

"On Free Civil Legal Aid"

**Date of entry into force:
July 9, 2011**

The present Law ascertains the right for free civil legal aid, the procedure for exercising this right, the grounds for and procedure of rendering free legal aid, and the state guarantees in respect of rendering free legal aid. The Law regulates legal relations in the sphere of rendering free legal aid to the holders of the right to free primary legal aid, and the holders of the right to free secondary legal aid, which are established by the Law.

The right to free legal aid is the possibility that is guaranteed by the Constitution of Ukraine and granted to citizens of Ukraine, foreigners or stateless individuals, including refugees, to receive the full extent of free primary legal aid, and the possibility of certain categories of persons to receive free secondary legal aid, in cases provided for by the present Law.

According to Article 7 of the Law, free primary legal aid is a type of state guarantee that entails informing a person of their rights and freedoms, the procedure for execution thereof, their restoration in case of violation, and the procedure for contesting resolutions, actions or inaction of the bodies of state power, bodies of local self-government, civil servants and officials. Free primary legal aid includes the following legal services:

- providing legal information;
- providing consultations and explanations in legal issues;
- drafting applications, complaints and other documents of legal nature (except documents of procedural nature);
- rendering assistance in ensuring a person's access to secondary legal aid and mediation.

The right to free primary legal aid is granted to all persons in the jurisdiction of Ukraine (Article 8 of the Law).

Article 9 of the Law envisages that the subjects providing free primary legal aid in Ukraine are:

- bodies of executive power;
- bodies of local self-government;
- natural persons and legal entities of private law;
- specialized institutions.

The procedure for processing applications for free primary legal aid is established by Article 10 of the Law.

According to Article 13 of the Law, free secondary legal aid is a type of state guarantee that lies in creating equal opportunities to access justice for all individuals. Free secondary legal aid includes the following legal services:

- defending against accusation;
- representing the interests of the holders of right to free secondary legal aid in courts, other state bodies, bodies of local self-government, and to other persons;
- drafting documents of procedural nature.

The following categories of people have the right to secondary free legal aid according to Article 14 of the Law:

- persons in the jurisdiction of Ukraine, if the total monthly income of their family is lower than the minimum subsistence level, calculated and established according to the Law of Ukraine "On the Minimum Subsistence Level" for persons belonging to the main social and demographic population groups; disabled people receiving retirement pension or benefits assigned instead of pension, amounting to less than twice the minimum subsistence level for persons incapable of work;
- orphans, children deprived of parental care, street children, and children that have become or may become victim to family violence;
- persons subjected to administrative detention;
- persons subjected to administrative arrest;
- crime suspects detained by inquiry and investigation agencies;
- persons taken into custody in the scope of measures of restraint;
- persons whose cases require mandatory defense participation according to the provisions of the Criminal Procedural Code of Ukraine;
- persons covered by the Law of Ukraine "On Refugees";
- war veterans and persons covered by the Law of Ukraine "On the Status of War Veterans and Guarantees of Their Social Security", persons of special merit and special labor merit to the Homeland, persons included in the list of victims of nazi persecution;
- persons whose cases are being reviewed in court in respect of limiting the civil capacity of a natural person, recognizing a natural person as incapable, or restoring the civil capacity of a natural person;
- persons whose cases are being reviewed in court in respect of rendering compulsory psychiatric aid;
- persons rehabilitated according to the legislation of Ukraine.

According to Article 15 of the Law, the subjects providing free secondary legal aid in Ukraine are:

- centers for free secondary legal aid;
- lawyers included in the Registry of Lawyers that provide free secondary legal aid on a regular basis according to contract;
- lawyers included in the Registry of Lawyers that provide free secondary legal aid on a temporary basis according to agreement.

The procedure for applying for free secondary legal aid is envisaged in Article 18 of the Law.

Article 19 of the Law establishes the procedure for processing applications for free secondary legal aid.

According to Article 20 of the Law, a person can be denied free secondary legal aid if at least one of the following reasons is present:

- the person does not belong to any of the categories of persons entitled to free secondary legal aid according to the Law;
- the person has provided untrue information or false documents in order to be included in one of the categories of persons entitled to free secondary legal aid;
- the person's demands as to the protection or restoration of their rights are illegitimate;
- the person has previously received free secondary legal aid on the same issue;

- the person has exhausted all national legal remedies in the case under which they are applying for free secondary legal aid.

The grounds for and procedure of rendering free secondary legal aid are envisaged in Article 23 of the Law.

Articles 25 and 26 of the Law determine the rights and obligations of the subjects providing free secondary legal aid.

The refusal of a body of executive power, body of local self-government or an institution to render free primary legal aid, as well as the refusal of a civil servant or an official to render primary legal aid can be contested pre-trial according to the procedure established by law. Decisions of the Center for providing free secondary legal aid can be contested pre-trial according to the procedure established by law (Article 30 of the Law).

The Law also introduces appropriate amendments to the Criminal Procedural Code of Ukraine, the Code on Administrative Offences of Ukraine, the Laws of Ukraine "On Militia", "On Legal Profession", "On Local Self-Government in Ukraine", and "On the State Frontier Service of Ukraine".