose statements as well as discussed possible governance structures. At the second in the series of intra-coalition meetings, scheduled for April 2012, the LEP team and coalitions will be working on their strategic plans and fundraising and communication strategies.

LEP is implementing two small grant programs on a rolling basis that support public information and rights awareness campaigns as well as advocacy activities by its partners. Due to the delay with the project's registration, only 11 project proposals for public information campaigns have been approved since the project's inception. LEP's advocacy grants competition was announced in March 2012. The implementing partner intends to make up for delays during the third year of implementation.

Quarterly meetings are designed to be the primary training and networking vehicle under the LEP. It was envisaged that approximately one-third of each quarterly meeting will address issues relevant to all of the LAOs, including issues such as Alternative Dispute Resolution and trial skills, and advocacy and public information campaigns. Another third will provide tailored training on organizational capacity needs unique to clinics, NGOs, and pro bono efforts. The quarterly meetings take place in different venues, rotating through the regions of Ukraine so that participants have the opportunity to witness a wide variety of projects as well as to ensure a geographic balance of activities. Since the project's inception, the implementing partner has held six quarterly meetings in Kharkiv, Ivano-Frankivsk, Simferopol, L'viv, Donetsk, and Khmelnytskyi; of these, the last five meetings have also involved regional representatives of the MOJ. The implementing partner brought, as a keynote guest speaker, the Vice President of Operations from the U.S.-based National Legal Aid & Defender Association to the sixth quarterly meeting to present comparative governance models for legal aid coalitions and discuss related capacity building issues for the coalitions. Between quarterly meetings, network participants can access and share information and experience through online network blogs on the LEP website as well as a LEP newsletter that publicizes the progress and successes of partner activities. At a planning session this past March, the LEP team suggested using quarterly meetings for coalition-building purposes and to run several separate thematic and skills events for the select groups of partners. The LEP team is also considering shifting the focus of the program to developing one coalition instead of three coalitions. LEP is discussing the possible registration of an umbrella organization; which would serve as an alliance of legal service providers, similar to the National Legal Aid and Defender Association in the United States. This idea will be further discussed with LEP partners.

The project developed a website ([www.pravovakrayina.org.ua](http://www.pravovakrayina.org.ua)) that serves as an information and communication portal for all network members. The website has a public section, for posting items of interest including success stories, public information, advocacy campaigns, and contact information. It also has a private section, accessible only by network partners, enabling them to participate in forums, refer cases to coalition partners, post resources, share successes and lessons learned, organize informal webinars, and organize policy discussions. Individual coalitions can currently access only their page. Given the consideration currently being given to developing a single coalition and in response to numerous requests from the existing partners, the LEP team is considering allowing all three coalitions to view each other's page.

#### IV. SCOPE OF WORK

The Contractor will examine and assess the relevance and effectiveness of all LEP activities in Ukraine, as well as the institutional sustainability of the model promoted by the project. The Contractor will answer the following questions (listed in order of priority):

1. Given changes in the overall legislative environment and country context, such as the passage of the Law on Free Legal Aid and related reforms in the rule of law sector,<sup>14</sup> to what extent is the planned LEP approach of addressing access to justice and legal empowerment issues through three issue-based coalitions achieving the desired results?
2. Is the project doing enough to achieve the first project objective?
3. To what extent are project beneficiaries adopting desired behaviors?
4. What are the prospects for the sustainability<sup>15</sup> of the end results produced by this project, focusing on the following components: a) the provision of legal services by partner LAOs; b) the three legal coalitions formed by the program; c) the project's web site referral and consultation processes; and d) the provision of a clearinghouse model for pro bono contributions by private lawyers to the three coalitions?
5. To what extent is the project addressing gender issues in its activities? Could these interventions be improved to better promote gender equality in the provision of legal aid?

The Contractor is asked to respond to the following requests for recommendations:

1. To what extent is the current staffing mix of LEP adequate to ensure the effective achievement of planned results and objectives in the current legal reform environment and country context?
2. What local organizations targeted by LEP<sup>16</sup> may have the capacity<sup>17</sup> to directly implement USAID programming in the access to justice sector in the future?
3. What potential activities and means of support could be furnished over the final two years of the project to reveal which Ukrainian partners are most suited (financially, organizationally, and technically) to be recipients of direct USG assistance?

The Contractor will visit at least three selected oblasts in order to view project implementation in different regions of Ukraine. One of the regional visits will be to observe a quarterly partners' meeting that will take place in September 2012 (date and venue to be determined by the implementing partner). The Contractor will ensure that the conduct of the LEP evaluation is consistent with evaluation procedures in USAID's Evaluation Policy (January 2011: <http://www.usaid.gov/evaluation/USAIDEvaluationPolicy.pdf>)

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<sup>14</sup> See ANNEX III.

<sup>15</sup> Sustainability is defined as the long-term provision of affordable legal aid by the LEP's coalitions or [effective governance + accountability (a common mission, a common vision and common core values) + recognized high quality of legal services (e.g. feedback from client satisfaction forms, referrals by happy clients)+ financial stability (e.g. continuous funding from diverse sources) + lasting partnerships with law firms (pro bono contributions)].

<sup>16</sup> The target population is the current coalition members.

<sup>17</sup> Capacity should be defined using USAID's Organizational Capacity Assessment Tool.

## V. EVALUATION METHODOLOGY

The section below outlines some of USAID/UBM's expectations regarding the evaluation design and methodology. However, the Contractor will be expected to use a more comprehensive evaluation design and methodology. It is anticipated that the evaluation will have a non-experimental design. The methodology will be based on a mixed method approach, comprised of the appropriate tools in response to the aforementioned research questions. These tools may include, and are not limited to, a combination of the following: a desk review of LEP documentation (e.g. quarterly reports); observation at events (e.g. intra-coalition meeting, quarterly meeting); focus group discussions with LEP stakeholders (legal advocacy organizations, student legal clinics, law firms, coordinators of the three specialized coalitions); online questionnaires (sent to all LEP partners); and key informant interviews (major legal defense and human rights organizations not involved in LEP, the MOJ and its agencies, other donors in Ukraine, LEP project professional staff, USAID/Kyiv staff, U.S. Embassy).

The evaluation team will start its work with a desk review of all relevant documents cited in this SOW prior to their arrival in Ukraine. The team will travel to two or three selected regions to view project implementation in different parts of Ukraine. One of the regional visits will be to observe a quarterly partners' meeting that will take place in September 2012. Detailed schedules for all site visits and interviews will be developed by the team upon their arrival in Ukraine. Once in-country, the team will conduct an in-briefing for the Mission, carry-out the evaluation, begin draft/revising the evaluation report, draft an initial executive summary for the evaluation report and present the executive summary as well as major findings and recommendations to USAID/UBM before departure.

To answer questions 1 and 3, the evaluation team is recommended to review LEP's reports, official documents (e.g. the Law on Free Legal Aid and related legislation and regulations), to conduct focus group discussions with LEP stakeholders from the three coalitions (to include legal advocacy organizations, student legal clinics, law firms, coordinators of the three specialized coalitions), and to gather the perspective of key informants on the ongoing reform of the legal aid system and parallel models (e.g. what has the potential to make one model more effective than the others).

To answer questions 2 and 3, the evaluation team will attend a quarterly meeting in September, which is currently the only program activity with a training component; interview and/or survey up to ten sub-award recipients representing a mix of project beneficiaries about LEP training sessions on informational and advocacy campaigns, and LEP's activities involving judges and visits to courts; interview or survey up to ten LEP partners that received LEP's feedback on their Institutional Improvement Plans as to what extent those were useful and whether/how they were utilized; visit up to three recipients of informational campaign grants to observe activities supported by the sub-award, and possibly speak with clients/other representatives of target groups to assess an impact, if any, of the informational campaigns. The evaluation team will also review project reports by LEP's sub-award recipients.

To answer question 4, the evaluation team is recommended to send online questionnaires to all LEP partners, as well as conduct focus group discussions with LEP partners representing all three target groups (NGOs, student legal clinics and law firms), and conduct interviews with key informants.

To answer question 5, the evaluation team is recommended, but not limited to, reviewing LEP's PD, RFAs for LEP's sub-awards, review program monitoring and evaluation plans, review available annual project reviews, quarterly and semi-annual reports, and read project reports by sub-award recipients.

To respond to request 1, the Contractor will look at the LEP's organizational perspective: in particular, whether current positions, competencies, and experience are sufficient for achieving the program's objectives.

To respond to requests 2 and 3, the Contractor, after talking to the LEP team about forming the core of the coalitions, will choose 2-3 organizations from each coalition (not necessarily current coalition leaders) and interview them separately using the Organizational Capacity Assessment tool for guidance (ANNEX V).

The team may find it useful to consult a broad range of background documents apart from project documents provided by USAID/Ukraine. These may include:

- Annual Human Rights Report by the Ukrainian Helsinki Human Rights Union, 2009-2010: <http://helsinki.org.ua/en/index.php?r=a2b3c6> (see individual chapters on select groups of rights)
- Law on Free Legal Aid, English translation available at <http://helsinki.org.ua/en/index.php?id=1311157859>
- Reform of free legal aid in Ukraine: <http://pravo.prostir.ua/?news=737&lang=eng>
- Survey on Access to Justice, prepared by Kharkiv Institute for Social Studies: <http://pravo.prostir.ua/?news=741&lang=eng>
- Legal Empowerment of the Poor Initiative in Ukraine Implementation Outcomes, Report by the International Renaissance Foundation, 2009-2011, (contains the description of the IRF-supported community law centers) available online at <http://pravo.prostir.ua/?news=738>
- UNDP's Legal Empowerment Project: Fostering Full Enjoyment of Land and Property Rights: <http://www.undp.org.ua/en/projects-list-all/34-democratic-governance-/1190-legal-empowerment-project-fostering-full-enjoyment-of-land-and-property-rights>

For additional information, the following report can be accessed on the Development Experience Clearinghouse (DEC) web site, [www.dec.usaid.gov](http://www.dec.usaid.gov): American Bar Association Rule of Law Initiative: Promoting Rule of Law in Ukraine, April 2000-February 2010, Final Report (May 2010). This report provides baseline data for a number of the legal advocacy organizations that have received USG assistance.

# APPENDIX B: EVALUATION TOOLS USED

## Focus Group Guide

### SCENARIO

**For the focus-group discussion with mix group of beneficiaries:  
LEP partners (NGOs, Law Firms, Student Legal Clinics) and Clients**

*Lviv, October 27, 2012*

*Khmelnytsky, October 29, 2012*

*Donetsk, November 1, 2012*

### Introduction

**Greet the participants.** Thank them for the time they agreed to devote to it. Introduce your colleague to the audience. Note the purpose of you meeting: “*We have invited you to collect information on how to evaluate the relevance and effectiveness of your interaction with the technical assistance project and between each other, and identify what kind of interaction would be helpful for you in the future.*”

*[The welcoming greeting could be provided by international expert; further, to save time from translating and ensure the smooth flow of conversation, the FG could be in Ukrainian while the international expert could get assistance in translation from another team member]*

Point out present categories of participants (*representatives of NGOs, legal clinics, law firms, clients who received pro bono services*). Explain how they were selected.

**A short overview of the theme of your discussion:** *„We meet with you to discuss questions (issues) which concern quality of pro bono services in our country; your own experience of providing or receiving the pro bono legal services; [for LEP partners] your experience of working in coalitions – pluses and minuses; level of expected assistance from LEP project; plans for future. Your thoughts will be used during development of the recommendations on how increase the effectiveness and build sustainable system of pro bono legal aid with assistance from LEP.”*

Remind the audience there are no right or wrong opinions that during the discussion. Consequently, participants can freely express their own opinion, even if

it differs from the opinion of other participants. Point out one more time that we are interested in both positive and negative comments.

**Remind about the rules of conduct:** (*express thoughts one after another, do not interrupt*). Inform the participants that the discussion is recorded because we do not want to miss the single thought. Underline that you guarantee confidentiality of the conversation, that comments will not be used in connection with any name in further publications or reports.

Note the length of the discussion, how to get coffee, where are the toilets etc. „*Our discussion will last for two hours without any formal break. Toilets are in the hallway; next to the door you can find a table with coffee and cookies. You may walk out or take coffee during the discussion.*”

**Start the discussion.** Become acquainted with the participants; let every person to tell their name, position and the sphere of specialization one after another. Propose the audience to start the discussion from the question *how the participants of the focus group understand the notion “pro bono legal aid” bearing in mind peculiarities of legal assistance in Ukraine, current problems, challenges, and opportunities that arise from pro bono activities.* While talking to participants keep in mind that it can be possible confusion between legal aid and free legal services provided by NGOs and regional departments of the Ministry of Justice; try to see whether they see the difference.

## **The main section.**

*Section 1. The notion of pro bono legal and particularities of providing/receiving legal aid in Ukraine.*

- The notion of quality of pro bono legal aid: how do you evaluate the quality of legal aid you are providing or receiving?
- What are the areas of law in Ukraine where the pro bono assistance is the most needed?
- How often are you asked to provide pro bono legal services or how often do you seek legal aid?
- Does it happen that you are asked for legal assistance and you cannot provide it (*due to your specialization or lack of expertise*) and what are you doing in this case?
- Does the level of clients’ satisfaction with the pro bono services depend on subjective factors? List them (*If necessary, propose to discuss such factors: lack of legal knowledge, length of the case consideration, positive/negative decision*)

*Section 2. Coalitions of pro bono services providers: pluses and minuses of working in coalitions and dealing with members of coalitions (for clients)*

- What do you get from working in coalition (or dealing with coalition – for clients)?
- How does LEP support to coalitions increase your professionalism, competence, and experience in selected area? Please name those factors that let you benefit from such cooperation (*if necessary, provide with such examples as trainings, quarterly meetings, forum on LEP web-site, support to their relations with the MoJ and its regional departments, etc.*).
- Does such assistance meet your expectations that you had when joined the coalition?
- What additional assistance from LEP would benefit both services providers and clients?

*Section 3. Future of coalitions and pro bono activities for coalition members and the clients’ prospective*



*(Point out that further on we would use the information about future plans and expectations to develop recommendations on how the projects like LEP could better assist civil society and law firms to develop pro bono legal aid culture, and increase their sustainability in provision of pro bono services)*

- What are your plans for five years from now? Do you plan continuing providing pro bono legal aid? How do you plan to finance your work? (for services providers)
- What would be your resources for continuing your work?
- What are the resources you are developing (accumulating) now while working in LEP coalition that you could use in the future work?
- Do you think that another coalition, in addition to the existing ones (Charitable Foundation for Legal Aid, Helsinki Union, other interest-based coalitions), is needed?
- Do you think that All-Ukrainian Legal Aid Coalition would be a good resource for such services in the future? (Ask about its probable potential in accumulating and managing funds, knowledge and experience exchange, potential strength in lobbying for state support of pro bono legal aid in terms of funding and improving the legislative framework, etc.)
- What would be your ideal services provider in the future (*question for clients*)?

### **Final section.**

Summarize the results of the discussion, ensuring that you understood the audience in a proper manner. Ask “*Do you have any additional thoughts concerning our discussion?*” or “*Maybe we missed something?*”<sup>18</sup>

*It may also be useful to get some suggestions from the audience on how to improve pro bono legal aid/ working in coalition / cooperating with governmental bodies / use the technical assistance project as a resource? I also sometimes ask a*

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<sup>18</sup> If you turn off the microphone firstly, giving possibility to understand that the meeting is finished, and after it you will ask above mentioned questions, you can suddenly get interesting thoughts.

*question related to recent reforms or improvements – “In your opinion has the provision of legal aid improved during the last 2 years?”*

*To give a sense of “completeness”, it is useful to ask a final question “would you like to receive the findings of the survey?”*

**QUESTIONNAIRE**  
**for the**  
**MID-TERM PROJECT EVALUATION**  
**of the**  
**ACCESS TO JUSTICE AND LEGAL EMPOWERMENT PROJECT**

*OCTOBER 16, 2012*

1. What kind of LEP Partner are you?

- NGO
- Student Legal Clinic
- Law Firm providing *pro bono* services
- Sole legal practitioner providing *pro bono* services

2. Which of the three thematic coalitions of the Network do you belong to?

- Health Care
- Employment
- Property Rights

3. In which area of Ukraine are you located?

- Central
- South
- East
- West

4. In what kind of area are your located?

- Urban
- Rural

5. How long have you been providing legal services?

\_\_\_\_\_ months \_\_\_\_\_ years

6. How long have you been a member of your coalition?

\_\_\_\_\_ months \_\_\_\_\_ years

7. Do you think the three thematic coalitions fully address citizens' demand for legal services?

\_\_\_\_\_ Yes      \_\_\_\_\_ No

8. If No, please list other substantive thematic coalitions that should be included in the Network:

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9. Is your organization a member of another formal/informal network/coalition?

\_\_\_\_\_ Yes      \_\_\_\_\_ No

10. If Yes, please specify:

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11. How do you communicate to other members of Network?

- Via LEP web-site
- During the Coalition meetings
- At the Quarterly Meetings
- We don't communicate
- By other means (please specify)

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12. What are the benefits to your organization in attending the Quarterly Meetings? (*multiple answers possible*)

- Networking with other LEP Partners including law firms with *pro bono* services
- Raising capacity to protect interests of your clients
- Increasing organizational capacity of the Coalition
- Other (please, specify)

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13. Have your legal services improved due to networking with other LEP Partners, including *pro bono* law firms?

\_\_\_\_\_ Considerably    \_\_\_\_\_ Somewhat    \_\_\_\_\_ A little    \_\_\_\_\_ Not at all

14. Do you believe citizens are informed of the legal aid services that LEP Partners and law firms provide?

\_\_\_\_\_ Adequately informed \_\_\_\_\_ Somewhat informed \_\_\_\_\_ Not informed

15. How do you think citizens get information about legal aid services that LEP Partners and *pro bono* law firms provide?

- From LEP web-site
- From your own informational campaign
- From regional Department of the Ministry of Justice
- Other (*please, specify*)

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16. Do you think the informational campaigns supported by LEP are effective?

\_\_\_\_\_ Very Effective \_\_\_\_\_ Somewhat Effective \_\_\_\_\_ Not Effective

17. Do you think the advocacy campaigns supported by LEP are effective?

\_\_\_\_\_ Very Effective \_\_\_\_\_ Somewhat Effective \_\_\_\_\_ Not Effective

18. What kind of other activities would you like to be supported by LEP grants?

- Provision of trainings
- Provision of legal aid
- Other (*please, specify*)

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19. How often do you contact LEP office for any kind of support?

- Quite often (at least one time per week)
- Not often (not more than one time per month)
- Very rarely (just few times while being in the coalition)

20. What kind of support do you expect from LEP office?

- Training support
- Informational support
- Support to your activities (grant)
- Other (*please, specify*)

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21. Does LEP office provide its response in a timely and adequate manner?

\_\_\_\_\_ Yes \_\_\_\_\_ No

*Please, explain your answer:*

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22. What type of assistance would you like from LEP staff that you are not currently receiving? (*multiple answers possible*)

- Legal advice on substantive areas of the law
- Guidance on technical skills needed to represent clients
- Legal advice and guidance on specific cases

23. Do you believe your organization has received sufficient training and technical assistance to effectively represent the interests of citizens?

\_\_\_\_\_ Yes \_\_\_\_\_ No

24. If No, which area would you like to receive more training? (*multiple answers possible*)

- Substantive areas of the law
- Skills-based, practical training, such as client representation, trial advocacy and mediation
- Training on dealing with underserved individuals, e.g. women, minorities, and low-income
- Other (*please, specify*)

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25. What percentage of your clients are satisfied with your legal aid services?

- 25%
- 50%
- 75%
- 100%

26. Have citizens requested legal aid services that you were not able to provide?

\_\_\_\_\_ Yes      \_\_\_\_\_ No

27. If Yes, could you have provided the legal aid services had you received additional substantive or skills-based training?

\_\_\_\_\_ Yes      \_\_\_\_\_ No

28. Which of the following support your efforts to provide access to justice and legal assistance? (*multiple answers possible*)

- Ministry of Justice’s Department for Coordination of Legal Work and Legal Education
- Ministry of Justice’s Centre for Legal Reform and Legislative Drafting
- Regional Departments of Ministry of Justice
- National and regional bar associations
- Law Faculties

29. Which of the following reasons do you access the LEP website? (*multiple answers possible*)

- To promote your organization or law firm
- To learn about other LEP Partners
- To exchange information and experience with other LEP Partners
- To advertise your legal services
- To obtain new clients for your services

30. What part of LEP web-site do you access more often:

- Public-open
- Private, partners-only

*Please, explain your choice:*

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31. Do you think that one common Network would promote broader access to justice?

\_\_\_\_\_ Well \_\_\_\_\_ Adequately \_\_\_\_\_ Insufficiently

*Please, explain your answer:*

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32. Do you think the Network builds support for *pro bono legal* culture in Ukraine?

\_\_\_\_\_ Well \_\_\_\_\_ Adequately \_\_\_\_\_ Insufficiently

33. Do you think the Network lawyers for national legal reforms to enhance access to justice and legal assistance?

\_\_\_\_\_ Well \_\_\_\_\_ Adequately \_\_\_\_\_ Insufficiently

*Please explain your answer:*

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34. Does the Network reach out to the private sector (businesses) for the purpose of building a public-private partnership?

\_\_\_\_\_ Well \_\_\_\_\_ Adequately \_\_\_\_\_ Insufficiently

35. Do you think the Network is currently institutionally and financially sustainable?

\_\_\_\_\_ Yes \_\_\_\_\_ No

36. If No, do you think the Network can become institutionally and financially sustainable during the next two years before LEP ends?

\_\_\_\_\_ Yes \_\_\_\_\_ No

*Please explain your answer:*



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37. Does your organization or law firm give specific attention to gender issues arising from the lack of access to justice and legal assistance?

\_\_\_\_\_ Yes      \_\_\_\_\_ No

*If Yes, please explain how:*

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38. Rather than thematic-based, do you think the coalitions within the Network should be:

*(select if any apply; otherwise keep blank)*

- Organizationally-based by NGOs, student legal clinics, and law firms
- Geographically-based by oblasts
- Client-based by type of individual receiving legal assistance, such as women, minorities, low-income, etc.

39. Do you think that institutionalization of the Network and its registration as a charity is necessary?

\_\_\_\_\_ Yes      \_\_\_\_\_ No      \_\_\_\_\_ Somewhat

*Please explain your answer:*

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# APPENDIX C: EVALUATION SCHEDULE

|                      |                          |  |
|----------------------|--------------------------|--|
| Friday, October 19   | Kyiv:<br>17.50           | Team Leader Mary Noel Pepys arrives in Kyiv at Boryspil Airport, by Air Ukraine International Flight# 402 from Frankfurt   |
| SATURDAY, OCTOBER 20 | KYIV:<br>10.00           | Meeting at LEP Office, Inna Topal, LEP COP, and TBD, 3 Bankova Street, Office #33  |
|                      | 12.00                    | Meeting with Oksana Syroid, Director, Ukrainian Legal Foundation   |
| MONDAY, OCTOBER 22   | KYIV:<br>10.00           | Briefing at USAID Office, 4 Ihor Sikorsky Street, Kyiv   |
|                      | 12.30                    | Meeting with Eric Bleich COP, Oleksandr Kaliberda DCOP, Maryna Zarytska Communications and Public Outreach Manager, AgrolInvest USAID project, Volodymyrska 4  |
|                      | 13.30-14.15              | Lunch  |
|                      | 14.30                    | Meeting with Roman Romanov and Olga Zhmurko, IRF. Artema 46  |
|                      | 16.00                    | Meeting with Oleksandr Pavlichenko, Ombudsman's office, Instytutska 21/8   |
|                      | 17.00                    | Meeting with Natalia Stupnytska, Manager, UNDP Legal Empowerment project, Klovsyky uzviz 1, UN office  |
|                      |                          |  |
| TUESDAY, OCTOBER 23  | KYIV – UZHGOROD:<br>9.00 | Meeting with Ellen Seats, Hotel Hyatt  |
|                      | 10.30                    | Meeting with Valentyn Zagaria, president of Ukrainian Bar Association, Oleksandra Egert, executive director of UBA, and Sergiy Tyurin, UBA board member. Venue – legal firm “Spencer & Kaufmann”, Klovsyky uzviz 7, 14 floor |
|                      | 12.00                    | Departure to Boryspil airport by taxi  |

Travel to Uzhgorod via Lviv

Flight KBP 15:00 - LWO 16:30

Car transfer to Uzhgorod (4 hours)

20.30 Arrival to hotel Zolota Gora, Barvinok, near Uzhgorod

## WEDNESDAY, OCTOBER 24

### UZHGOROD:

LEP QM Day 1

13.30-14.00 Meeting with Oksana Yukhta, Ministry of Justice, Head of Department on coordination of legal work and legal education

15.00-16.00 Lunch with Healthcare coalition partners

- Nataliya Skrypets, "Foundation for Medical Law and Bioethics of Ukraine" (coalition coordinator), Lviv
- Anna Shcherbakova, NGO "Medychna pravda" (Medical truth), Odesa
- Andriy Melnyk, All-Ukrainian NGO "Congress on medicine safety", Kyiv
- Nataliya Borodachova, Institute of consumer programs
- Iryna Los, Nikopol center Open Doors
- Olga Skoryna, All-Ukrainian Council on protection of rights and safety of patients
- Iryna Nazarevych, All-Ukrainian federation of consumers Puls
- Oleg Timokhov, Center for protection and retrievable justice

16.00-17.00 Meeting with coaches of Healthcare and Property rights coalition Nataliya Kachanova (Property) and Yuri Trofimenk (Healthcare)

18.00-19.30 Reception, networking with LEP partners

20.00 Dinner with Natalia Petrova, DCOP FAIR project, and Dmytro Filipenko, communications specialist, FAIR project

## THURSDAY, OCTOBER 25

### UZHGOROD:

LEP QM – Day 2

- 7.45 Taxi to Ungvarsky hotel with Roman Shurduk
- 8.00- 9.00 Breakfast with LEP partners – pro bono lawyers Roman Shurduk, LexJus (Kyiv), and Mikhail Belkin, Polakr (Crimea), Ungvarsky hotel, Uzhgorod
- 14.00-15.00 Meeting with thematic coalitions coordinators' leaders/representatives: Vitaliy Yelov, "Volyn Region Organization of the Union of Lawyers of Ukraine" (Property Rights coalition coordinator), Lada Malaniy and Kyrylo Rubanovsky, "Agency for Private Initiative Development" (Employment coalition coordinator) Nataliya Skrypets, "Foundation for Medical Law and Bioethics of Ukraine" (Healthcare coalition coordinator).
- 19.00- 20.00 Meeting with Property rights coalition members
- Vitaliy Yelov, Volyn oblast organization of Union of lawyers of Ukraine (coalition coordinator)
  - Inna Malovichko, Bila Tserkva city NGO "Legal unity"
  - Galyna Skarga, Union of rural women of Ukraine
  - Mykola Gerasymenko, Union of rural women of Ukraine
  - Oleg Lepetyuk, Kharkiv NGO of blind lawyers
  - Yevgen Iyenok, Kharkiv NGO of blind lawyers
  - Denys Grechko, Pavlograd charitable fund Gorenien
  - Oleksandr Melikyan, "Peacekeeper"
  - Vitaliy Korotkov, Kirovgrad association "Public initiatives"
  - Andriy Misyats, Podillya legal league
  - Hanna Kushnir, Kyiv rights protection alliance
  - Andriy Tymoshenko, Legal clinic of Donetsk national university
  - Larysa Zhuk, lawyer, Uzhgorod
  - Tetyana Bezega, lawyer, Uzhgorod

FRIDAY, OCTOBER 26

UZHGOROD-LVIV:  
LEP QM – Day 3

- 8.30 Checkout from Zolota Gora hotel, taxi to Ungvarsky hotel
- 9.00 -11.00 Meeting with USAID reps
- 14.00-15.00 Lunch with Employment coalition members
- Nataliya Tereschenko, International media center "Alliance", Lugansk
  - Igor Rekun, Sumy NGO Civic Bureau "Pravozahyst"
  - Lina Kondur, Roma Foundation "Chirikli", Kyiv
  - Oleg Grigoriev, Charitable fund "Rozvytok"
- 15.30 Departure from Ungvarsky hotel
- 20.30 Arrival to Lviv, check in to hotel Opera
- 21.00- 22.30 Dinner with Vasyl Poluyko, coach of Employment coalition

#### SATURDAY, OCTOBER 27

#### LVIV-KYIV:

- 9.00 Meeting with Iryna Senyuta, "Foundation for Medical Law and Bioethics of Ukraine", Healthcare coalition coordinator. Pidvalna, 9, office 15
- 10.00 Meeting with Zoryana Hrustyna, Public union "Samopomich", Lviv City Council, 1 floor, room 115
- 11.00 Focus group discussion with Lviv LEP partners, Lviv City Council, small session hall, 2 floor, room 230
- Public union "Samopomich"
  - "Law and Democracy"
- 14.00 Lunch with deputy Head of Department of Justice of Lviv oblast Bohdan Yuskiv and Maryana Labyk
- 15.30 Departure to Lviv airport from Opera hotel
- Flight Lviv-Kyiv: LWO 4:55pm-KBP 6:00pm

#### SUNDAY, OCTOBER 28

#### KYIV-KHMELNYTSKY:

- 12.00 MNP to check out from Hyatt hotel
- Travel to Khmelnytskyby car, 5 hour drive
- Check in to hotel Lybid Plaza, 21 Kamyanetska str.

#### MONDAY, OCTOBER 29

#### KHMELNYTSKY – KYIV:

- 9.30 Meeting with Nataliya Vagina, director of the Khmelnytsky oblast center on provision of free legal assistance (Ministry of Justice structure), formerly head of IRF-supported Office of civic protection, and Vitaliy Misyats, Podillya Legal League (supported by IRF and LEP partner) Svobody 70, office 222
- 11.00 Focus group discussion with LEP partners and beneficiaries. Venue – Podillya Legal League office, prov. Pushkina, I
- Podillya Legal League
  - Legal clinic of Khmelnytsky University of management and law
  - Association of lawyers of Kamyanets-Podilsky
  - Pro bono lawyers of Khemlyntsky, who cooperate with Podillya Legal League
- 13.30 Meeting with Oksana Khoroshenyuk, Deputy Head of the Chief Department of Justice in Khmelnytskiy Oblast, Grushevskogo 87, 4 floor, room 419
- 15.00 Departure to Kyiv

## TUESDAY, OCTOBER 30

### KYIV:

- 9.30 Meeting with Arkadiy Buschenko, Ukrainian Helsinki Human Rights Union, Olegivska, 36.
- 12.30-14.30 Lunch with Aigul Mukanova, Director of Ukrainian Legal Aid Foundation
- 15.00 Meeting with Markiy Duleba, President of the Foundation of Legal Clinics, Mezhygirska 87b 2 floor
- 17.00 Meeting with Lyuba Palyvoda, Director, Counterpart Creative Center, Coffee House on Shota Rustaveli Str.

## WEDNESDAY, OCTOBER 31

### KYIV – DONETSK

- 11.00-12.30 Meeting at USAID, Sikorskogo 4
- Iryna Smolina
  - Guy aMartorana
  - Tetiana Tymoshenko
  - Peter Luzik

- Dawn Carmin

13.00-14.00 Lunch

14.30-19.00 Meeting with LEP staff, Bankova 3, office 33

- Ellie Seats

- Inna Topal

- Svitlana Slabinska

- Lesia Nikitova

- Olga Kistanova

19.15 Departure to Boryspil airport from Hyatt hotel

Flight to Donetsk 21.00 – 22.10

Transfer to Ramada hotel Donetsk

## THURSDAY, NOVEMBER 1

### DONETSK – KYIV:

9.30 Meeting with Mykola Udod, head of the legal clinic of Law faculty, Donetsk national university, 066 706 6774

11.00-13.00 Focus group in Donetsk, discussion with LEP partners in the region

- NGO "Dobropillya youth center "DOBRO"

- Legal clinic of Center for applied education of economic and law faculty of Donetsk national university

- Confederation of free trade unions of Donetsk oblast

- Rural women of Ukraine in Donetsk oblast

- Possibly beneficiaries

Venue – Economic and law faculty of Donetsk National University, Donetsk, Vatutina 1a, room 103 or 104

13.00-14.00 Lunch

14.00-15.00 Meeting with Head of Staff of Petrovskiy District Court in Donetsk Ms. Iryna Kartasheva

15.15-16.00 Visit to Bibliomist Donetsk Center, Boytsova Svitlana, Regional representative in Donetsk oblast, Artema 84, Krupskaya library

18.00 Departure to the airport  
Flight to Kyiv

19.20-21.00 Arriving in Zhulyany airport

## FRIDAY, NOVEMBER 2

### KYIV:

11.30 Meeting with Roland Kovats, Chief of Party, USAID UNITER Project, 3 Mechnykova str., office 801

12.45-15.00 Lunch / meeting with Oleksandr Vinnikov LEP legal advisor,

15.15 Meeting with Kathy Ladun, Kathy Ladun, Country Director American Bar Association, Rule of Law Initiative (ABA ROLI) Ukraine, 18A Antonovych St., #4

17.15-19.00 Meeting with Ellie Valentine, COP PDP project, Ivana Mazepy 6v

## MONDAY, NOVEMBER 5

### KYIV:

10.00 Meeting with Roman Romanov and Olga Zhmurko, IRF, Artema 46

12.20 Meeting with LEP, Bankova 3, office 33

16.00 Meeting of ET, finalization of fieldwork findings  
Venue: Kyiv-Mohyla Academy, law school.

## TUESDAY, NOVEMBER 6

### KYIV:

11.00 Meeting with Megan Volk, Deputy Director, Bibliomist (Global Libraries Ukraine), International Research & Exchanges Board (IREX), 36-D Saksahanskogo St., 2nd entrance, 5th floor

12.30-14.00 Meeting with Andriy Vyshnevsky, director of Coordinating Center for Legal Aid Providing, Artema 73, office 313

15.00-17.00 Meeting at USAID - out-brief, I. Sikorskogo, 4.



# APPENDIX D: LIST OF PERSONS CONTACTED/INTERVIEWEES

The list below represents the list of people with whom the evaluation team met in the form of an individual interview, group meeting, or a focus group discussion.

## USAID:

1. **Laura Pavlovic**, Team Leader, Cross Sectoral Programs, USAID Bureau for Democracy, Conflict and Humanitarian Assistance (DCHA), Center of Excellence on Democracy, Human Rights and Governance (DRG)
2. **Guy Martorana**, Program Officer USAID/Regional Mission for Ukraine, Belarus and Moldova
3. **Iryna Smolina**, USAID Project Management Specialist, LEP AOR
4. **Petro Luzik**, USAID Program Development Specialist
5. **Dawn Carmin**, USAID Office of Democracy and Governance
6. **Tetiana Tymoshenko**, USAID Project Management Specialist, LEP's A/AOR

## MSI:

7. **Ellen Seats**, Technical Director, Management Systems International (MSI), Washington, DC
8. **Inna Topal**, Chief of Party, USAID Access to Justice and Legal Empowerment Project (LEP), 3 Bankova Street, Office #33
9. **Lesia Nikitova**, DCOP LEP
10. **Svitlana Slabinska**, Outreach and Communications Officer LEP
11. **Olga Kistanova**, Project Assistant, LEP
12. **Oleksandr Vinnikov**, LEP legal advisor
13. **Lyuba Palyvoda**, Director, Counterpart Creative Center, former DCOP of LEP project

## Coaches:

14. **Natalia Kachanova**, coach of Property rights coalition, Kharkiv
15. **Yuriy TrofimenkTrofimenk**, coach of Healthcare coalition, Chernigiv
16. **Vasyl Poluyko**, coach of Employment coalition, Lviv

## USAID Implementers:

MID-TERM PERFORMANCE EVALUATION OF THE UKRAINE  
ACCESS TO JUSTICE AND LEGAL EMPOWERMENT PROJECT

17. **Eric Bleich**, Chief of Party, USAID AgrolInvest Project  
<http://www.agroinvest.org.ua/ukr/cooperation/>
18. **Oleksandr Kaliberda**, DCOP, USAID AgrolInvest
19. **Maryna Zarytska**, Communications and Public Outreach Manager, AgrolInvest.
20. **Nataliya Petrova**, DCOP USAID Fair, Accountable, Independent and Responsible Justice Project
21. **Dmytro Filipenko**, Legal and Civic Advocacy Specialist, USAID Fair, Accountable, Independent and Responsible Justice Project
22. **Svitlana Boytsova**, Regional representative in Donetsk oblast, Bibliomist Donetsk Center
23. **Roland Kovats**, Chief of Party, USAID UNITER Project, 3 Mechnykova str., office 801
24. **Kathy Ladun**, Country Director, American Bar Association, Rule of Law Initiative (ABA ROLI) Ukraine, 18A Antonovych St.
25. **Iryna Sheiko-Ivankiv**, Staff Attorney, American Bar Association, Rule of Law Initiative (ABA ROLI) Ukraine
26. **Tanya Rogozianska**, Staff Attorney, American Bar Association, Rule of Law Initiative (ABA ROLI) Ukraine
27. **Ellie Valentine**, COP PDP project, Kyiv
28. **Megan Volk**, Deputy Director, Bibliomist (Global Libraries Ukraine), International Research & Exchanges Board (IREX), 36-D Saksahanskogo St., 2nd entrance, 5th floor, Kyiv
29. **Nataliya Belyaeva**, Grants Manager, Bibliomist (Global Libraries Ukraine), International Research & Exchanges Board (IREX), Kyiv

Government/MOJ Representatives:

30. **Oleksandr Pavlichenko**, Ombudsman Representative on access to public information and private data protection, formerly Head of the Ukrainian Foundation for Legal Aid (a similar model to LEP, initially supported by the International Renaissance Foundation),  
<http://pravo.prostir.ua/>
31. **Oksana Yukhta**, Head of the Ministry of Justice Department for Coordination of Legal Work and Legal Education (LEP's main contact in the MOJ)
32. **Bohdan Yuskiv**, Deputy head of Chief Department of Justice in Lviv oblast, Lviv
33. **Maryana Labyk**, chief specialist of the sector of legal work, legal education, and registration of normative-legal acts of Chief Department of Justice in Lviv oblast
34. **Nataliya Vagina**, director of the Khmelnytsky oblast center on provision of free secondary legal aid, Khmelnytsky
35. **Andriy Vyshnevsky**, director of Coordinating Center for Legal Aid Providing, Artema 73, office 313, Kyiv

36. **Oksana Khoroshenyuk**, Deputy Head of the Chief Department of Justice in Khmelnytskyi Oblast, Khmelnytsky
37. **Iryna Kartasheva**, Head of Staff of Petrovskiy District Court in Donetsk, Donetsk
38. **Yulia Tralo**, chief specialist of the Ministry of Justice Department for Coordination of Legal Work and Legal Education, Kyiv
39. **Natalia Dyachuk**, chief specialist of the sector of legal education of Chief Department of Justice in the City of Kyiv, Kyiv

Donors/NGOs:

40. **Roman Romanov**, Director, Rule of Law Programs, International Renaissance Foundation
41. **Olha Zhmurko**, Project Manager, International Renaissance Foundation, member of LEP's grant selection panel
42. **Yavorska Vasylyna**, Manager, Rule of Law Programs, International Renaissance Foundation
43. **Aigul Mukanova**, Head of the Ukrainian Foundation for Legal Aid
44. **Natalia Stupnytska**, Manager, UNDP Legal Empowerment Project
45. **Oksana Syroid**, Director, Ukrainian Law Foundation (former Head of the ROL Programs at the OSCE Office in Ukraine)
46. **Valentyn Zagariya**, President, Ukrainian Bar Association
47. **Oleksandra Egert**, Executive Director, Ukrainian Bar Association
48. **Serhiy Tyurin**, Deputy Board Chair, Ukrainian Bar Association, ST Partners Law Firm
49. **Markiyan Duleba**, President of the Foundation of Legal Clinics
50. **Arkadiy Buschenko**, Ukrainian Helsinki Human Rights Union

Pro Bono Lawyers:

51. **Roman Shurduk**, LexJus, pro bono lawyer, Kyiv
52. **Mikhail Belkin**, private legal enterprise POLAKR, Simferopol, Crimea

LEP Partners

*Lunch with Healthcare coalition partners' representatives:*

53. **Nataliya Skrypets**, "Foundation for Medical Law and Bioethics of Ukraine" (coalition coordinator), Lviv
54. **Anna Shcherbakova**, manager at NGO "Medychna pravda" (Medical truth), Odesa
55. **Andriy Melnyk**, All-Ukrainian NGO "Congress on medicine safety", Kyiv
56. **Nataliya Borodachova**, Institute of consumer programs, Kyiv

57. **Iryna Los**, Nikopol Open Doors Center, Nikopol, Dnipropetrovsk oblast
58. **Olga Skoryna**, All-Ukrainian Council on protection of rights and safety of patients, Kyiv
59. **Iryna Nazarevych**, All-Ukrainian federation of consumers Puls, Kyiv
60. **Oleg Timokhov**, Center for protection and retrievable justice, Kharkiv

Meeting with coordinators of LEP coalitions in Uzhgorod

61. **Vitaliy Yelov**, Volyn Oblast Organization of Union of Lawyers of Ukraine, Property Rights coalition coordinator, Lutsk
62. **Lada Malaniy**, Agency of development of private initiative, Employment coalition coordinator, Ivano-Frankivsk
63. **Kyrylo Rubanovsky**, Agency of development of private initiative, Employment coalition coordinator, Ivano-Frankivsk

Meeting with Property rights coalition partners' representatives:

64. **Vitaliy Yelov**, Volyn Oblast Organization of Union of Lawyers of Ukraine, Property Rights coalition coordinator, Lutsk (coalition coordinator)
65. **Inna Malovichko**, Bila Tserkva city NGO "Legal unity", Bila Tserkva, Kyiv oblast
66. **Galyna Skarga**, Union of rural women of Ukraine, Zinkiv, Poltava oblast
67. **Mykola Gerasymenko**, Union of rural women of Ukraine, Zinkiv, Poltava oblast
68. **Oleg Lepetyuk**, Kharkiv NGO of blind lawyers, Kharkiv
69. **Yevgen Iyenok**, Kharkiv NGO of blind lawyers, Kharkiv
70. **Denys Grechko**, Pavlograd charitable fund Gorenje, Pavlograd, Dnipropetrovsk oblast
71. **Oleksandr Melikyan**, "Peacekeeper", Sevastopol, Crimea
72. **Vitaliy Korotkov**, Kirovograd association "Public initiatives", Kirovograd
73. **Andriy Misyats**, Podillya legal league, Khmelnytsky
74. **Hanna Kushnir**, Kyiv rights protection alliance, Kyiv
75. **Andriy Tymoshenko**, student, curator of Legal clinic of Donetsk national university, Donetsk
76. **Larysa Zhuk**, lawyer, Uzhgorod
77. **Tetyana Bezega**, lawyer, Uzhgorod

Lunch with Employment coalition partners' representatives:

78. **Nataliya Tereschenko**, International media center "Alliance", Lugansk
79. **Igor Rekun**, Sumy NGO Civic Bureau "Pravozahyst", Sumy
80. **Lina Kondur**, Roma Foundation "Chirikli", Kyiv

81. **Oleg Grigoriev**, Charitable fund "Rozvytok", Uzhgorod

Meeting with Healthcare coordinator in Lviv

82. **Iryna Senyuta**, president, Foundation for Medical Law and Bioethics of Ukraine, Healthcare coalition coordinator, Lviv

83. **Khrystyna Tereshko**, executive director, Foundation for Medical Law and Bioethics of Ukraine, Healthcare coalition coordinator, Lviv

Focus Group in Lviv

84. **Zoryana Hrystyna**, Public union "Samopomich", Legal service for Lviv residents (community law center), Lviv

85. **Iryna Sudomlyak**, pro bono lawyer, Public union "Samopomich", Legal service for Lviv residents, Lviv

86. **Vitaliy Razik**, "Law and Democracy" NGO, Lviv

Focus Group in Khmelnytsky

87. **Vitaliy Misyats**, deputy director, Podillya Legal League, Khmelnytsky

88. **Kateryna Yevdokimova**, formerly student working in Legal clinic of Khmelnytsky University of management and law, now lawyer at Podillya Legal League, Khmelnytsky

89. **Yana Ilchyshena**, press secretary, Association of lawyers of Kamyanyets-Podilsky, Kamyanyets-Podilsky, Khmelnytsky oblast

90. **Oleg Savinsky**, pro bono lawyer, Khmelnytsky

91. **Anton Zabolotny**, pro bono lawyer, Khmelnytsky

92. **Mykola Lozinsky**, pro bono lawyer, Khmelnytsky

Focus Group in Donetsk

93. **Mykola Udod**, head of the legal clinic of Law faculty, Donetsk national university, Donetsk

94. **Galyna Astapchyk**, Donetsk oblast center of all-Ukrainian NGO "Union of rural women of Ukraine", Molodetske village, Shakhtarsk rayon, Donetsk oblast

95. **Volodymyr Oros**, Dobropillya Youth Center "Dobro", Dobropillya, Donetsk oblast

96. **Yulia Matveeva**, head of the legal clinic, Faculty of Law, National University of "Kyiv-Mohyla Academy", Kyiv

# APPENDIX E: SURVEY RESULTS

## RESULTS OF QUESTIONNAIRE SURVEY FOR THE MID-TERM PROJECT EVALUATION OF THE ACCESS TO JUSTICE AND LEGAL EMPOWERMENT PROJECT

Questionnaires were sent by email to all 155 LEP partners and also printed questionnaires were distributed at the 8<sup>th</sup> LEP Quarterly meeting in Uzhgorod.

Total number of questionnaires received and processed: 43 (around 27% response rate). This represents mainly active LEP partners who participate in quarterly meetings.

### 1. What kind of LEP Partner are you?

|                                      |    |
|--------------------------------------|----|
| NGO                                  | 31 |
| Student Legal Clinic                 | 7  |
| Law Firm providing pro bono services | 3  |
| Lawyer providing pro bono services   | 1  |

### 2. Which of the three thematic coalitions of the Network do you belong to?

|                 |    |
|-----------------|----|
| Health Care     | 8  |
| Employment      | 14 |
| Property Rights | 20 |

### 3. In which area of Ukraine are you located?

|         |    |
|---------|----|
| Central | 17 |
| South   | 3  |
| East    | 7  |
| West    | 15 |

### 4. In what kind of area are you located?

|       |    |
|-------|----|
| Urban | 40 |
| Rural | 2  |

### 5. How long have you been providing legal services?

|                  |   |
|------------------|---|
| Less than 1 year | 4 |
|------------------|---|

|                   |    |
|-------------------|----|
| Up to 2 years     | 5  |
| Up to 3 years     | 1  |
| Up to 4 years     | 2  |
| More than 4 years | 31 |

**6. How long have you been a member of your coalition?**

|                   |    |
|-------------------|----|
| Less than 1 year  | 10 |
| Up to 2 years     | 10 |
| Up to 3 years     | 19 |
| Up to 4 years     | 2  |
| More than 4 years | 1  |

*Note: answer "2 years" counts as "up to 3 years", etc.*

**7. Do you think the three thematic coalitions fully address citizens' demand for legal services?**

|     |    |
|-----|----|
| Yes | 25 |
| No  | 16 |

**8. If No, please list other substantive thematic coalitions that should be included in the Network:**

- Coalition of social protection
- There are no limits for perfection. For instance, if coalition on financial services was established, it will be useful as well. And even that will not cover all spheres of legal aid to vulnerable citizens.
- Protection of personal non-ownership rights of persons with health problems – access to state authorities, access of visually impaired children to education, etc
- Financial (banking) services
- Right for social protection
- Protection from lawlessness, self-will of police, anti-corruption
- Human rights
- On the level of capital and big cities (with population over 1 million people), further unification of legal services is realistic: there is basic, cadre potential. On the level of towns/villages everything is opposite, basis and cadre potential equals zero. For instance, village heads ("mayors") have the right to perform notary functions. Oblasts are different as well. For example, in Lugansk oblast there are about 300 different centers. On the regional level, concentration of wider specter of legal services within existing coalitions, and synergy of efforts,

are essential. For instance, if mission is protection of worker's rights, then a worker can get into trouble, and requires assistance:

- o "before" establishing working relations with employer: questions of professional education, acquiring unemployed status, legalization of migrants and shadow salary, subsidies, etc
  - o "during" work relations worker can come across "external factors", like financial obligations for loan, alimonies, utility bills, health care / maternity leave, other
  - o "after" work relations: besides unemployment, there could be disability, need to care for sick family member, arranging / recalculating pension, etc.
- administrative services, utility services
    - o it would be worth to extend the sphere of activity of coalition in Property rights to the whole specter of legal relations in the civil law, not limit to property rights. 2) issues in social protection of population are quite timely as well
  - Coalition on social protection
  - Coalition on social protection
  - Today there are many questions, on which citizens need to receive free qualified legal aid. Court practice shows there is a large number of cases that arise from marriage-family relation, cases on appeal regarding illegal decisions, actions, or inactions of authorities, etc.
  - Protection of social and economic rights, in utility services provision in particular; access to justice, assistance in court processes.

**9. Is your organization a member of another formal/informal network/coalition?**

|     |    |
|-----|----|
| Yes | 26 |
| No  | 12 |

**10. If Yes, please specify:**

- Centers of legal information and consultations of IRF
- Ukrainian Helsinki Human Rights Union, Associations of condominiums, Union of owners of housing of Ukraine, NGOs of civic expertise of public policy, watch dogs NGOs
- Civic movement of consumers of Ukraine, civic anti-tobacco coalition
- All-Ukrainian legal education program "Understanding human rights"
- Coalition of pro-European organizations of Crimea, network of civic innovations, coalition "Fair elections South Coast of Crimea"
- Agroinvest project



- Centers of legal information and consultations of IRF, Program Legal empowerment for the poor
- Member of the Association of legal clinics of Ukraine, member of the Foundation of legal clinics of Ukraine
- Single social network of Kharkiv city, member of the All-Ukrainian association of blind lawyers of Ukraine, member of National assembly of Ukraine
- Association of legal clinics of Ukraine, all-Ukrainian NGO “Foundation of medical law and bioethics of Ukraine”
- **A)** If group of friends in Facebook could be considered as informal network (representatives of media, NGO, universities, law companies, government) in region and beyond.
- **B)** At the end of September group of NGO representatives participated in training by US Embassy “Inspiring presentation” and plan to spread the received experience in the regions, implement joint initiatives.
- Informal youth club «**Без Галстукoff**» (“Without ties”)
- Coalition of NGOs on monitoring information openness; Coalition of NGOs on monitoring of authorization centers in Ukraine (each unite 6 organizations, Coalitions are established by USAID PACE project), network of NGOs on lobbying (established within the project “Establishment of institute of civic lobbying and diplomacy” (Matra Cap Netherlands Embassy program)
- Network of centers of legal information and consultation (IRF)
- West-Ukrainian NGO network
- Ukraine without tobacco smoke coalition
- Network of support for people living with HIV/AIDS
- Civic movement of consumers of Ukraine, anti-tobacco coalition
- Association of legal clinics of Ukraine, Foundation of legal clinics of Ukraine
- Open society (Vinnytsia)
- Civic Initiatives

## 11. How do you communicate to other members of Network?

|                                 |    |
|---------------------------------|----|
| Via LEP web-site                | 27 |
| During the Coalition meetings   | 30 |
| At the Quarterly Meetings       | 32 |
| We don't communicate            | 0  |
| By other means (please specify) | 20 |

- Email, telephone
- Sometimes through email, mailing lists
- Telephone, email, work communication, joint events etc
- Email, telephone
- We try to use all means for efficient communication and cooperation
- Email, skype, facebook
- Phone calls, joint events
- Phone, skype, email, exchange visits
- Phone, vkontakte (social network)
- We just work
- Email, telephone
- Email
- Mobile phone and social networks
- Email
- Email
- Mailing lists, email, telephone
- Mobile phone, skype
- Email, phone
- Telephone, personal meetings
- Phone, email

**12. What are the benefits to your organization in attending the Quarterly Meetings? (*multiple answers possible*)**

|  |    |
|--|----|
| Networking with other LEP Partners including law firms with <i>pro bono</i> services | 39 |
| Raising capacity to protect interests of your clients                                | 27 |
| Increasing organizational capacity of the Coalition                                  | 30 |
| Other (please, specify)  | 10 |

- Exchange of experience, defining new directions of training

- Increasing professional level (professional development)
- Increasing professional level (professional development)
- Positive energetics of speakers and participants
- Promotion of coalition activity among other partners and experts
- Establishing contacts for daily cooperation
- Getting acquainted with novelties in fundraising, legislation and court practice updates
- Producing new ideas, extending partnership
- Professional development

13. Have your legal services improved due to networking with other LEP Partners, including *pro bono* law firms?

|              |    |
|--------------|----|
| Considerably | 12 |
| Somewhat     | 24 |
| A little     | 4  |
| Not at all   | 3  |

14. Do you believe citizens are informed of the legal aid services that LEP Partners and law firms provide?

|                     |    |
|---------------------|----|
| Adequately informed | 9  |
| Somewhat informed   | 33 |
| Not informed        | 2  |

15. How do you think citizens get information about legal aid services that LEP Partners and *pro bono* law firms provide?

|   |    |
|---|----|
| From LEP web-site                                   | 27 |
| From your own informational campaign                | 33 |
| From regional Department of the Ministry of Justice | 9  |
| Other ( <i>please, specify</i> )                    | 10 |

- Word of mouth, via friends, relatives
- People tell each other
- Through the events of our organization, interviews, appearances on radio and TV, publications

- While interacting, receiving legal aid from LEP partners
- Through information digests
- Having heard from friends
- Accidentally – through rumors
- Level of legal awareness of citizens is low. Local lawyers are more like “family doctors”, who have to diagnose any “disease.” By request of mass media they provide comments free of charge (as they are interested in free PR of themselves). Donors’ grant competitions turned NGO’s into competitors among themselves. It is not possible to state that there is an NGO with sufficient work experience in every rayon of Luhansk oblast. Between NGOs and media – the wall of misunderstanding and accusations: first are accused in “grant-eating;” latter – in “jeans;” hidden advertising in form of articles. Local departments of Ministry of Justice have no problems with publication of information in communal media. While there is some distancing; so there would be no impression of corruption, lobbying interests of particular lawyers/firms. At the end of the day, information streams are limited by boundary of specific rayon. The most influential of those – local printed media and radio, TV and internet (provided there is access to computer and internet). Disproportions – are objective.
- Via public receptions in local areas
- From participants of coalitions and their partners
- Majority of LEP partners have significant experience in the sphere of free legal aid provision, and thus, gained a positive reputation in their region, have a stable high number of clients. Besides that, information on free legal services citizens receive from mass media and from representatives of regional departments of Ministry of Justice of Ukraine
- Via clients who already used our services; due to information of our other partner organizations, for example in Sumy region – from the local organization of the National union of journalists of Ukraine.

#### 16. Do you think the informational campaigns supported by LEP are effective?

|                    |    |
|--------------------|----|
| Very Effective     | 17 |
| Somewhat Effective | 21 |
| Not Effective      | 2  |

#### 17. Do you think the advocacy campaigns supported by LEP are effective?

|                    |    |
|--------------------|----|
| Very Effective     | 18 |
| Somewhat Effective | 14 |
| Not Effective      | 1  |

## 18. What kind of other activities would you like to be supported by LEP grants?

|                                  |    |
|----------------------------------|----|
| Provision of training sessions   | 32 |
| Provision of legal aid           | 26 |
| Other ( <i>please, specify</i> ) | 10 |

- Assistance with court cases
- Add more training/ education events
- Actively encourage new forms of events, which encourage lawyers (especially young ones) to work pro bono. Example #1. In 2011, there 4 schools “Road to success of the young lawyer” conducted. Main idea of it was non-standard training in professional peculiarities and encouragement to be active in civic life. Sessions were led by well-known, popular, successful lawyers, leaders of law firms (Iryna Kalinska, Tetyana Montyan, Danylo Kurdelchuk and others). And also they did not get paid for this work (schools were taking place outside Kyiv). Organizers could not find the funds from donors, potential of private donations ended, and big idea ended with nothing. Example #2. There was a very successful “All-Ukrainian law week” in 2008. There were dozens of law firms engaged from all over the country to provide free legal aid, and the forum “Lawyers – for society” conducted. It was funded only by private money, no donor funds. Neither donor gave anything in 2009 and 2010 as well. As a result – idea came to naught. State is doing something in the “open doors” form. But it is not that level. State has to be open anyways. Idea was to engage private law firms and lawyers, and hundreds of them could be involved in pro bono work. That, what LEP was thinking about, was already tested. And no initiative came to that level. Example #3. Forums of young lawyers. One can find numerous mentionings of these in the Internet. Such unique organizers should be looked for and supported. LEP could be and should be the main organizer. But it did not become one.
- Legal education programs
- Structure: monitoring of potential of local legal assistance offices (from lawyers, NGOs, legal clinics, to village “mayors”, MoJ offices). Functions of separate offices: free consultations, primary and secondary legal aid. Round tables: synergy of efforts, including increasing legal knowledge of local media, involving them into counteraction to legal nihilism in a community.
- Explaining citizens about the benefits of legal aid offices' activities. Promotion of the best practices of pro bono among population, private companies and independent lawyers (developing pro bono culture in Ukraine). Study visits and internship in partner organizations and private companies in Ukraine and abroad.
- Teaching people about the need to protect their rights. People do not trust the law.
- Advocacy campaigns.
- Providing grants for projects that are implemented by organizations.
- It is worthwhile to support NGOs both in sphere of providing free legal aid, and in conducting trainings by themselves, or for NGO's proper on certain themes, as it will help NGO's to achieve their goals and develop, but more funds are needed for this.

- Trainings on writing project proposals.

### 19. How often do you contact LEP office for any kind of support?

|   |    |
|---|----|
| Quite often (at least one time per week)                  | 13 |
| Not often (not more than one time per month)              | 18 |
| Very rarely (just few times while being in the coalition) | 9  |

### 20. What kind of support do you expect from LEP office?

|                                    |    |
|------------------------------------|----|
| Training support                   | 27 |
| Informational support              | 21 |
| Support to your activities (grant) | 38 |
| Other (please, specify)            | 5  |

- Continuing cooperation
- Help in writing projects for grants (grant proposals)
- Partnership in the future – after the project ends
- Law starts to work in tandem with regulations of state bodies on procedural issues. There was a handbook “Internet for dummies,” now the “Rights protection for dummies” is timely. What is clear and understandable for lawyers is still a secret for community. Video spots on pressing issues (without populism) in the social advertising (public service announcements) format, with comments of charismatic lawyers and judges. Distribution: TV, international, demonstration of videos during regional events.
- Support of network projects of coalition members on regional and national levels.

### 21. Does LEP office provide its response in a timely and adequate manner?

|     |    |
|-----|----|
| Yes | 38 |
| No  | 4  |

Please, explain your answer:

- Assistance in cooperation, joint activity, in contacts with NGO's of coalition, all thematic coalitions, clarification and interpretation of novelties of law. There are specific answers to current issues/questions, clarifications and assistance in organizing and conducting events.
- Not always

- There was a request sent to the coordinator of coalition, no response was received at all.
- We received complete and substantial answers.
- Answers were always complete and were provided in timely manner.
- I wanted to submit a proposal for competition, sent them questions several times, but never received a reply. I had to address to coordinator of my coalition for clarification.
- We did not send any requests to the project.
- Sometimes they do not reply to the letter with report.
- We do not ask – there is no need.
- When such requests take place, then LEP replies to them clearly and quite quickly.
- We receive timely and complete answers to all requests concerning our activity.
- [They answer] fully and exhaustively, we are grateful for professionalism and tact
- Predominantly I always receive an answer I need. Office jointly helps members of coalition.
- All requests in telephone or electronic formats were received [by LEP], and professional answers were provided.
- Diligence.
- They provide timely answers to questions asked.
- Only once they could not provide an answer, suggested to ask Lada [Malaniy, coordinator of employment coalition].
- Communication between LEP and organization is very well established, [via] correspondence and telephone.

**22. What type of assistance would you like from LEP staff that you are not currently receiving?  
(multiple answers possible)**

|  |    |
|--|----|
| Legal advice on substantive areas of the law             | 15 |
| Guidance on technical skills needed to represent clients | 20 |
| Legal advice and guidance on specific cases              | 26 |

- We receive everything.

**23. Do you believe your organization has received sufficient training and technical assistance to effectively represent the interests of citizens?**

|     |    |
|-----|----|
| Yes | 22 |
| No  | 19 |

24. If No, which area would you like to receive more training? (*multiple answers possible*)

|   |    |
|---|----|
| Substantive areas of the law  | 9  |
| Skills-based, practical training, such as client representation, trial advocacy and mediation | 20 |
| Training on dealing with underserved individuals, e.g. women, minorities, and low-income      | 14 |
| Other (please, specify)   | 5  |

- On NGO activities.
- Trainings on strategic planning of NGO activities and effective fundraising
- Training on working with mass media and preparation of personal comments. Local reporters are humanitarians by education; they are not experts in law. They often make mistakes (legal and ethical) during journalistic investigations (article 10 of Convention on human rights). Only lawyers can adequately comment to readers that or another changes in legislation.
- Taking into account high turnover of cadre in legal clinics, it would be good to have constant schools on professional development, where students-consultants could acquire skills on consulting clients, preparation of legal and procedural documents, and representation of interests of client in courts.
- Interaction, support and cooperation with different providers of free legal aid.

25. What percentage of your clients are satisfied with your legal aid services?

|      |    |
|------|----|
| 25%  | 1  |
| 50%  | 7  |
| 75%  | 25 |
| 100% | 7  |

26. Have citizens requested legal aid services that you were not able to provide?

|     |    |
|-----|----|
| Yes | 32 |
| No  | 8  |

27. If Yes, could you have provided the legal aid services had you received additional substantive or skills-based training?

|     |    |
|-----|----|
| Yes | 16 |
| No  | 13 |



28. Which of the following support your efforts to provide access to justice and legal assistance?  
(multiple answers possible)

|   |    |
|---|----|
| Ministry of Justice's Department for Coordination of Legal Work and Legal Education | 5  |
| Ministry of Justice's Centre for Legal Reform and Legislative Drafting              | 5  |
| Regional Departments of Ministry of Justice   | 19 |
| National and regional bar associations  | 19 |
| Law Faculties   | 20 |

*NB: Ministry of Justice's Centre for Legal Reform and Legislative Drafting was transformed into Coordination Center on provision of free legal aid (Andriy Vyshnevsky center), so the question was asked incorrectly.*

29. Which of the following reasons do you access the LEP website? (multiple answers possible)

|  |    |
|--|----|
| To promote your organization or law firm                       | 9  |
| To learn about other LEP Partners                              | 32 |
| To exchange information and experience with other LEP Partners | 33 |
| To advertise your legal services                               | 3  |
| To obtain new clients for your services                        | 4  |

30. What part of LEP web-site do you access more often:

|                        |    |
|------------------------|----|
| Public-open            | 30 |
| Private, partners-only | 18 |

*Some respondents marked both options*

*Please, explain your choice.*

- Public section has information of general character, aimed at promotion of LEP activities among consumers.
- Private section gives additional professional information
- Depending on which issue has to be clarified
- Review of website updates
- From the public part we learn news about activities of all coalition members
- Interesting, informative
- Our organization covers all aspects of legal aid, but we have access only to Healthcare page. Rest of information we can only get from public, open part. Pity!

- I visit both, but public more often
- There is more information on public section
- There is no too much information
- I don't have a password for the private section
- Sometimes we read private section, but public one – more, for awareness.
- To get the news.

### 31. Do you think that one common Network would promote broader access to justice?

|                |    |
|----------------|----|
| Well           | 20 |
| Adequately     | 13 |
| Insufficiently | 5  |

*Please, explain your answer:*

- Common network will allow covering bigger territory, to have a bigger impact in society.
- There could not be too much of good things.
- If there will be a community (joint efforts), help to people could be provided faster.
- Because there should be more of this kind of networks, to influence justice at least somehow. That is why one network is not enough.
- Practice will prove (demonstrate).
- Unification of joint efforts regarding informing citizens on access to legal assistance will increase number or people who would be able to receive this legal aid.
- Creating a network – is an interesting idea, but NGO do enough work within three thematic coalitions. Just the communication among three coalitions should be established.
- Not to disperse efforts of NGOs, speed and objectiveness.
- Network will unite organizations of different directions of law and will provide an appropriate level of communication and exchange of experience.
- Our power is in our unification.
- In this network, there is a possibility for cooperation, receiving necessary information from one another, for solving that or another issue.
- It would be good, if before the common network starts, the case referral mechanism among organizations would be up and running. Then it would work efficiently among coalitions as well.
- If public information would be increased, effect would be bigger.

- Person, who asks for help, does not care about our internal structuring. There is a law on free legal aid, and it should be explained to everyone, where to address on the local level. Example. Recently I had to explain to one NGO leader (in past – business center), where specifically to go, to arrange/apply for [financial] assistance for care for seriously ill mother. Mentality of our citizens: those who are in trouble – state of depression – do not advertise their problems.
- Interconnections always give more opportunities for solving problems of general public.
- Major asset is exchange of experience and case referral, to be taken by another partner (for instance, if client need representation in another region, etc).
- A closer link between three coalitions is being developed.
- Common network will give opportunity to provide legal aid in three areas of law simultaneously, and this will facilitate better access of underserved to justice, and legal awareness.
- In different regions different legal practices are applied, which could serve as precedents for lawyers while considering important cases in courts.
- More of smaller networks are better than one big network.
- Through the members of the network more people could learn about access to justice and their rights. Involving NGOs to events and projects we can increase awareness and provide practical help in access to justice.
- Because there are other branches of law and legal relations, other needs of our clients.

### 32. Do you think the Network builds support for *pro bono legal* culture in Ukraine?

|                |    |
|----------------|----|
| Well           | 24 |
| Adequately     | 16 |
| Insufficiently | 1  |

### 33. Do you think the Network lawyers for national legal reforms to enhance access to justice and legal assistance?

|                |    |
|----------------|----|
| Well           | 26 |
| Adequately     | 10 |
| Insufficiently | 4  |

*Please explain your answer:*

- Network unites the most active and professional people, who know the problems of society, and know how to influence practically on the reform process.
- Examples are unknown.

- Most of possible options for developing effective cooperation and access to justice were used.
- Dilemma in times of transition period: what is primary – “view from down” (“egg”) or “actions from top” (“chicken”). There is no single answer. Current destruction of stereotypes “from top” (adaptation of existing progressive legislative models). But, integration of subjects to the new legal relations is possible only with provision of “comprehension of changes” by everyone personally. Thus, position of psychologists – it is not possible to integrate anyone anywhere forcefully. There is no single format for democracy. Adoption of that or another law does not guarantee changes for better. Editing new laws (with low efficiency), abbreviation of regulations, simplification of theirs perception by citizens without legal education – is a sign of strength, not weakness.
- There is a discussion of that or another aspects of legislation; this way reforming of it is being promoted.
- Partners of the network could initiate changes to the current legislation, according to the strategy of network activity.
- Through meetings, learning, and information on the website.
- All events implemented within Network framework, promote some reforms in that or another way, both in legislation, by proposing amendments to legislation, and also by reforming mentality of society in the sphere of attitude towards the free legal aid.
- Legal education – it is timely, but there is a lot of work for many years.
- Because at the meeting there were interesting direction of work of the Network regarding justice and legal aid highlighted, and I think that improvement will take place.
- There is access for quite a while. There are new reforms, and maybe there will be more. More should be written about it in magazines.
- Yes – definitely needs no argument.

#### 34. Does the Network reach out to the private sector (businesses) for the purpose of building a public-private partnership?

|                |    |
|----------------|----|
| Well           | 10 |
| Adequately     | 20 |
| Insufficiently | 8  |

#### 35. Do you think the Network is currently institutionally and financially sustainable?

|     |    |
|-----|----|
| Yes | 14 |
| No  | 25 |

**36. If No, do you think the Network can become institutionally and financially sustainable during the next two years before LEP ends?**

|     |    |
|-----|----|
| Yes | 25 |
| No  | 2  |

*Please explain your answer:*

- Network can become self-reliable in cooperation with coalition members.
- Current affairs have to be stabilized, systems and norms of sustainability worked out, sources of support, basis of stable state and societal support of such activity developed.
- In Ukraine, it is difficult to forecast due to general instability
- As for today, a common center which would coordinate the work on the search alternative sources of funding (grant, government support, budget funding and work with business structures) is not established. ALL members of coalition and network and financially self-sustainable.
- Such project should end with end of funding, but the best option would search for new financial donors for implementation of projects.
- Appropriate approaches for engaging additional funding are needed, as currently there are no other funding but that provided directly by the project. Depending on possibilities of funding the network, we can talk about sustainability in two years perspective.
- But on condition of clear strategy and proper motivation of network members.
- Participants of the network have opportunity to search for funding.
- I think we together should plan establishment of financial sustainability of the network.
- Stronger – yes, but instability in society gives ground for risks.
- Yes, if there would be common base (financial and moral support of partners).

**37. Does your organization or law firm give specific attention to gender issues arising from the lack of access to justice and legal assistance?**

|     |    |
|-----|----|
| Yes | 14 |
| No  | 27 |

*If Yes, please explain how:*

- We conduct appropriate monitoring.
- Very often, work with Roma camps.

- Women are less protected, particularly in rural areas, less informed of their rights.
- We pay attention to gender representation. One of our activities is counteraction to cases of domestic violence and gender discrimination.
- Though we are a women organization, more and more men join our organization.
- Some people, because of certain circumstances cannot receive certain legal information and cannot pay for legal aid, thus our help is quite important.
- Informative, we try to refute social stereotypes regarding the role of women in society, in government, in family.
- We have preliminary study regarding women in politics: representation in local government bodies is ok, in parliament – no. There is more conservative attitude to women on the west, than on the east. Discrimination by gender takes place also in regards to men (there are pretensions to legislation). General changes: if after the crisis women in EU and USA have to go to work (home parenting was considered relevant earlier, and migrants were engaged in unskilled work), in Ukraine it's vice versa, among business people non-working woman becomes a norm. There is nothing bad in it, but many young families split up, women are not protected. There is a separate issue, when there is a sick child: husbands leave the family, and state support is miserable. There are no problems with receiving alimony, but with termination of parental rights. Some women are so not sure financial abilities of men/husbands, that they give birth outside of marriage, in order to receive, even small, but guaranteed state support. Other.
- At provision of legal aid, separate target group is single mothers and retired women.
- There are more women coming [for legal aid], than men.

38. Rather than thematic-based, do you think the coalitions within the Network should be: *(select if any apply; otherwise keep blank)*

|  |    |
|--|----|
| Organizationally-based by NGOs, student legal clinics, and law firms                                       | 16 |
| Geographically-based by oblasts  | 8  |
| Client-based by type of individual receiving legal assistance, such as women, minorities, low-income, etc. | 6  |

39. Do you think that institutionalization of the Network and its registration as a charity is necessary?

|          |    |
|----------|----|
| Yes      | 25 |
| No       | 6  |
| Somewhat | 6  |

Please explain your answer:

- Our power is in unity
- This will positively formalize state of affairs, will bring sustainability, perspective, will make it more able, including financially will enhance and help every member of the network.
- Not sure – time will tell.
- Not necessarily! There are possibilities of working in format of coalition, and work with finances can come through authorized organization or firm!
- On condition, that this fund will attract money from abroad, and will not seek from local donors and will become a competitor to Ukrainian NGOs.
- If the network will work, as a coherent program/institution, with specific tasks and goals, in this case, acquiring legal entity will help to receive additional funding from other donors for implementation of statewide programs.
- Yes, because today in Ukraine there is no network that would ensure the provision of free legal aid to underserved / poor people and the Law of Ukraine “On Free Legal Aid” is not solving this issue.
- Due to charitable activity the further existence of the project will be possible.
- Network can exist as coalition of independent organizations.
- Formal status of the entity will make the work with donors and government representatives easier.
- I cannot provide the final comment. Objective factors: it is not possible to foresee legislative changes (taxation issues, administrative reform regarding regions, etc). Local socially responsible business works on the level of oligarchs, in the future – initiatives also among the businessmen / lobbyists of those or that deputies (members of parliament). But they would likely work with a private person or university (not an NGO). Subjective factors: every regional NGO is “keeping afloat” thanks to its partners, who all the difficulty of working in third sector. Threats (if we change the status of regional NGO to the status of branch of Kyiv NGO). Kyiv office could not take onto its balance all expenditures of regional NGOs. Local partners could stop partner relations with us (administrative support of office), as on the local level it is considered that in the capital – “all are rich and happy”. (!) The subjective point of view is presented here, which may not coincide with position of LEP experts and members of Employment coalition.
- There is a question regarding realization of the network its functions as charitable organization.
- This will create opportunity for raising funds.
- We think that some organizational and legal form should be established, but should it be a charitable organization – this question could only be answered, when the structure, form of coalition member participation, etc, will be visible.
- Time will tell.
- Since not all citizens have funds to receive legal aid, provision of free legal aid is necessary.

- It could be a charity. It is important to think about all groups of population (minorities).
- It will facilitate its institutionalization and financial sustainability.
- This would correspond with historical and cultural traditions of charity in Ukraine; would expand possibilities of the network.



# APPENDIX F: BIBLIOGRAPHY OF DOCUMENTS CONSULTED

| #     | Name of Document  |
|-------|---|
| 1     | Cooperative Agreement   |
| 2     | LEP Work Plan 5/5/10 – 5/4/11   |
| 3     | LEP Work Plan 5/5/11 – 5/4/12   |
| 4     | LEP Work Plan 5/5/12 – 5/4/13   |
| 5     | LEP Performance Monitoring and Evaluation Plan 6/21/10  |
| 6     | LEP Revised Performance Monitoring and Evaluation Plan 8/6/12   |
| 7     | LEP Network Sustainability Index  |
| 8     | Indicator 6.2.1-7   |
| 9     | USAID/Kiev Annual Project Report, Reporting Period ending 9/30/10   |
| 10    | USAID/Kiev Annual Project Report, Reporting Period ending 9/30/11   |
| 11    | Semi-Annual Report 3/5/10 – 9/25/10   |
| 12    | Semi-Annual Report 7/1/11 – 9/30/11   |
| 13    | Quarterly Report 10/1/11 – 12/31/11   |
| 14    | Quarterly Report dated April 30, 2012   |
| 15    | Pravova Krayina 2/11 – 2/12   |
| 16    | Quarterly Report dated July 30, 2012  |
| 17-39 | Pravova Ukraine (23 screen shots)   |
| 40    | Vasyl Polujko CV  |
| 41    | Natalia Kachanova CV  |
| 42    | Memorandum of Cooperation 12/5/11   |
| 43    | Quarterly Report 5/5/10 – 6/3/10  |
| 44    | Quarterly Report 9/26/10 – 13/31/10   |
| 45    | Quarterly Report 4/1/11 – 6/30/11   |
| 46    | Quarterly Report 1/1/11 – 3/31/11   |
| 47    | Needs Assessment Questionnaire regarding the QM   |
| 48    | Needs Assessment Questionnaire regarding law firms  |
| 49    | ABA/ROLI Promoting Rule of Law in Ukraine Final Report 4/2000 – 2/2010  |
| 50    | {As amended according to Law No. 3671-VI ( 3671-17 ) dated 08.07.2011   |
| 51    | Report on the Latest Legislative Developments Affecting Free Legal Aid Delivery and Three Thematic Areas in the LEP's Focus |
| 52    | LEP Project Legislative Updates Narrative Report, Reporting Period: July 01-31, 2012  |
| 53    | RFTOP   |
| 54    | USAID Organizational Capacity Assessment Tool   |

|           |   |
|-----------|---|
| <b>55</b> | LEP Institutional Improvement Plans   |
| <b>56</b> | USAID Evaluation Policy   |
| <b>58</b> | USAID Task Order  |
| <b>59</b> | DI's Proposal   |
| <b>60</b> | PMEP May 8, 2012  |
| <b>61</b> | Law on Charitable Organizations - in Ukrainian  |
| <b>62</b> | RFA for advocacy campaigns  |
| <b>63</b> | Feedback by <i>Pro bono</i> Law Firms   |
| <b>64</b> | 3 RFAs for coalition coordinators (one for each thematic network)                     |
| <b>65</b> | Agenda of the QM  |
| <b>66</b> | List of 65 LEP Partners in Ukrainian.   |
| <b>67</b> | PMEP September 30, 2012   |
| <b>68</b> | 20 Sub-Grantee Narrative Reports  |
| <b>69</b> | Quarterly Report ie. Semi-Annual through September 2012                               |
| <b>70</b> | Revised Evaluation Work Plan  |
| <b>71</b> | Focus Group Guide   |
| <b>72</b> | Julia's Notes from LEP's 2nd Media Club Meeting                                       |
| <b>73</b> | LEP's Sub-Grantees 17 Financial Reports   |
| <b>74</b> | LEP's Public Information Campaign Grantees  |
| <b>75</b> | List of Participants in QM1 and QM 5 pertaining to advocacy campaigning and judiciary |
| <b>76</b> | Draft QM Agenda as of 10/11   |
| <b>77</b> | Network Sustainability Index  |
| <b>78</b> | Revised Evaluation Work Plan  |
| <b>79</b> | Agenda of the QM as of 10-22-12   |
| <b>80</b> | List of Participants as of 10-22-12   |
| <b>81</b> | Institutional Development Framework Forms   |
| <b>82</b> | Institutional Improvement Plans Outlines by LEP                                       |
| <b>83</b> | Visnyk "Pravova Krayina" 7 issues in Ukrainian and one issue in English               |
| <b>84</b> | Digest "Pravova Krayina" – 2 issues   |

# APPENDIX G: GLOSSARY

|       |  |
|-------|--|
| DOJ   | Department of Justice                              |
| FAIR  | The USAID FAIR Justice Project                     |
| HHRU  | Helsinki Human Rights Organization                 |
| IOM   | International Organization for Migration           |
| IRF   | International Renaissance Center                   |
| LAOs  | Legal Advocacy Organizations                       |
| LEP   | Access to Justice and Legal Empowerment Project    |
| MOJ   | Ministry of Justice                                |
| MSI   | Management Systems International                   |
| NED   | National Endowment for Democracy                   |
| UBA   | Ukrainian Bar Association                          |
| ULAF  | Ukrainian Legal Aid Foundation                     |
| USAID | United States Agency for International Development |
| ULAW  | Ukrainian Legal Aid Website                        |

# APPENDIX H: QUALIFICATIONS OF EVALUATION TEAM

## Mary Noel Pepys, JD – Team Leader

Mary Noel Pepys is a senior program development specialist and attorney with 19 years of experience as a rule of law consultant designing, implementing, and evaluating rule of law projects and justice systems in over 40 different countries around the world. Ms. Pepys has worked for the USAID, U.S. Department of State, The World Bank, and United Nations Development Program, to provide legal assistance to judiciaries, bar associations, NGOs, and law faculties.

Since 1993, Ms. Pepys has served as an international rule of law consultant. In recent years she has evaluated rule of law projects for USAID in Jordan, Lebanon, Macedonia, and Russia. These reports included recommendations for follow-on programming in Lebanon and an assessment of the sustainability of the Russian-American Judicial Partnership II project. She has also conducted rule of law and judicial sector assessments in Algeria, Bulgaria, Lebanon, Morocco, Nepal, Papua New Guinea, and Ukraine. In Ukraine, Ms. Pepys co-authored an *Assessment of the Law of Ukraine on the Judiciary and Status of Judges*, she also authored *Combating Corruption and Strengthening Rule of Law in Ukraine*, and *Do the Draft Law on the Status of Judges and The Draft Law on the Judiciary Comport with International Standards*. In addition, Ms. Pepys drafted judicial system strategic plans to support planning and project design processes in Kosovo, Mongolia, and West Bank/Gaza. She has assessed legal and judicial education programs in Bulgaria, Czech Republic, Egypt, Kazakhstan, Moldova, Paraguay, Serbia, Uzbekistan, and Russia. She also has developed project proposals for rule of law projects in 16 countries including Ukraine. Ms. Pepys also has considerable experience in developing and supporting coalitions and associations within the rule of law sector. She has supported the creation of legal and judicial training centers in 15 countries including in Ukraine.

From 1993 to 1998, Ms. Pepys served as the rule of law liaison for the American Bar Association/Central European and Eurasia Law Initiative (ABA/CEELI) working pro bono. She supported the formation of judges and bar associations as well as associations that focused on women. She also helped legal professional NGOs to become self-sufficient. In 1997, Ms. Pepys served six months in her capacity as rule of law liaison for the ABA/CEELI in Ukraine. Most recently in 2011, she assessed the legal framework concerning legal education and bar reform, authoring *Supporting the Legal Framework to Enhance Bar Reform in Ukraine*.

Ms. Pepys obtained her J.D. from Hastings College of Law and her Bachelor of Arts in Political Science from San Jose State University.

# **Andrey Meleshevych, Ph.D – Local Program Development Specialist**

Andrey Meleshevych is an expert on politics, legislative development, and the rule of law in contemporary Ukraine. Dr. Meleshevych has conducted assessments, given presentations and prepared reports for the Ukrainian parliament (Rada), academic institutions, and international donors. He has experience working on international development and policy programs in Ukraine. Since 2008, he has participated in panel discussions and policy advisory groups on electoral legislation and political parties organized by the Ukrainian national parliament. Most recently, Dr. Meleshevych served as Local Expert on an evaluation of PDP's Strengthening Political Processes program in Ukraine. In addition, he is a member of the Board of Transparency International Ukraine, a member of the Board of the Media Law Institute, and served for five years as an attorney for the Kyiv District Attorney's Office.

Dr. Meleshevych's research and publications deal with institution-building and democratization in the post-Soviet transitional countries, political consequences of electoral laws and executive-legislative arrangements, political parties, rule of law, case law of the European Court of Human Rights, and constitutional law. Recent publications include *Comparative Analysis of the European Court of Human Rights Pilot Cases against Ukraine and Russia* (National University of Kyiv-Mohyla Academy Law Review, 2013), *Institutionalization and Perspectives on Development of Party System in Ukraine*, (National Academy of Science Ukraine, 2012), *Features of Consolidated Democracy and Ukraine*, (Elections and Democracy, 2007), and a *Comparative Study of Political Institutionalization in the Baltic States, Russia, and Ukraine* (Palgrave Macmillan, 2007), among others.

Dr. Meleshevych is Dean of the School of Law at the National University of Kyiv-Mohyla Academy in Ukraine. He received a Ph.D in Political Science from the Maxwell School of Citizenship and Public Affairs at Syracuse University and a J.D at the Kyiv National University Law School.

# APPENDIX I: TEAM STATEMENT OF DIFFERENCES

While the evaluation team reached a consensus on the recommendations in the report, the views expressed in the report are composite views and not necessarily reflective of each team member's individual views.

# APPENDIX J: MSI STATEMENT OF DIFFERENCES

## Overview

MSI appreciates the time and resources dedicated to evaluating the extent to which the Legal Empowerment Project (LEP) objectives and intermediate results have been achieved, and to identifying LEP's major successes and lessons learned to help guide the final year of programming.<sup>\*</sup> MSI is proud to have exceeded each of its targets in the Performance Monitoring and Evaluation Plan (PMEP) approved by USAID and remains committed to further advancing its goals, as defined in Cooperative Agreement No. AID-121-A-00-10-00704-00. To this end we take the comments and observations in the Mid-Term Performance Evaluation Report (ER) very seriously and look to incorporate several of the recommendations. However, weaknesses in the methodology and significant omissions in the use and analysis of data as presented in the ER undermine the validity of many of the findings, conclusions, and recommendations.

USAID provides specific guidance in its Evaluation Policy, setting standards to ensure that performance evaluations are objective, verifiable, and robust, thus providing a sound basis for future programming decisions. Under the Policy, performance evaluations serve the purpose of ensuring accountability to stakeholders, as stated below.

For evaluation to serve the aim of accountability, metrics should be matched to meaningful outputs and outcomes that are under the control or sphere of influence of the Agency. Accountability also requires comparing performance to ex ante commitments and targets, using methods that obtain internal validity of measurement, ensuring credibility of analysis, and disclosing findings to a broad range of stakeholders, including the American public.<sup>†</sup>

The ER does not compare performance with established commitments and targets as defined in the Cooperative Agreement and approved PMEP, respectively. The metrics used are undefined and extend beyond the outputs and outcomes under USAID's purview. Whereas the scope of work (SOW) from the evaluation task order called for the Evaluation Team (ET) to consider to what "extent the project's objectives and intermediate results have been achieved," "to identify the project's major successes and lessons learned," and to "examine and assess the relevance and effectiveness of all LEP activities in Ukraine,"<sup>‡</sup> the ER focused on a few activities, to the exclusion of others.

Notwithstanding the terms of the Cooperative Agreement and the metrics and targets in the PMEP, the ER promotes an alternative approach to providing legal aid. However, the standards in USAID's Evaluation Policy are intended to ensure that performance evaluations are premised on solid data,

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<sup>\*</sup> The project started May 5, 2010, and runs through May 4, 2014. The September "launch" referenced in the ER and the SOW relates to an event for partners and not to the project start date.

<sup>†</sup> USAID. 2011. *USAID Evaluation Policy*. Washington, D.C., p. 3.

<sup>‡</sup> ER, Annex 1.



rather than merely substituting one opinion for another.\* USAID evaluation policy sets out the following standards:

- Application and use to the maximum extent possible of social science methods and tools that reduce the need for evaluator-specific judgments.
- Use of data collection and analytic methods that ensure, to the maximum extent possible, that if a different, well-qualified evaluator were to undertake the same evaluation, he or she would arrive at the same or similar findings and conclusions.
- Evaluation findings that are based on facts, evidence, and data. This precludes relying exclusively on anecdotes, hearsay, and unverified opinions. Findings should be specific, concise, and supported by quantitative and qualitative information that is reliable, valid, and generalizable.

We believe this evaluation does not conform fully to these standards, resulting at times in skewed findings and unsupported conclusions. The most evident of these problems are detailed below.

## Methodology

For this evaluation, the ET presents a document review, key informant interviews, focus group discussions (FGDs), unstructured observation, and a survey. However, flaws in the data collection instruments and data analysis methodologies preclude objective validation of the ET's findings, in contravention of USAID Evaluation Policy. Specific examples of how these issues influenced the findings follow.

### DOCUMENT REVIEW

The ET's document review included the project reports, products, tools, and staff résumés; relevant statutes; sector assessments and tools; and USAID procurement documents for the LEP as well as for the evaluation itself, among other items. While the ET correctly refrained from adopting conclusions from the project reports without seeking independent corroboration, much of the information and data from those reports seems to have been overlooked. This sometimes leads to erroneous or incomplete findings.

- **On Public Outreach.** MSI fully agrees with the ET that raising awareness among citizens of their right to legal aid and the availability of services is “among the most important objectives of LEP.”<sup>†</sup> The ER recognizes LEP's work to improve its partners' public outreach skills through training as well as supporting their efforts through public information grants. In addition to this work, LEP has engaged in a substantial amount of public education outside of the grant program

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\* The specifics of this alternative approach are ill-defined as the ET indicated that it was not able to review documentation but made various assumptions based upon interviews with the organizations involved. See ER, p. 29.

<sup>†</sup>ER, Finding 3, p. 8.

to inform citizens of their rights and to popularize the coalition that was not included in the ER.

- LEP developed public service announcements (PSAs) featuring testimonials from clients, interviews with the lawyers involved, and information on how to access legal aid. LEP collaborated with several television outlets to air the PSAs free of charge.
- LEP staff has participated in radio call-in and television talk shows discussing citizen rights and how to access the legal aid services of the coalition. Indeed, the ET observed the taping of one such show, a 60-minute television talk show orchestrated by LEP on the topic of legal aid and featuring LEP staff and coalition partners.\*
- LEP also started a “media club”—a unique activity designed to pique the interests of journalists on legal aid.
- LEP and its partners have also conducted roundtables on legal aid.
- LEP’s legal adviser has published several articles on the right to and availability of legal aid in print media.

As a result of these efforts, LEP’s events (quarterly meetings, award ceremonies, roundtables) enjoy considerable media coverage, informing citizens of their rights and popularizing the coalition both regionally and nationally. All of these activities are detailed in the quarterly reports, and copies of the videos and print media were provided to the ET. Incongruously these activities were not cited in the ER, not even in conjunction with the recommendation that LEP revise its “media strategy to reach the public as opposed to targeting the legal assistance community”† While more can always be done, resources permitting, to make these recommendations without reference to the substantial number of activities that have already been completed is misleading.

- **On Publications.** The ET misunderstood the purpose of LEP’s *Vysnyk* and *Legal Digest* publications, suggesting that “...the publications were designed to provide a similar function to ULAF’s publication which provides advice about legal situations and are widely accessible to the public.”‡ This is incorrect. LEP’s quarterly reports explain that *Vysnyk* and *Legal Digest* primarily target partners, providing recaps of trainings from the previous quarterly meetings, partner success stories, and tips on organizational development. However, LEP does support another publication, the MOJ newsletter, which addresses the public information function. In collaboration with MOJ, LEP has published five newsletters since March 2012, with print runs of 4,000 each. The articles are directed to citizens and are intended to raise awareness of their legal rights and availability of legal aid; the newsletters are distributed to citizens directly through the MOJ consultations centers throughout Ukraine with which LEP collaborates. These newsletters were not analyzed in the ER, while the *Vysnyk* and *Legal Digest* were mistakenly evaluated as public information documents.§

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\* Links to several of the PSAs and television spots LEP has initiated can be found at <http://www.youtube.com/channel/UCjS8yuOrUylpgf9WUGA7hDQ?feature=watch>.

† ER, p. 24.

‡ ER, p. 11.

§ Finding No. 7, ER, p. 11.

## KEY INFORMANT INTERVIEWS

There is a heavy reliance on key informant interviews, without adequate triangulation with other data that might augment, contradict, or flesh out the views of key informants.\* Often the ET premised its findings on the opinions of just a few interviewees. In addition, the lack of specificity in statements such as “at least six interviewees noted...” and “a number of interviewees perceive...”<sup>†</sup> suggests that data synthesis was not rigorous.

The ET relied on hearsay statements in key informant interviews to fortify the opinion of a single interviewee. Finding 9 states: “Dissatisfaction with the Property Rights Coalition Coordinator was expressed by *several interviewees*.” [Emphasis added.] The analysis however reveals that this finding is premised on a statement by “*an LAO in Lviv*.” Further, “*The LAO mentioned, although not by name, that other LAOs were also dissatisfied with the property coalition*.” This statement by “*an LAO in Lviv*” was later characterized as “*persistent complaints*” in the Recommendations section.<sup>‡</sup> The USAID Evaluation standard cautions against relying on hearsay because of its inherent unreliability; where the speaker to whom the hearsay statement is attributed is not identified, the statement cannot form the basis of any findings as it is impossible to test the veracity of the underlying statement.

The ET adopted perceptions and vague, unsupported opinions from key informants:

... at least six interviewees noted that the LEP leadership is not held in as high professional esteem among the Ukrainian legal aid community as the leadership at other organizations. It was difficult to ascertain for the ET [sic] the root cause of this perception; it is quite possible that the LEP leadership focused on technical requirements of completing their work rather than building relationships within the Ukrainian legal aid community.<sup>§</sup>

Besides acknowledging the absence of any objective evidence supporting this assertion and speculating about possible explanations, the statement is rife with unexplained assumptions. Although the ET represents canvassing the Ukrainian legal aid community with a contact/interviewee list of 96 people, statements of just 6 (or so) interviewees is suggestive of an outlier opinion, and is insufficient to support such a categorical conclusion. Further, the comparison of LEP leadership with “leadership at other organizations” is so vague it is impossible to test the validity of these few opinions.

## UNSTRUCTURED OBSERVATION

Although the ET observed LEP’s quarterly meeting as well as a media club session, and sat in on the taping of a televised talk show on legal aid featuring LEP and coalition members, only the observations from the quarterly meeting were referenced in the ER since neither of the other two activities was addressed in the evaluation. Observations from the quarterly meeting were compromised by the fact that the ET Leader missed parts of, and in some instances entire sessions, and was reliant on sporadic translation.

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\* See e.g. Finding 5: “some Ukrainian members of the legal assistance community expressed a dismissive attitude of LEP.” Finding 6: LEP has not collaborated extensively with other rule-of-law programs. Finding 9: Several interviewees expressed dissatisfaction with the Property Rights Coalition Coordinator.

<sup>†</sup> ER, pp. 9, 12.

<sup>‡</sup> ER, p 23.

<sup>§</sup> ER, p. 12.

## Findings

Despite issues with the methodology of the evaluation, MSI concurs with some of the findings. However, several of the findings are not supported by the data, are premised on partial data, or misrepresent the facts.

### FINDING 1

The ET's finding is consistent with LEP's own participant feedback that there is not a single preferred training method: some partners like interactive discussions, while others prefer expert lectures. Accordingly LEP uses both formats in the training sessions at quarterly meetings.

### FINDING 2

MSI is in accord with these findings.

### FINDING 3

LEP's outreach efforts are considerably broader than the public information grants discussed here. MSI concurs that "changes in the level of the public's awareness of their rights would require a broader survey." However, proxy data in the form of number of clients served and spikes in the number of hits to the LEP website were readily available to the ET. Moreover, for the media campaigns, data on number of viewers of the various television stations airing LEP's PSAs and viewer data on the talk shows that featured LEP and the coalition provide an estimate of the number of citizens reached; the fact that commercial television stations chose to repeat airing of these shows suggests popularity among viewers. Finally, as all 4,000 of the MOJ newsletters are distributed to citizens through the consultation centers, it is reasonable to conclude that at least 4,000 citizens were reached in each of the five editions of the newsletter.

### FINDING 4

LEP collaborates more closely with the Department on Coordination of Legal Work and Legal Education (the "Department") than with the Coordinating Center for Legal Aid (the "Center") for both programmatic and technical reasons. The Department coordinates the work of the legal consultation centers, which provide primary legal aid to citizens throughout Ukraine.\* The Department welcomed the opportunity for its lawyers in the consultation centers to participate in the training LEP provides, and LEP partners value the relationship they have developed with the centers, referring clients to one another as appropriate. Moreover, the Department is LEP's formal governmental beneficiary, required for registration of a technical assistance project in Ukraine. Guidance from the Minister of Justice at the time of the emergence of the Center confirmed that LEP should continue its fruitful collaboration with the Department. While the Center also plays a role in the implementation of the Law of Free Legal Aid, its centers are engaged in criminal and administrative cases, which are beyond the scope of LEP's work as a USAID-funded project.

### FINDING 5

Based on "a number of interviewees" the ET found that "the legal aid community" perceived it to be "inappropriately luxurious" to host the *pro bono* award ceremony at the Hyatt Regency hotel in Kyiv. Similarly, the ET based a finding that the location of the LEP office is "viewed by the Ukrainian legal aid community as another example of an inappropriately luxurious choice for a legal aid organization promoting free legal aid." MSI submits that it is inappropriate to ascribe the subjective statements of a

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\*The ER references 732 legal consultation centers; at present there are nearly 800 such centers in Ukraine.

“number of interviewees” to the whole “legal aid community.” The ET would have had to canvass a representative sample of the Ukrainian legal aid community which would include LEPs partners, MOJ consultation centers, NGOs, student legal clinics, and private lawyers engaged in *pro bono* work in order to support these statements. It is further worth noting that the *pro bono* event is to honor private attorneys for their contributions; as such it was not a legal aid event. High-level officials from the government of Ukraine, the Parliament, and the judiciary, as well as the USAID Mission Director attended. Similarly, LEP does not host legal aid events in its office, which consists of three small rooms, shared by five staff.\* Accordingly this “perception” of luxury is misplaced and should have been thoroughly explored by the ET before adopting this opinion as a finding.

## FINDING 6

While stating that “all of the stakeholders associated with the rule of law and legal aid programs were complimentary of LEP’s efforts” those same individuals “stated uniformly that LEP was not proactive in maintaining robust relationships with other programs.”† Given the apparent incongruity of these statements, the ET should have attempted to triangulate this characterization of LEP’s engagement. Rather than requesting documentation from LEP or going further in its own research, the ET simply adopted this subjective and vague characterization, despite its clear admission that “LEP has demonstrated an awareness of other rule of law programming....”

Objective evidence belies the notion that LEP collaboration with other programs and stakeholders is sporadic:

- Representatives from IRF and PACT-UNITER (USAID’s civil society project) are both standing members on LEP’s evaluation committee for grant selection;
- LEP and USAID’s Parliamentary Development project jointly organize monthly donor coordination meetings;
- LEP regularly attends donor coordination meetings at USAID’s FAIR project, and has invited FAIR staff to speak at its quarterly meetings three times;
- Labor unions affiliated with USAID’s project implemented by the Solidarity Center are invited to participate in the labor network;
- LEP is actively exploring programmatic collaboration with USAID’s AgroInvest project;
- LEP enjoys successful collaboration with Bibliomist, using its internet-enabled libraries to offer legal consultations to villagers via skype; and
- LEP’s COP participates in the Methodological Council, presided over by the Minister of Justice, which considers the status and plans for development of the legal aid system.

All of these facts were easily verifiable through emails, attendance sheets, agendas of quarterly meetings and donor coordination meetings, and quarterly reports. Had the ET attempted to triangulate the opinions solicited in its interviews with other projects, it might have been prompted to explore what the interviewee meant by the term “robust relationship” and consider whether even deeper engagement would be appropriate or productive. Absent this, however, MSI submits that its systematic engagement with six USAID projects plus the IRF and the MOJ cannot reasonably be characterized as “minimal and sporadic.” The characterization later in the ER of an “almost non-existent state of

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\* LEP moved to these offices specifically to save money on rent so that more resources could be allocated to programming.

† ER, p. 9.

cooperation between LEP and other stakeholders associated with legal aid programs” is untenable in light of the objective data.\*

#### **FINDING 7**

The ET misconstrued the purpose of *Vysnyk* and *Legal Digest*, thinking it was intended as a public information tool directed to the general public. Taken in the proper context, as partner resources, *Vysnyk* and *Legal Digest* have been well-received. Nonetheless, LEP will consider suggestions to include more substantive articles on legal developments for the benefit of its partners.

#### **FINDING 8**

These findings are internally inconsistent. On the one hand, the ET found that “[LEP] staff have reputations of being exceedingly helpful” and that they are well qualified for their positions. On the other, the ET relied upon an outlier opinion to conclude that having an all-Ukrainian staff was a “hindrance” because some people did not view them as highly as they do expatriates. MSI submits that where local capacity and expertise exists, as the ET confirmed is the case here, technical assistance projects should utilize it to the full extent possible.

#### **FINDING 9**

The network coordinator function was intended as a temporary measure until the coalition had the capacity to select its own leaders and form of management. LEP has proceeded with this strategy and as of March 1, 2013 the network coordinators have been replaced by a governing board, selected by the coalition members. This finding is therefore now moot, and LEP’s actions are consistent with the recommendations of the ET.

#### **FINDING 10**

MSI concurs with the finding that few legal aid organizations focus on a particular substantive area of law. However, it is not clear how encouraging them to build expertise in a particular area of law “limits their effectiveness as a LEP partner.” The existence of specialized legal aid networks was conceived as a way to improve quality, noting the challenges for lawyers, and even more so for students, to ably handle all types of cases. LEP would be interested in a thoughtful testing of the hypothesis that, through specialization, lawyers and students deliver better services than generalists. A second rationale for the substantive networks was to build cohesion among organizations, or individuals who work in similar fields, promoting closer collaboration and developing a cadre of recognized experts. The ET findings suggest that this has played out in practice. LEP notes, however, that requiring member organizations to pick a substantive network, does not limit that organization from working in additional fields. Rather LEP requests that at least one person in the member organization practice in the chosen field, even if not exclusively. This would seem to eliminate the concerns and potential drawbacks referenced by the ET.

#### **FINDING 11**

LEP agrees that its website could, and should be more interactive and robust. A bigger platform would facilitate greater utility. LEP was beginning to do this when the website fell under USAID’s freeze pending approval of branding requirements. LEP recently received approval and will proceed with the planned improvements. Frustration expressed about not being able to access internal sections of

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\*ER, p. 10. Moreover, the “telling example” cited in the ER does not support the conclusion that LEP fails to cooperate with legal aid programs and other stakeholders. LEP agreed to make a presentation at the roundtable, but was not informed of the time or place prior to the event. While it may have appeared that LEP simply failed to show up, the mistake was on the part of the organizers.

networks other than their own is well-taken and LEP will explore the advantages and disadvantages of opening up the internal website to all coalition members with its partners. LEP also periodically verifies the contact information for its partners on the website; however, it is inevitable that some contact information will change, or that contact data for new partners is delayed until it can be verified. LEP will verify the partner listings again. MSI disagrees with the ET's conclusion that "the absence of contact information for *pro bono* law firms, defeats the purpose of LEP's website to serve as a clearinghouse model for *pro bono* contributions." Were their contact details to be listed, commercial law firms, working primarily for paying clients, would likely be inundated with *pro bono* requests. If the law firm did not respond to the requests, citizens would lose confidence in legal aid. Another likely outcome would be the withdrawal of the law firm from *pro bono* activity. To avoid this, LEP's system is intended to let the NGO and/or clinics screen cases for appropriate referral to *pro bono* lawyers as appropriate. Law firm contact information therefore is not and will not be posted per their own conditions for participation.

## **FINDING 12**

LEP confirms the basic accuracy of these findings.

## **FINDING 13**

LEP readily acknowledges that not all legal aid providers in Ukraine are affiliated with its coalition. Indeed, this is by design as LEP understands its primary objective is to promote the sustainability of a coalition that could grow over time as its capacity evolves. To do this, LEP has worked to persuade its partners of the advantages of collaboration as a coalition, and has deliberately sought out partners who demonstrate commitment to the coalition. Evidence of commitment included active participation in quarterly and coalition meetings, promotion of the coalition brand, and collecting client satisfaction data. Continually adding organizations will not only interfere with the cohesion of the "core group" that has evolved, but also creates financial concerns as LEP simply does not have the budget to meaningfully engage significantly more partners, even if it were programmatically advisable at this time. LEP has already exceeded its target goals with respect to number of partners.

## **FINDING 14**

LEP confirms that it has addressed the objective of encouraging private law firms and lawyers to provide greater *pro bono* assistance less than the other project objectives, though this is also by design. The availability and willingness of private law firms and lawyers to engage is limited. LEP seeks to ensure that this valuable resource is not squandered by recruiting firms before the coalition is sufficiently established to make good use of their services. Some private lawyers are less interested in taking cases, but are willing to consult with the NGO lawyers; others are willing to take only certain types of cases; still others are willing to provide training. The coalition had to be established before LEP could make the best use of these types of contributions and LEP planned to gradually ramp up its efforts in this activity in the final year of the program. Even so, LEP has already exceeded its goals with respect to attracting *pro bono* contributions, both in terms of number of law firms and value of services. Addressing the ET's concern that LEP's *pro bono* partners tend to be in Kyiv and Crimea, LEP's recent practice of recognizing local lawyers in the region where quarterly meetings are held is helping to attract private attorneys from the various regions of Ukraine. Finally, regarding training for *pro bono* lawyers, the ET correctly notes that it "is being done directly by LEP partners, but on a highly sporadic basis with LEP support." Training for lawyers already donating their time and resources is purely on an as-desired basis. Some local lawyers have attended the substantive training at the quarterly meetings and others have received one-on-one training to prepare them to participate in open consultations, at the Law Week legal aid market,

for example. However, requiring *pro bono* lawyers to attend trainings as a condition to contributing to the coalition would likely discourage participation.

### **FINDING 15**

LEP concurs that the employment network handles more cases involving women’s rights than do the other networks. However, this is not suggestive of a shortcoming in the other networks as much as it is the fact that gender discrimination in employment remains a significant problem in Ukraine. Moreover, mainstreaming gender into a technical assistance project involves more than soliciting cases that involve gender issues. For example, one should look to the gender composition of the project staff as well as the gender balance of the grantees and other beneficiaries to ensure that opportunities are being made available to women in equal proportion to men. In these more subtle, but equally important aspects of mainstreaming gender, LEP is demonstrating attention to gender: both its COP and DCOP are women; two of the three coalition leaders were women; coalition partners have greater representation of women than is observed in the population at large. Finally, LEP disaggregates client data to ensure that the legal aid services it supports are equally available to and utilized by women: in FY2 (the first year of data collection on this indicator) 42 percent of clients receiving services from coalition members were women; LEP improved on this in FY3 when 52 percent of clients served were women. As the ET noted, the project partners confirmed that LEP encourages partners to promote gender equality. The fact that some partners noted that they are also motivated by their own mandate to engage in gender issues does not undermine the conclusion that LEP successfully incorporates gender into its activities.

### **Conclusions**

MSI set forth its concerns with the Conclusions 1–10 and 12–13 previously in the Findings section. Conclusion 11, setting forth the ET’s divergent views on whether the coalition will ultimately be sustainable, was not addressed in the Findings section and therefore will be addressed here. The ER confirms that there are various indications that the coalition is showing progress toward sustainability: it is effectively serving a real and ongoing need in society; it is engaging members in collaborative activities; it is collecting data in preparation for a financial strategy; it is exploring alternatives, including building an endowment from charitable donations from a variety of benefactors; it is preparing to register as a charitable organization, capable of receiving donations directly, tax free. While it remains to be seen whether LEP will definitively achieve its ambitious goal before project end, it is clear that the coalition continues to build organizational capacity.\*

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\*The ER questions whether the “coalitions could be sustainable without funding.” MSI assumes that the ET intended to query whether the coalition would continue to exist without project funding. To support its activities, the coalition naturally will require funding— whether from public–private partnerships, an endowment, activity grants, or from some combination of these. LEP is worked intensively with the coalition to develop and implement its strategy for sustainability.



# APPENDIX K: UKRAINIAN EXECUTIVE SUMMARY

## КОРОТКИЙ ВИКЛАД

Цей документ є звітом, підготовленим компанією Демокрасі Інтернешнл (DI), про середньострокове оцінювання проекту «Доступ до правосуддя та правової обізнаності в Україні «Правова країна», що виконується компанією Менеджмент Системс Інтернешнл (MSI) у рамках кооперативного договору AID-121-A-00-10-00704 з Агентством США з міжнародного розвитку (USAID). Метою цього середньострокового оцінювання є вивчення актуальності та ефективності діяльності проекту «Правова країна», а також питань майбутньої життєздатності інституційної структури проекту. Дане оцінювання дозволить USAID та MSI визначити, чи потрібно вносити корективи до поточної програмної діяльності проекту «Правова країна».

Дане середньострокове оцінювання зосереджене на поточних результатах діяльності проекту «Правова країна» та на розвитку загальної ситуації, пов'язаної з верховенством права, з урахуванням правових та інституційних змін у сфері надання безоплатної правової допомоги в Україні. Оцінювальна комісія (ЕТ) вивчила та проаналізувала відповідні документи; провела експертні інтерв'ю, фокус-групи та онлайн-опитування партнерів проекту «Правова країна»; а також взяла участь у щоквартальній зустрічі учасників проекту, в результаті чого була зібрана інформація, яка дозволяє надати відповіді на п'ять запитань, сформульованих у технічному завданні:

1. З урахуванням відповідних змін у законодавстві та суспільстві, таких як прийняття Закону України «Про безоплатну правову допомогу» та проведення дотичних реформ у секторі верховенства права, якою мірою підходи до вирішення проблеми доступу до правосуддя та розширення правових можливостей населення шляхом створення трьох тематичних коаліцій в рамках проекту «Правова країна», сприяють досягненню бажаних результатів?
2. Чи достатньо робиться в рамках проекту для досягнення його першої цілі?
3. В якій мірі бенефіціари проекту засвоюють та переймають бажану поведінку?
4. Які перспективи життєздатності кінцевих результатів проекту, особливо таких його компонентів:
  - a. надання правових послуг партнерами проекту – організаціями, що надають правову допомогу (громадські організації та студентські юридичні клініки);
  - b. трьох тематичних правових коаліцій, що утворені в рамках проекту;
  - c. процедур консультування та переадресації справ за допомогою веб-сайту проекту «Правова країна»;
  - d. використання моделі центру координації правової допомоги pro bono

(clearinghouse) для надання приватними юридичними фірмами pro bono допомоги трьом тематичним коаліціям?

5. В якій мірі заходи в рамках проекту вирішують гендерні питання? Чи можна було б вдосконалити ці заходи з метою кращого сприяння досягненню гендерної рівності у наданні правової допомоги?

Оцінювальна комісія також підготувала відповіді на такі запити про рекомендації, викладені у технічному завданні:

1. В якій мірі існуючий підбір персоналу проекту «Правова країна» є достатнім для забезпечення ефективного досягнення запланованих результатів і цілей в ході реформування правового середовища і ситуації в країні в контексті впровадження системи безоплатної правової допомоги?
2. Які місцеві організації, що є партнерами проекту «Правова країна», можуть мати потенціал для безпосереднього виконання в майбутньому проектів Агентства США з міжнародного розвитку в сфері забезпечення доступу до правосуддя?
3. Які види діяльності та засоби підтримки можуть бути надані протягом останніх двох років реалізації проекту, з метою виявлення українських партнерів, що є найбільш придатними (з фінансової, організаційної і технічної точки зору) в якості безпосередніх одержувачів прямої допомоги з боку уряду США?

У відповідь на прохання працівників Агентства США з міжнародного розвитку під час попереднього брифінгу для членів Оцінювальної комісії, наш звіт містить аналіз результатів, висновки і рекомендації щодо останніх двох років Проекту «Правова країна». У вересні 2010 року Агентство США з міжнародного розвитку розпочало Проект «Правова країна» з метою посилення потужності українських неурядових організацій, що надають правову допомогу, та студентських юридичних клінік. Ці дві групи стали партнерами проекту, приєднавшись до трьох тематичних коаліцій "Правової країни". Проект також залучив приватні юридичні фірми для надання у співпраці з коаліціями безоплатної правової допомоги. Метою проекту є розбудова потужності організацій, що надають правову допомогу, та студентських юридичних клінік для представлення інтересів громадян, створення життєздатної загальнонаціональної мережі правових адвокатів організацій, що спрямує громадський попит на правові послуги у специфічних галузях права та впливатиме на діяльність даних організацій, а також зусилля для проведення національних реформ, а також сприятиме покращенню доступу до правосуддя, а також залучення додаткових приватних ресурсів для розширення та збільшення впливу професійних правових зусиль програми. Для досягнення цих цілей, компанія MSI створила мережу з трьох тематичних коаліцій, що складається з 128 неурядових організацій, що надають правову допомогу, і студентських юридичних клінік та 27 приватних юридичних фірм, які готові надавати юридичні послуги членам коаліцій на засадах pro bono, (всього 155 партнерів проекту) з метою зміцнення потенціалу партнерів ефективно представляти інтереси українських громадян, а також підтримки їх зусиль з проведення національних реформ та сприянню більш широкого доступу до правосуддя. MSI приділяє особливу увагу забезпеченню життєздатності трьох тематичних коаліцій з подальшою метою створення

благодійної організації, яка допомогла б зміцнити існуючу організаційну структуру партнерів проекту. MSI надає допомогу партнерам проекту «Правова країна» з метою колективного пошуку зовнішніх джерел фінансування для забезпечення фінансової самодостатності благодійної організації-послідовника проекту. Аналіз отриманих результатів та висновки надають оцінку прогресу проекту «Правова країна» на шляху до досягнення цих цілей.

## **Одержані результати і висновки**

Партнери Проекту «Правова Країна» переконані, що продуктивність їхньої діяльності зросла завдяки участі у проекті. Значною мірою це стало можливим завдяки відносинам, зв'язкам і мережі, які вони налагодили зі своїми колегами з інших організацій. Три тематичні коаліції дозволили партнерам проекту не тільки зосередитись на ключових питаннях, а й представити окремі напрямки у сфері правової допомоги. Більшість організацій-партнерів і юридичні клініки надають послуги в різноманітних галузях права.

Ключовими напрямками проекту є розвиток вмінь і навичок партнерів проекту з інформування та надання допомоги незаможним людям шляхом проведення тренінгів; а також пряме фінансування інформаційно-роз'яснювальних кампаній задля кращого інформування громадян про їхні юридичні права. Хоча самі організації, в цілому, позитивно оцінюють ефективність таких кампаній, об'єктивно підтвердити їх ефективність важко.

Взаємодія проекту «Правова країна» з судовим сектором, іншими програмами з верховенства права, й більш широкою українською професійною спільнотою у сфері правової допомоги була неоднозначною. Проект взяв до уваги діяльність інших програм у сфері верховенства права і Менеджмент Системс Інтернешенел відповідним чином скорегувала програмну діяльність «Правової країни», здійснивши успішний перехід від надання підтримки у розбудові спроможності на рівні організацій до надання підтримки на рівні коаліцій. Проте, водночас, проект «Правова країна» не налагодив тісної співпраці з іншими програмами з верховенства права.

Проект «Правова країна» знаходиться у делікатній позиції щодо Міністерства юстиції України через існування двох координуючих структур, Управління координації правової роботи та правової освіти та новоствореного Координаційного центру з надання правової допомоги, на перехідному етапі реформи системи безоплатної правової допомоги. Видається, що проект поки що не підтримує тісні робочі стосунки з Координаційним центром.

Проект «Правова країна» залишається маловідомим серед української професійної спільноти у сфері правової допомоги, а також серед широкої громадськості. Це призвело до недостатньої обізнаності про діяльність та цілі проекту. Незважаючи на те, що це частково спричинене умисними намаганнями проекту просувати ідею про те, що діяльність і коаліції належать самим партнерам «Правової країни», проект може отримати користь від кращого і більш відомого свого публічного образу. Насправді, основні напрямки вдосконалення стосуються його публічних матеріалів, насамперед, публікацій і

офіційного вебсайту. Ні публікації, ні інтернет-сторінка проекту в повній мірі не досягають поставлених перед ними цілей із забезпечення синтезу та аналізу правових питань і сприяння ширшому доступу до правосуддя шляхом відсилання справ для подальшого надання допомоги і юридичних консультацій, а також як інформаційно-довідкового центру для сприяння рго впо діяльності. На сьогодні участь приватних юридичних фірм у наданні допомоги рго впо залишається найменш досягнутою ціллю. Хоча існують фірми, які надають таку допомогу в рамках проекту, багато роботи ще має бути зроблено у цьому напрямку.

Зрозуміло, що проект послідовно працював над розбудовою життєздатності трьох коаліцій. Так, замість того, щоб коаліціями керували співробітники проекту, було обрано одну з організацій-партнерів для координації кожної коаліцією, які заохочували добровільне щомісячне звітування, необхідне для формування даних для фандрейзингу, і організували періодичні зустрічі коаліції. Менш зрозумілим є те, наскільки стійкими будуть налагоджені відносини і зв'язки за умови відсутності фінансової допомоги і як це вплине на співпрацю партнерів і юридичних клінік. Проект наразі вивчає варіанти для забезпечення життєздатності коаліцій.

Базуючись на вищенаведених результатах і висновках, зібраних у ході оцінювання, Оціночна комісія розробила конкретні, реалістичні, практичні рекомендації, які USAID і MSI можуть використати для поліпшення поточної реалізації проекту "Правова країна" і планування його майбутньої діяльності. Оціночна комісія надала декілька рекомендацій в межах наявної структури проекту; проте головні рекомендації пропонують змінити цілі програми. Ці рекомендації є результатом змін у законодавчому та професійному середовищах, зокрема, прийняття Закону України «Про безоплатну правову допомогу», створення Української фундації правової допомоги, і здобутки проекту «Правова країна» на цей час. Переглянутий підхід має складатися з трьох нових цілей:

1. Підвищення обізнаності українців про їхнє право на адвоката відповідно до Закону України "Про безоплатну правову допомогу", а також розширення їхніх знань і доступу до правової допомоги;
2. Утворення комплексної Фундації правової допомоги, яка б мала наступні цілі: а) координація загальнонаціональної мережі громадських і благодійних організацій, що забезпечують доступ до правосуддя, і б) співпраця з новоствореною державною системою безоплатної юридичної допомоги в Україні;
3. Створення комплексного вебсайту Української правової допомоги, що містив би всю інформацію стос

# APPENDIX L: CONFLICT OF INTEREST STATEMENTS

Disclosure of Conflict of Interest for USAID Evaluation Team Members

|  |  |
|--|--|
| <b>Name</b>  | Mary Noel Pepys  |
| <b>Title</b>   | International Rule of Law Attorney   |
| <b>Organization</b>  | Democracy International  |
| <b>Evaluation Position?</b>  | <input checked="" type="checkbox"/> X Team Leader <input type="checkbox"/>   |
| <b>Evaluation Award Number (contract or other instrument)</b>  |  |
| <b>USAID Project(s) Evaluated (Include project name(s), implementer name(s) and award number(s), if applicable)</b>  |  |
| <b>I have real or potential conflicts of interest to disclose.</b>   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/>   |
| <p><b>If yes answered above, I disclose the following facts:</b></p> <p><i>Real or potential conflicts of interest may include, but are not limited to:</i></p> <ol style="list-style-type: none"> <li>1. Close family member who is an employee of the USAID operating unit managing the project(s) being evaluated or the implementing organization(s) whose project(s) are being evaluated.</li> <li>2. Financial interest that is direct, or is significant though indirect, in the implementing organization(s) whose projects are being evaluated or in the outcome of the evaluation.</li> <li>3. Current or previous direct or significant though indirect experience with the project(s) being evaluated, including involvement in the project design or previous iterations of the project.</li> <li>4. Current or previous work experience or seeking employment with the USAID operating unit managing the evaluation or the implementing organization(s) whose project(s) are being evaluated.</li> <li>5. Current or previous work experience with an organization that may be seen as an industry competitor with the implementing organization(s) whose project(s) are being evaluated.</li> <li>6. Preconceived ideas toward individuals, groups, organizations, or objectives of the particular project and organizations being evaluated that could bias the evaluation.</li> </ol> | <p>4. Current or previous work experience or seeking employment with the USAID operating unit managing the evaluation or the implementing organization(s) whose project(s) are being evaluated.</p> <p>I have worked for MSI as a team leader on a rule of law project in Georgia. I am now seeking employment with the USAID operating unit managing the evaluation or MSI.</p> <p>5. Current or previous work experience with an organization that may be seen as an industry competitor with the implementing organization(s) whose project(s) are being evaluated.</p> <p>I have worked as a consultant with numerous implementing organizations, including Chemoxia, East West Management, DFC, MESC, DAJ, The Mitchell Group.</p> <p>I can assure USAID that while there may be the appearance of a conflict of interest, there is, in fact, none. I will provide a objective, unbiased evaluation of the project being evaluated.</p> |


I certify (1) that I have completed this disclosure form fully and to the best of my ability and (2) that I will update this disclosure form promptly if relevant circumstances change. If I gain access to proprietary information of other companies, then I agree to protect their information from unauthorized use or disclosure for as long as it remains proprietary and refrain from using the information for any purpose other than that for which it was furnished.

|                  |                  |
|------------------|------------------|
| <b>Signature</b> | Mary Noel Pepys  |
| <b>Date</b>      | October 29, 2012 |

Disclosure of Conflict of Interest for USAID Evaluation Team Members

|   |  |
|---|--|
| <b>Name</b>   | Andrey Meleshevich   |
| <b>Title</b>  | Consultant/Country Expert  |
| <b>Organization</b>   | Democracy International, Inc.  |
| <b>Evaluation Position?</b>   | <input type="checkbox"/> Team Leader <input checked="" type="checkbox"/> XTeam member  |
| <b>Evaluation Award Number (contract or other instrument)</b>   | 4007-015   |
| <b>USAID Project(s) Evaluated (Include project name(s), implementer name(s) and award number(s), if applicable)</b>   | Mid-Term Performance Evaluation of the Access to Justice and Legal Empowerment Project, Management Systems International (MSI) |
| <b>I have real or potential conflicts of interest to disclose.</b>  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> X No  |
| <b>If yes answered above, I disclose the following facts:</b><br><i>Real or potential conflicts of interest may include, but are not limited to:</i>  |  |
| <ol style="list-style-type: none"> <li>1. Close family member who is an employee of the USAID operating unit managing the project(s) being evaluated or the implementing organization(s) whose project(s) are being evaluated.</li> <li>2. Financial interest that is direct, or is significant though indirect, in the implementing organization(s) whose projects are being evaluated or in the outcome of the evaluation.</li> <li>3. Current or previous direct or significant though indirect experience with the project(s) being evaluated, including involvement in the project design or previous iterations of the project.</li> <li>4. Current or previous work experience or seeking employment with the USAID operating unit managing the evaluation or the implementing organization(s) whose project(s) are being evaluated.</li> <li>5. Current or previous work experience with an organization that may be seen as an industry competitor with the implementing organization(s) whose project(s) are being evaluated.</li> <li>6. Preconceived ideas toward individuals, groups, organizations, or objectives of the particular projects and organizations being evaluated that could bias the evaluation.</li> </ol> |  |

I certify (1) that I have completed this disclosure form fully and to the best of my ability and (2) that I will update this disclosure form promptly if relevant circumstances change. If I gain access to proprietary information of other companies, then I agree to protect their information from unauthorized use or disclosure for as long as it remains proprietary and refrain from using the information for any purpose other than that for which it was furnished.

|                  |   |
|------------------|---|
| <b>Signature</b> |  |
| <b>Date</b>      | October 26, 2012  |

