



Justice Needs in **Ukraine**

2016

Legal Problems in Daily Life



Table of contents



The Justice Needs and Satisfaction Study in Ukraine has been made available with the generous support of the Dutch Ministry of Foreign Affairs.

We are grateful to the staff of the Royal Dutch Embassy in Ukraine for their support and advice.

This study would have not been a success without the extensive efforts of our local partner, the Kharkiv Institute of Social Researches. We are particularly grateful to Dr. Andrew Chernousov and Dr. Denis Kobzin for their commitment and energy.

Executive summary	4
Introduction to the Justice Needs and Satisfaction Study in Ukraine	10
Scope of measuring the justice needs and satisfaction in Ukraine.....	10
Approach of Hiil Innovating Justice	12
Methodology	14
Demographics of the sample.....	18
Hiil's Justice Needs and Satisfaction Tool	22
What are the justice problems in everyday's life?	24
How we measure access to justice.....	26
Prevalence of justice needs	28
The most serious justice needs	40
In the search for legal information and advice	49
Mapping the Justice journeys of the people in Ukraine	69
Zooming in on disputes between neighbours	92
Zooming in on housing problems	110
Zooming in on employment problems	126
Trust in judicial institutions	142
Attitudes towards reconciliation	150
Limitations of the study	163
Bottom-up justice in Ukraine: findings and recommendations	166
Innovate justice procedures to deliver more access to justice	172

EXECUTIVE SUMMARY

1

Executive summary

More than half of the citizens encounter a serious justice need

Based on our survey we conclude that **slightly more than half the citizens of Ukraine (53%) encountered a serious justice need in the past four years.**

'Serious', means that the problem had a major impact on their lives with a negative effect on health, income, and relationships. These needs amount to millions of disputes, grievances, and crimes taking place in Ukraine every year.

Consumer disputes, employment problems, disagreements between neighbours and housing grievances are the most prevalent justice needs. Internally Displaced Persons (IDPs) faced most of their justice problems around securing housing, obtaining identity documents, receiving aid from the government and damage to property caused by military action.

A significant gap in access to justice

Leaving the special group of IDPs aside, what we found does not put Ukraine far apart from other industrialized countries in terms of the types of problems. The greatest concern is the absence of

effective avenues available to citizens to do something about their justice needs. A striking figure: **almost half (44%) of the people think that it is not even worth trying to get justice for the justice problems they face.** There is a general feeling that whatever you do, it is not going to help anyway. The effect of this is that people resign to living with injustice – with all the detrimental effects on relationships, health, income, development and trust.

Bumpy justice journeys

Those that embark on a justice journey do not describe a lot of satisfaction with the justice process. Professional **legal information is hard to obtain.** We also see that **very few people ever reach courts;** fewer than in comparable countries. To compound this, there is a **lack of availability of justice procedures with neutral decision makers who are alternatives to courts.**

When people do reach a court or other dispute resolution procedure their **assessment of the quality of the procedures and the quality of the outcomes is not that good.** On the whole, the procedures give the citizens

of Ukraine a lot of stress and negative emotions. Additionally, there are hesitations about the ability of people to voice their concerns and interests. This goes to the heart of the concept of neutrality and objectivity of justice journeys – a key component of access to justice.

The special case of IDPs

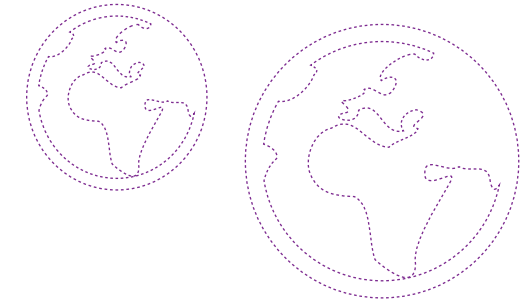
We also specifically looked at IDPs; a category that stand out in a number of respects. Firstly, our study shows that **they face much more justice needs** – 70% of IDPs report one or more serious justice need since displacement. As indicated above, they have to deal with very **specific problems.** On the bright side we see that IDPs indicate a fairly high level of satisfaction when it comes to obtaining legal information, which makes them more legally empowered. Notably, non-governmental organisations play a valuable role in supporting IDPs with legal information and advice.

Looking deeper

We looked deeper at **three of the more prevalent justice needs: employment, neighbour and housing.** Our data

shows that these types of justice have significant impact on people's lives. Nevertheless, **many citizens remain passive and do not take meaningful action to resolve their justice needs in a situation of conflict with an employer, neighbour or landlord.** Very few people find professional legal information and advice from qualified sources. Self-action is the most prevalent strategy for coping with employment problems, neighbour and housing problems.

Relatively few citizens are able to resolve their justice needs through some sort of a structured process. For instance, about 1% of the serious disputes with neighbours ever reach a court or other tribunal. Some people refer their justice needs to central and local public authorities. For instance, significant proportion of the housing problems are referred to administrative bodies for resolution. The users of justice, however, are sceptical about the fairness of the processes and the quality of the outcomes. Hence, many of the serious justice needs remain unresolved because the citizens do not find motivation to take active steps or do not find effective and fair justice journeys. This adds to the feeling of lack of justice in the Ukrainian society.



EXECUTIVE SUMMARY

1

Going forward

A cross-sectional approach is needed to bridge the gap between justice needs and available remedies. One that looks specifically at the most prevalent justice needs and works to improve them, but that simultaneously catalyzes systemic change for the better. If we were to take three highly prevalent justice problems for which the procedures don't seem to work well as our point of departure - employment, neighbour and housing - **we can set up improvement processes around these concrete justice needs that citizens face.** In doing this, we can also work to improve the justice system as a whole.

Cross cutting issues that emerge from our study include:

◇ **Filling the access to justice gap between self-help and formal justice processes.** It's a space for innovation: online platforms for family, labour and housing disputes, smart, legal information websites and different forms of hybrid programs for legal information and dispute resolution.

◇ **Improving self-help by helping people get access to the right type of justice information at the right time.** Simple tools, such as protocols, can help people in their search for fair solutions. Technology is now providing unprecedented ways in which needs can be met. Innovative tools, such as legal forms and user-friendly websites, can greatly help the people to become legally empowered to deal with their justice needs themselves.

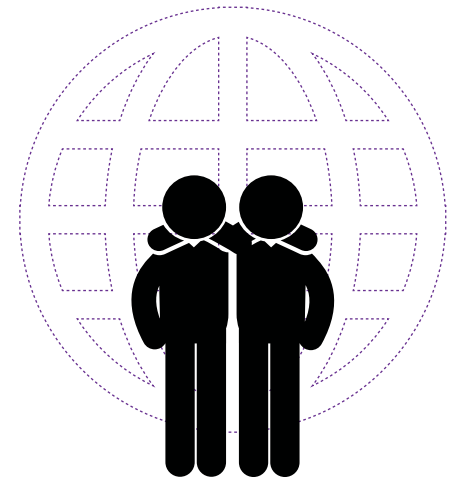
◇ Efforts should also be invested to **improve the courts and the other justice processes currently in use.** Our study reveals how people perceive the costs and quality of the existing justice journeys and where efforts to improve procedures should be directed at.

It suggested that **the most prevalent justice needs that emerge from this study** - employment, neighbour, housing and consumer problems - **be taken as a starting point to work on overall improvement.** For this, we make concrete suggestions for a process in our recommendations.

Building the enabling environment

Justice innovation does not happen by itself. **An ecosystem is required.** Firstly, one focussed on **knowledge and data** about concrete justice needs and ways to meet them. This study contributes to building the knowledge base. It also links to benchmarks from other countries. Our study provides more data that can be analysed in this report. Collecting and analyzing data about how people need and experience justice must continue. Secondly, justice innovation needs **room for experimentation and the bringing together of different sectors.** Justice is too important to leave to lawyers alone. For this, leaders with vision, who can build new and smart coalitions, are needed. Lastly, justice innovation requires **an effective funding ecosystem** that provides seed money to develop ideas. That includes instruments like loans, grants and impact investment to scale the best and most promising justice innovations.

If all this comes together, Ukraine will have a real possibility for modernising and innovating its justice systems by leapfrogging many of the impediments that hamper justice delivery in many countries.





2

Introduction to the Justice Needs and Satisfaction Study in Ukraine



2

Scope of measuring the justice needs and satisfaction in Ukraine

- ◇ This report highlights the main findings from the 2015 Ukrainian Justice Needs and Satisfaction Survey, which has been compiled with input from more than 6,500 respondents from 24 regions of the country. Despite the military activities in the East of Ukraine the sample included **respondents** from Lugansk and Donetsk regions.
- ◇ Data was **not collected from the Crimea region**.
- ◇ We also managed to reach a sub-sample of almost 600 **internally displaced people** living across Ukraine.

Purpose of the study

The main objective of this study is to **explore** and **understand** the **justice needs** and **experiences** of the **people of Ukraine**. It maps out the existing justice needs of Ukrainian men and women. Our next objective is to understand the strategies that the individuals employ to respond to the existing needs for justice. In that part we explore where the people seek legal information and advice; which justice journeys they pursue to resolve the existing problems.

From policy and practical perspectives the most important part of the study is the attempt to understand how much fairness and justice the people receive when they need it. To answer this question we measure the **costs**, the **quality of the procedure** and the **quality of the outcome** of the existing justice journeys in Ukraine. This shows which **justice journeys** deliver what the people expect and which dimensions can be

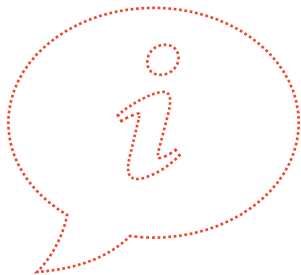


INTRODUCTION TO THE JUSTICE NEEDS AND SATISFACTION STUDY IN UKRAINE

2

Approach of HiIL Innovating Justice

- ◇ Is about **justice in people's lives** and understanding their experiences in seeking access to justice. Formal and informal justice journeys are studied.
- ◇ Enables decision-makers to focus on justice when and where it is needed most. **The problem areas are highlighted by the citizens; a true bottom-up approach.**
- ◇ Provides **robust evidence** that can support programming and policy-making in the areas of justice and rule of law.
- ◇ **Builds on local knowledge about what works best** (identifying the successes of justice).
- ◇ **Informs users and suppliers** about justice services. **Enables users** to be informed about where to go and which services to use and assists suppliers to improve their services.
- ◇ Offers a **cost-effective alternative to monitoring progress in the justice sector**. A standardised and repeatable approach leads to: economies of scale, a reduction in operational costs, increased efficiency (time and resources saved), a reduction in operational risk and cross country benchmarking.



Why bottom-up justice matters?

Ukrainian men and women experience many justice needs in their daily lives. In the eyes of citizens, the needs for justice and rule of law is all about disputes and grievances, such as family problems, crime, disputes with employers and neighbours, disagreements with administrative authorities, housing problems, etc. Very few of these needs are referred to and resolved by the justice system. As such they are not on the radar of policy-makers, providers of justice services and international donors. Bottom-up justice is rarely part of the debate about Ukrainian justice reform and its priorities. Most often the focus is on top-down justice: how the courts, prosecutorial services, police and other justice institutions mobilize resources, cope with demand and deliver results.

HiIL's Innovating Justice bottom-up approach to justice in Ukraine is citizen-centric. It places the women and men of Ukraine, from big cities and small villages, from the west and the east at the centre,

in order to understand the needs for justice, the response strategies and ultimately how much justice people receive or do not receive when they need it.

Bottom-up justice is key for innovating the delivery of justice. First, effective and innovative solutions can only be designed and implemented if the user of justice is in the centre of the reform. Second, change works best if it considers the problems at a grand level, but implements solutions where the people interact with justice. Third, justice innovation is about the concrete re-design and improvement of justice journeys. This is an iterative process, which, if implemented wisely, can deliver more justice to millions of people in Ukraine. There are no small justice problems: every injustice that is prevented or resolved fairly, has a direct and positive contribution to the legal empowerment of citizens and human development in Ukraine. Moreover, justice and rule of law are positively linked to socio-economic development.

INTRODUCTION TO THE JUSTICE NEEDS AND SATISFACTION STUDY IN UKRAINE

2

Methodology of data collection

Data collection:

July - August 2015

Respondents:

>6,500 randomly selected adult individuals

Geography:

all regions of Ukraine, except for Crimea

Data collection:

Kharkiv Institute for Social Researches

Duration of the interviews:

If there was no problem - 12.48 minutes

If there was a problem - 20.54 minutes



Survey research



SAMPLE OF UKRAINIAN POPULATION

6,559
randomly
selected
respondents

TOPICS INCLUDED:

- ◇ Justice needs
- ◇ Information and advice
- ◇ Justice journeys
- ◇ Costs and quality of access and quality
- ◇ Legal empowerment
- ◇ Reconciliation

Triangulation



Feedback

from policy makers,
judges, CSOs & other
key stakeholders



Feedback

from civil society,
public officials and the donor
community

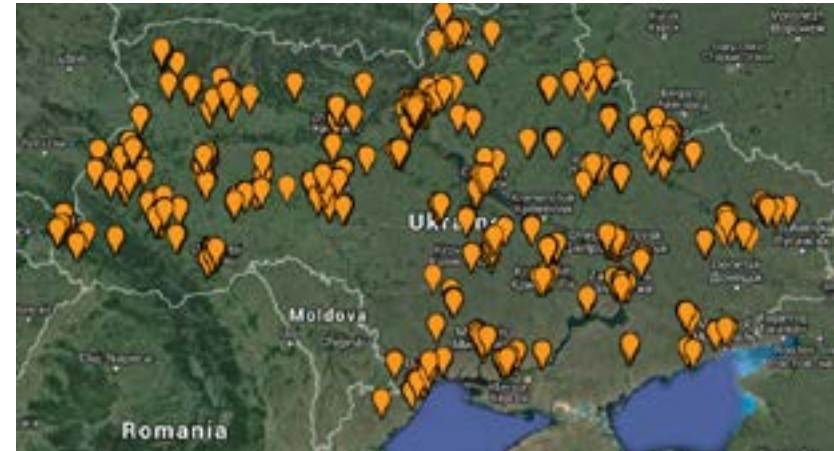
VALIDATE SURVEY RESULTS

INTRODUCTION TO THE JUSTICE NEEDS AND SATISFACTION STUDY IN UKRAINE

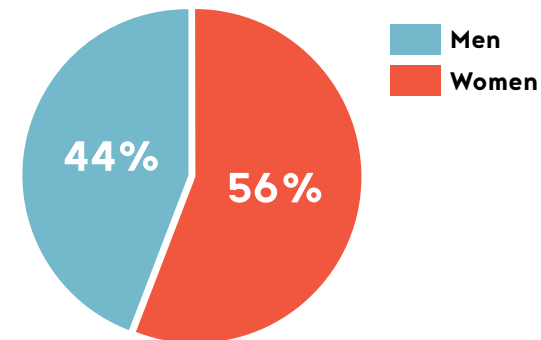
2

Demographics of the sample

- ◇ 6,559 randomly selected adult individuals were interviewed in the period July–August 2015
- ◇ Interviews took place in all regions of Ukraine, including the regions of Lugansk and Donetsk: large parts of which were not under the control of the Ukrainian government during data collection
- ◇ 61% of the interviews are with respondents living in urban areas
- ◇ 9% of the respondents identify themselves as IDPs: internally displaced people
- ◇ Slightly more than half, 54%, of the respondents are women
- ◇ Most of the respondents are married (62%), followed by singles (17%), widows/widowers (11%) and divorced (8%)
- ◇ 41% of all respondents have one or more children under the age of 18. Of those, 60% have one child and 32% have two children
- ◇ The average size of a household is slightly more than 3 individuals

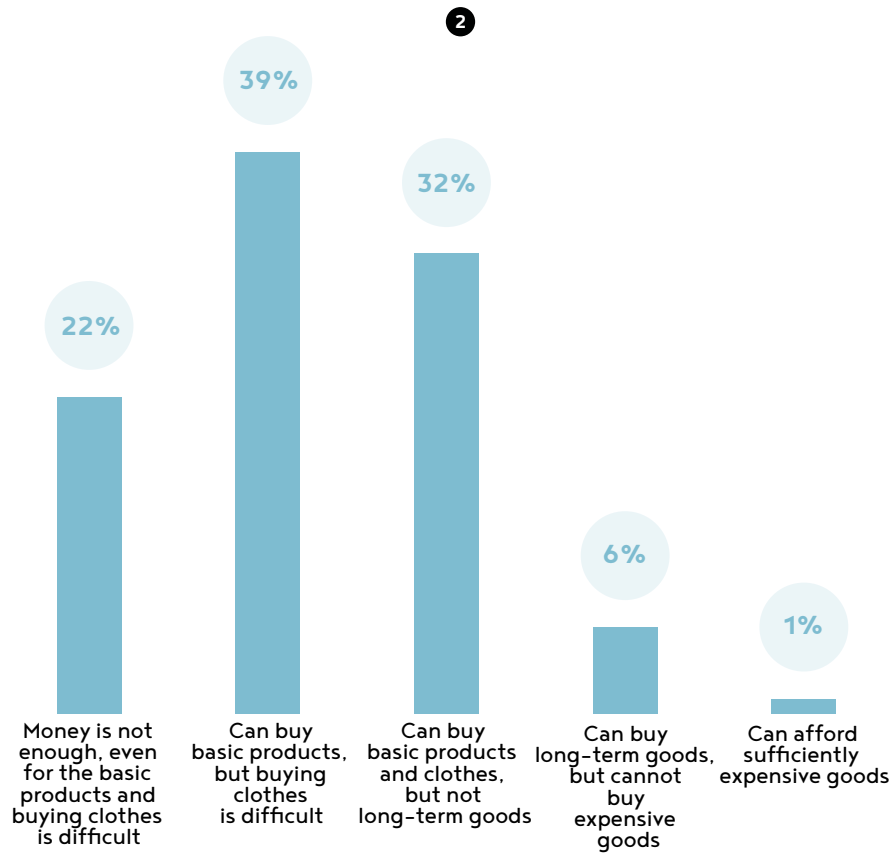


Geography of the JNST sample



Sample gender distribution

INTRODUCTION TO THE JUSTICE NEEDS AND SATISFACTION STUDY IN UKRAINE

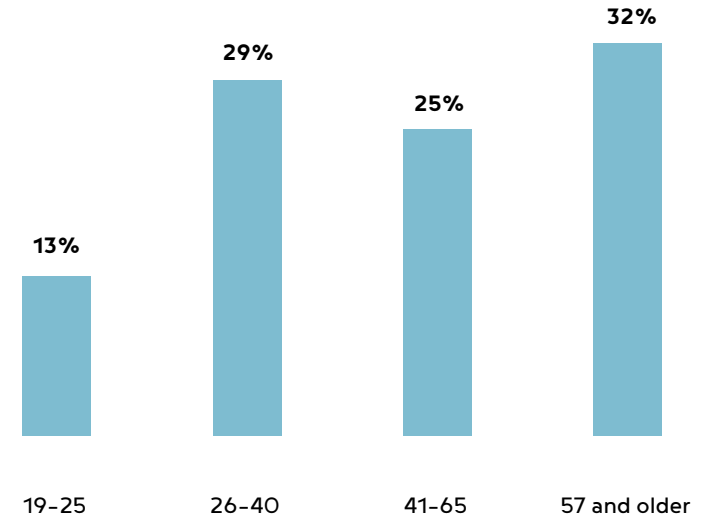


Which of the following statements best describes your (family) financial situation?



The mean age of the respondents is 46 years. Male respondents are slightly younger than female respondents.

The educational level of the sample well represents the general population. About one third of the sample has completed specialised secondary education. Further, 23% have finished secondary education. Close to one third, 32%, of those interviewed report having a university degree. Very few respondents report complete or incomplete primary education.



What is your age?

About one third of the respondents are pensioners. The unemployed represent 10% and a further 10% are home-makers. Eighteen per cent of all women in the sample say that they are homemakers.

Twenty seven per cent of the respondents receive welfare benefits. Most people from the age 57 and older, report receiving social welfare, but also respondents from the age group 26-40.

Thirty-two per cent of the respondents report that their household can afford basic products and services, but that larger purchases are difficult. For slightly more than one in five, the financial situation is much grimmer with this segment. They report that it cannot afford much beyond food and basic items.

Women report significantly worse perceived financial strengths than men.



3

**HiiL's
Justice Needs and
Satisfaction Tool**

HIIL'S JUSTICE NEEDS AND SATISFACTION TOOL

3

What are the justice problems in everyday life?

We asked the people of Ukraine whether they experienced life events in the last four years that potentially have required legal resolution.

Each respondent was presented with a long list of problems described in normal language. Some examples of these problems are:

- | | |
|--|---|
| ◇ Disputes over land titles | ◇ Disputes over custody rights |
| ◇ Nationalization or denationalization of land | ◇ Domestic violence |
| ◇ Unsafe living conditions in rented housing | ◇ Claiming and receiving welfare benefits |
| ◇ Eviction or threat of eviction | ◇ Construction permits |
| ◇ Regular and excessive noise from neighbours | ◇ Tax |
| ◇ Non-payment of wages | ◇ Buying defective goods |
| ◇ Divorce or separation | ◇ Traffic accident |
| | ◇ Registering marriage |
| | ◇ Harassment at work |

The demand for justice: which of the following statements best describes your (family) financial situation?

Demands for justice played a sizeable role in the Euromaidan events in Ukraine. Students demanded political change and transparency. The ensuing police brutality brought thousands of protestors to the Maidan square. In the winter of 2013/2014 the people of Ukraine demanded the end of "selective justice", widespread corruption and growing inequality.

Justice, however, is also part of the daily life. People encounter many needs which have to be resolved in a fair manner. If this does not happen, small problems become big injustices. The domino-effect of each unresolved justice problem on Ukrainian citizens include:

- **Sleepless nights and many hours of stress**
25% of justice problems are proven to lead to health problems
- Economists have shown that **the poorest suffer the most**: they frequently experience insecurity (crime, domestic violence, money-related problems). They are unaware of their rights and entitlements (pensions, social welfare and benefits), and have the least job security
- Research has confirmed that **legal insecurity leads to lower investments in households, businesses and the specialised skills required to obtain better jobs**
- Every hryvnia and hour spent on protection against crime or extortion, **does not go to education, sanitation or health care**
- **Lower rule of law rates are associated with higher infant mortality and material mortality rates**; countries with less rule of law enjoy lower live expectancy

HIIL'S JUSTICE NEEDS AND SATISFACTION TOOL

3

How we measure access to justice

In order to understand the role of justice in everyday life, we asked a large sample of randomly selected Ukrainian citizens about their experiences with and perceptions of justice. A specially designed research tool, the Justice Needs and Satisfaction Tool, with about 110 questions, explored their attitudes about the justice journeys that exist to respond to the needs for justice. These are some questions we asked the respondents:

Did you feel you had the tools and skills to resolve the problem?

What are your most urgent and frequently occurring justice problems?

What was the price you paid in terms of money, time and effort?

Where did you seek solutions?

To what extent (scale 1-5)

- did the process make you feel frustrated?
- did the process make you feel angry?
- were you able to express your views and feelings during the dispute resolution process?
- were the same rules equally applied to you and to the other party/ies?
- was the dispute resolution process based on accurate information?
- did the adjudicator explain your rights and options during the process thoroughly and make sure you understood them?
- was it important for you that the division matches what you deserved?

Fairness on justice journeys

People use formal and informal processes to resolve their legal problems. In the Justice Needs and Satisfaction Tool the commonly applied justice processes are called justice journeys. Hiil measures each justice journey by asking the people about their perceptions of the process, the outcomes and costs of the journeys. The questions are categorized and displayed in ten easy-to-understand indicators of the costs and quality of access to justice. Our approach measures justice from the bottom-up.

1. The costs of justice

- Money spent: out-of-pocket costs for legal fees, travel, advisors
- Time spent: time spent to search for information, attend hearings, travel
- Stress and negative emotions

2. The quality of the procedure

- Voice and neutrality: process control, decision control, neutrality, consistent application of rules
- Respect: respect, politeness, proper communication
- Procedural clarity: timely explanation of procedures and rights

3. The quality of the outcome

- Fair distribution: distribution is fair according to needs, equity and equality criteria
- Damage restoration: fair compensation for monetary damage, emotional harm and damage to relationships
- Problem resolution: extent to which the problem is solved and the result has been enforced
- Outcome explanation: extent to which the people receive outcome information access



* For each path to justice we plot the justice dimensions in a spiderchart. The number 1 means not satisfactory and number 5 means satisfactory.



4

Prevalence of justice needs



PREVALENCE OF JUSTICE NEEDS

4

Prevailing justice needs

◇ **54% of respondents experienced in the past four years one or more problems which are difficult to resolve.**

◇ HiIL's previous study in Ukraine in 2010, reported very similar results: 54% of the respondents experienced justice problems. Despite slight differences in methodologies, the two studies reveal very similar frequencies and types of problems. This is a very strong indication that there is a stable structure of justice needs in the Ukrainian society.

◇ **Compared with other countries, Ukraine is somewhere in the middle in terms of prevalence of justice needs.**

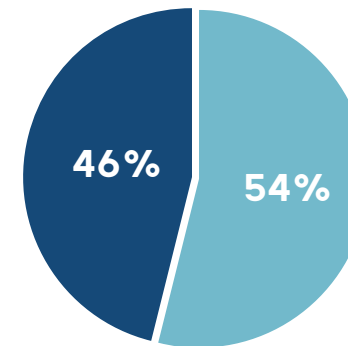
◇ **Not everyone is equally exposed to legal problems.** Women (55%) report more justice needs than men (52%). **Displaced people have significantly more justice needs than the rest of the population - 70% of all IDPs had to cope with one or more civil, administrative or criminal legal problem.** Urban residents report

significantly more frequent justice needs than those living in rural areas

◇ Several factors significantly increase the risk of experiencing one or more legal problems. After controlling for different types of risks, we find that **victimisation in the past year** (personally or of a family member) increases almost ten times the likelihood for a person to report a legal problem. Victims of crimes are particularly vulnerable to experiencing various other legal problems - very often different from crime. **Displaced people's risk of encountering legal problems is twice as high as non-IDPs.** People who have **higher legal empowerment** have a lower likelihood of experiencing legal problems. After controlling for age, IDP status, victimization and legal empowerment, **men turn out to be slightly more likely to encounter justice needs than women.**

Often people report more than one justice need. Those who experienced legal problems encountered on average 2.34 problems in the past four years. Some 12% of the respondents with issues had to deal with five or more serious legal problems.

Have you experienced a justice need in the past four years?



■ Did not encounter a justice need
■ Experienced one or more justice needs in the past four years



PREVALENCE OF JUSTICE NEEDS

4

Where does Ukraine stand in relation to other countries?

Canada 2009

45% of interviewed Canadians had encountered some sort of serious justice need. Consumer problems concerning disputes over bills and disagreements over collection of money were reported most often.

Kazakhstan 2011

A study from the Open Society's Justice Initiative reports that 56% of the respondents experienced justice needs. Problems related to employment, medical services and consumer disputes were the most prevalent instances of justice needs.

Indonesia 2013

A Hiil study found that 16% of the respondents from five Indonesian provinces experienced one or more problems. Petty crime, administrative offenses and money-related problems were the three most frequently occurring problems.

Netherlands 2013

A Hiil study illustrated that 46% of the Dutch people experienced one or more problems in the last four years. The most frequently occurring individual problems were buying defective goods, value of property tax and consumer problems related to house maintenance services.

Yemen 2014

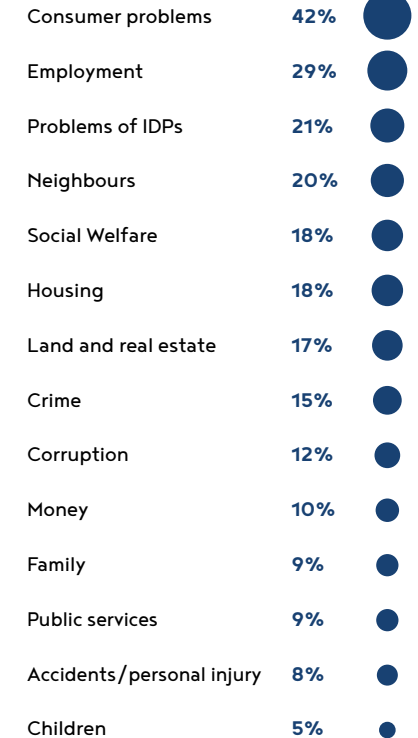
A Hiil study found that 94% of Yemenis experienced one or more justice problems in the previous four years. Crime, neighbourhood and land disputes were the three most frequently occurring justice problems.

Did you have one or more justice needs in the past four years?

We asked people to tell us if they had one or more justice needs in the past four years. **Almost half, 42%, of those who had at least one justice need had to deal with some sort of consumer problem.** Purchasing defective goods or expired goods, incorrect or disputed utility bills are some examples of consumer problems. **An employment problem is the second category of justice need reported by 29% of the people who had to deal with one or more problems.** The third most frequent category of justice needs is the **specific set of problems encountered by IDPs.**

Multiple justice needs

Percentage of respondents who encountered one or more justice problems. Respondents were able to select more than one justice need. Therefore the sum of the percentages exceeds 100%.



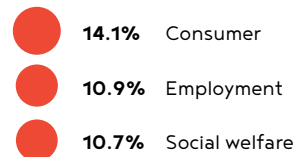
PREVALENCE OF JUSTICE NEEDS

4

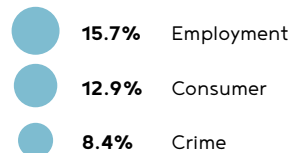
Break down of justice needs by gender

Women and men have structural differences in their justice needs. Men report significantly more corruption, employment disputes, money-related problems and problems with public services. Women more often are embroiled in family and children-related problems, housing, social welfare and the specific justice needs of the internally displaced people.

Female - top 3



Male - top 3

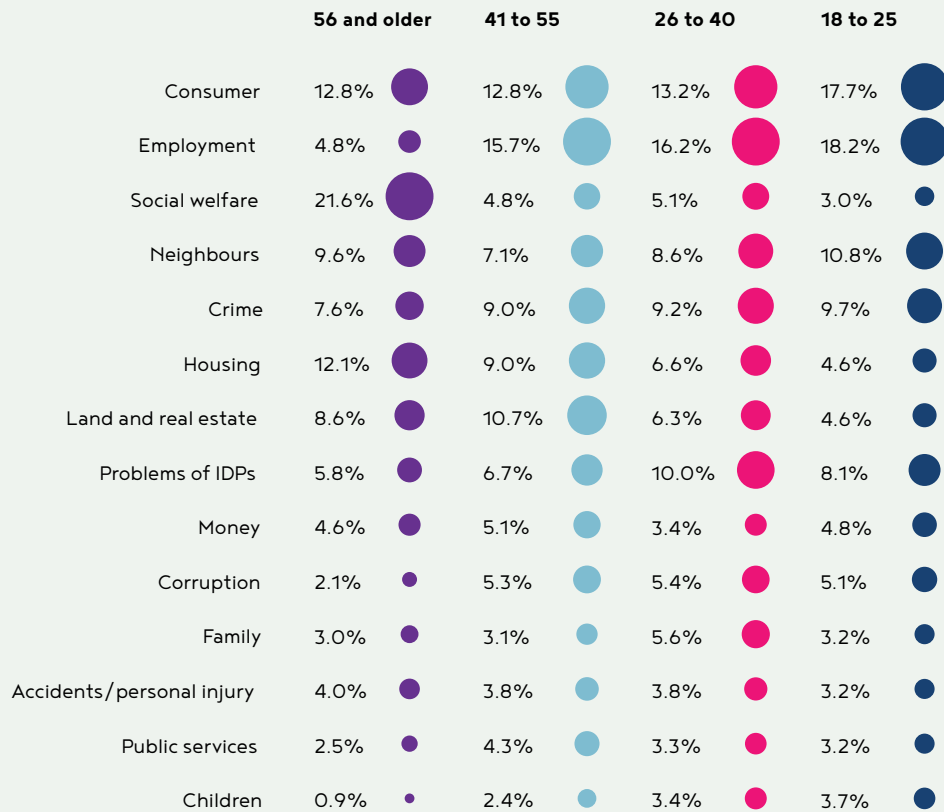


Most serious problem by gender

	Female	Male
Consumer	14.1%	12.9%
Employment	10.9%	15.7%
Social welfare	10.7%	8.1%
Neighbours	9.7%	7.5%
Crime	9.0%	8.4%
Housing	9.6%	7.2%
Land and real estate	7.6%	8.3%
Problems of IDPs	8.4%	6.7%
Money	3.7%	5.2%
Corruption	2.5%	6.9%
Family	4.8%	2.7%
Accidents/personal injury	3.5%	4.1%
Public services	2.4%	4.6%
Children	3.0%	1.7%

Most serious problem by age

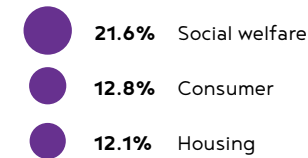
The justice needs seriously affect the Ukrainian. Almost half of the respondents (45%), who reported a problem say that it affected them to a very large extent.



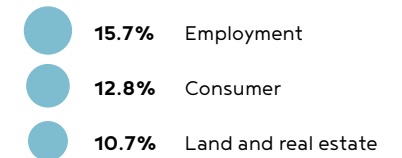
Break downs of justice needs by age

Age is related to how and when when people encounter justice need. Younger people report much more problems around employment, consumption and neighbours. Family and employment problems peak in the group 26 to 40 year olds. Land, crime and employment are the most prevalent problems in the middle age 41 to 55 year olds. Senior people are concerned mostly about social welfare (including pensions) and housing.

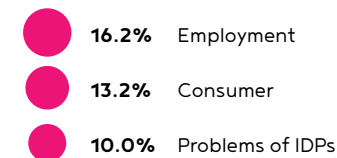
56 and older - top 3



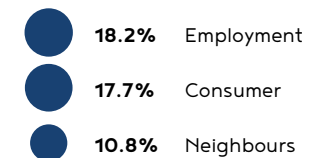
41 to 55 - top 3



26 to 40 - top 3



18 to 25 - top 3



PREVALENCE OF JUSTICE NEEDS

4

How many justice needs occur in Ukraine?



From the JNST study we can infer how many justice needs occur in Ukraine every four years.

Justice needs	Lower estimation	Higher estimation
Consumer problems	7.07 Million	7.36 Million
Employment problems	4.86 Million	5.05 Million
Problems of IDPs	3.46 Million	3.60 Million
Neighbour problems	3.33 Million	3.48 Million
Social welfare grievances	3.04 Million	3.16 Million
Housing disputes	2.97 Million	3.09 Million
Land and real estate	2.8 Million	2.96 Million
Crime	2.59 Million	2.69 Million
Corruption	2.09 Million	2.18 Million
Money related problems	1.74 Million	1.82 Million
Family problems	1.46 Million	1.52 Million
Public services grievances	1.46 Million	1.52 Million
Accidents/personal injuries	1.42 Million	1.48 Million
Problems with children	917.684	955.141

How the justice needs of the Ukrainian citizens relate to each other

Some problems co-occur more often than others. This means that the people who encounter one of these problems are likely to report another problem. **Most likely the related problems trigger each other.** A deeper look into the links between problems, shows **patterns of vulnerability in Ukraine.** This knowledge can also reveal ways towards improved delivery of justice.

Slightly more than one thousand individuals from the sample reported three or more justice needs. We analysed these justice needs to identify links between these problems and the people who experiences them. The results clearly showcases three groups of problems that co-occur more frequently.

..... Cluster 1: **In this cluster land problems, housing disputes, employment disagreements and specific justice needs of IDPs happen frequently.** Not surprisingly many of the respondents in that group are IDPs. There are more women in this cluster and on average the respondents have a high level of education. Most of the individuals who encounter this cluster of problems live in urban areas.

..... Cluster 2: **Family problems, consumer disputes and money-related disagreements are at the core of this cluster.** The respondents are somewhat younger, have a good education and are slightly more affluent than the rest. Apparently these are the problems experienced in their working life.

..... Cluster 3: **In the third group of problems we see a co-occurrence of money-related disputes, corruption, social welfare grievances, accidents and personal injuries.** The people in this cluster are slightly older, have a lower educational background and are somewhat more

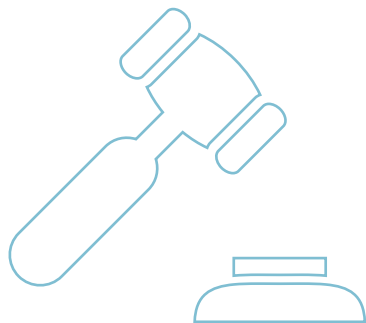
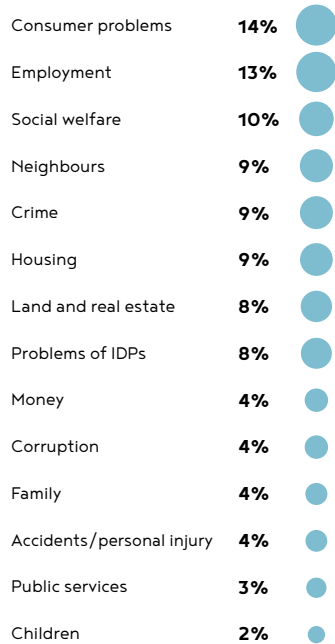
PREVALENCE OF JUSTICE NEEDS

4

The most serious justice needs

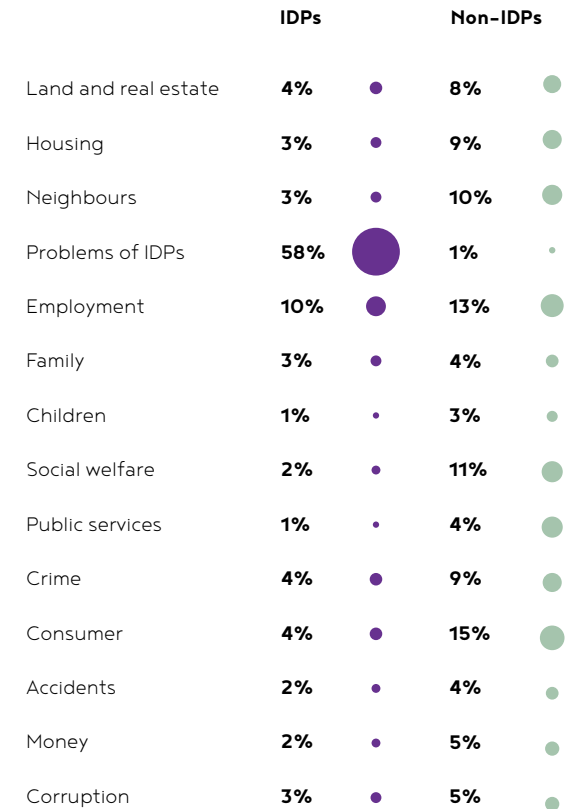
We asked the individuals who encountered more than one problem to tell us about the most serious of these problems. The most frequent categories of problems identified as most serious are consumer issues, employment disputes and social welfare grievances.

In the sections of the report that will follow, we ask the people about these problems. **The users of justice map out where they searched information and advice, on which paths to justice they travelled and how much fairness they receive from the justice processes.**



... and IDP status

The internally displaced people in Ukraine experience many justice needs. Two out of three IDPs have to deal with one or more significant justice need. IDPs also encounter different types of problems. **They are significantly more likely to encounter justice needs such as issuance of ID documents, transfer of social security from their previous location, access to schools in the new destination and injuries or loss of relatives due to military action.**

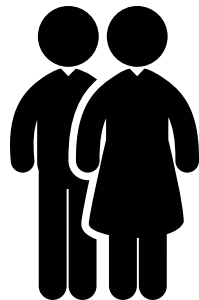


PREVALENCE OF JUSTICE NEEDS

4

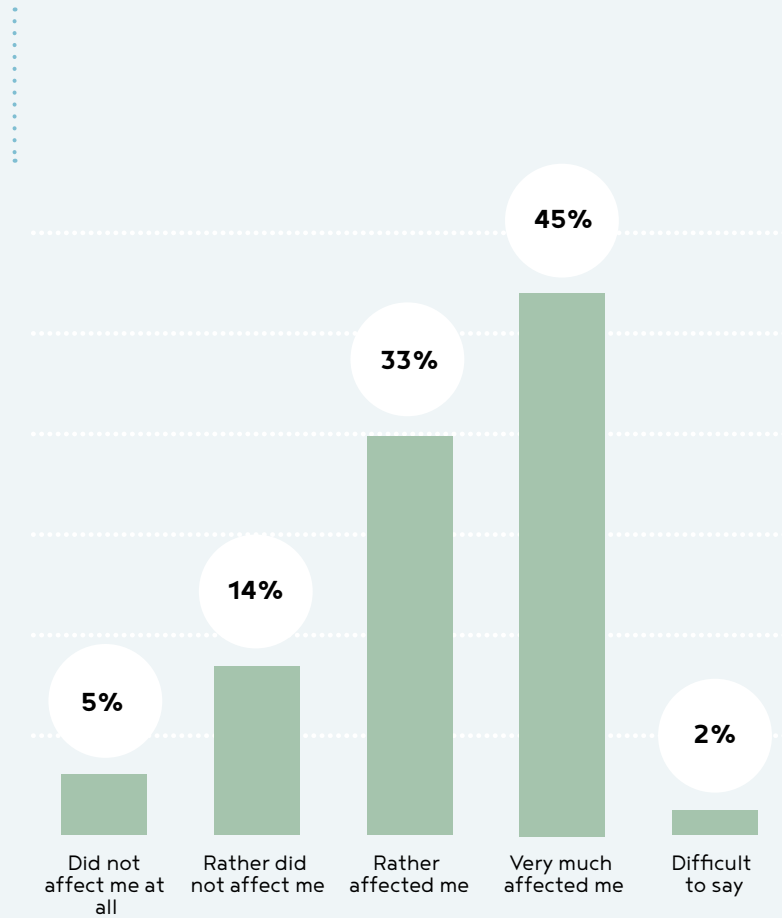
The most serious justice needs by gender

Women and men have structural differences in their justice needs. Men report significantly more occasions of corruption, employment disputes, money-related justice problems and problems with public services. Women are more often embroiled in family and children-related problems, housing, social welfare and justice needs specific to internally displaced people.



	Female	Male
Consumer	14.1%	12.9%
Employment	10.9%	15.7%
Social welfare	10.7%	8.1%
Neighbours	9.7%	7.5%
Crime	9.0%	8.4%
Housing	9.6%	7.2%
Land and real estate	7.6%	8.3%
Problems of IDPs	8.4%	6.7%
Money	3.7%	5.2%
Corruption	2.5%	6.9%
Family	4.8%	2.7%
Accidents/personal injury	3.5%	4.1%
Public services	2.4%	4.6%
Children	3.0%	1.7%

How did the problem impact your life?



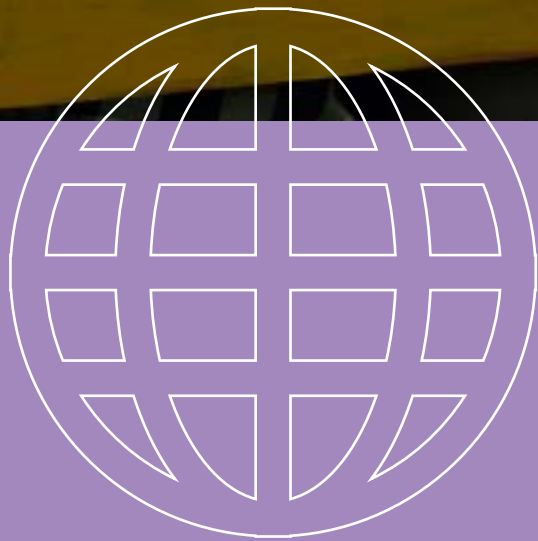
PREVALENCE OF JUSTICE NEEDS

4

How justice needs impact the life of the people in Ukraine

Justice needs seriously affect people in Ukraine. Almost half of the respondents who reports a problem (45%), say that it significantly affected them.

A further third of respondents say that the problem had a tangible impact on them and their lives. Understandably, the impact of the justice needs of IDPs is much larger. Justice problems impact poorer people in harsher ways.



5

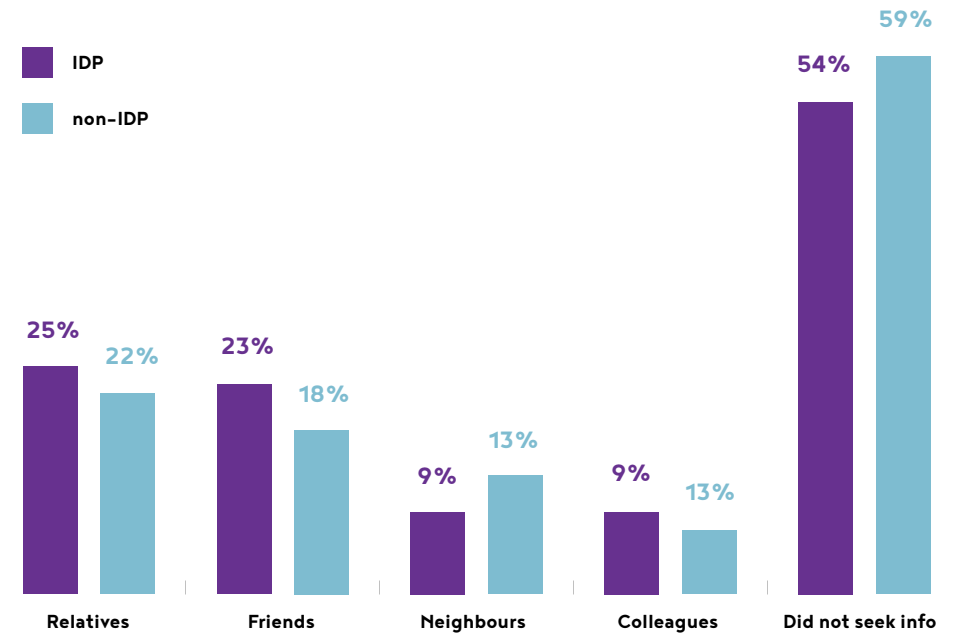
**In the search for legal
information and
advice**

5

Many do not seek legal information and advice

...even from their social networks

Where did you look for information and advice to resolve your justice need?



Sources of information and advice

More than half (59%) of the respondents did not seek legal information or advice from informal sources. Most respondents sought assistance from their relatives (22%), while friends are consulted by 18%.

IDPs seek information from informal sources more often than the general population, in particular from relatives (25%) and friends (23%).



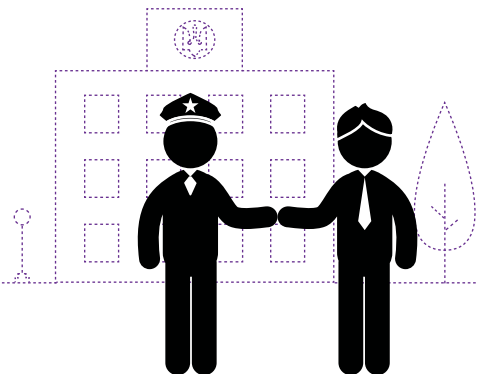
LEGAL INFORMATION AND ADVICE

5

Public authorities most frequently consulted formal sources of advice

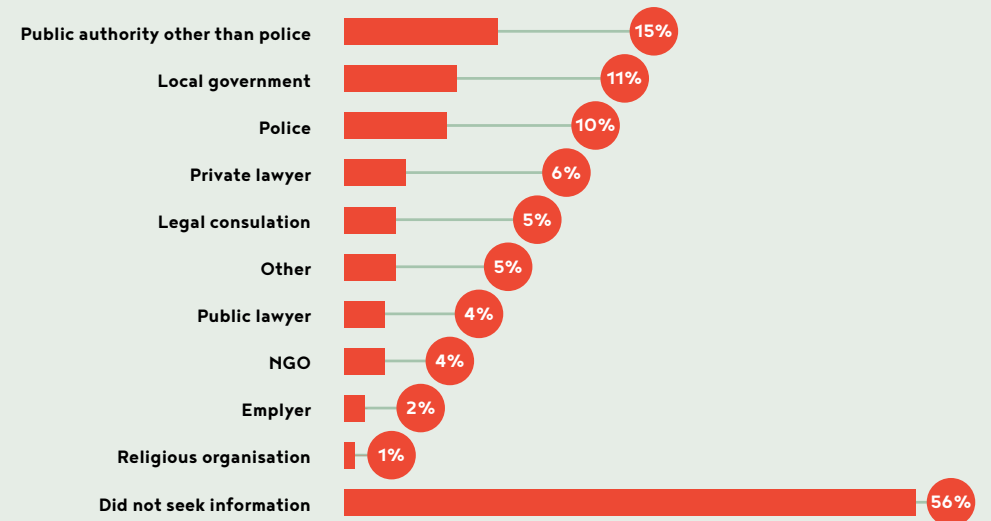
Formal sources of information and advice

- If we look at formal sources for information and advice, a public authority other than the police, is the source that is most often consulted (**15%**).
- Local government (**11%**), the police (**10%**) and a private lawyer (**6%**) are sources that are consulted relatively often.
- However, more than half of the respondents (**56%**) did not seek information or advice from a formal source.



- Women consult formal sources slightly more often than men, in particular public authorities and self-governance bodies.
- IDPS more frequently seek information from public authorities (**29%**) and from NGOs (**17%**), compared to the general population (**2%**).

Which formal sources of legal information and advice did you use to resolve the justice need?



LEGAL INFORMATION AND ADVICE

5

Which formal sources of legal information and advice did you use to resolve the justice need?

	Urban	Rural
Public authority other than police	17%	11%
Police	10%	10%
NGO	5%	1%
Private lawyer	6%	6%
Public lawyer	4%	5%
Legal consultation	6%	4%
Employer	3%	1%
Community authority	10%	13%
Religious organization	1%	0%
Other	5%	4%
Did not seek information or advice from formal sources	54%	58%

Public authority other than police as well as NGOs more often consulted in urban environments.

A few marked differences can be observed as to which formal sources people from urban and rural areas consult for information and advice. **Whereas people from rural areas seek legal information from community authorities (13% vs. 10%) more often, urban residents consult public authorities (17% vs. 11%) and NGOs (5% vs. 1%) significantly more often.**

Notably, people living in rural areas seek advice less often from formal sources than people living in an urban environment. This is a clear signal of the barriers to justice encountered by that the people from remote and rural areas.



LEGAL INFORMATION AND ADVICE

5

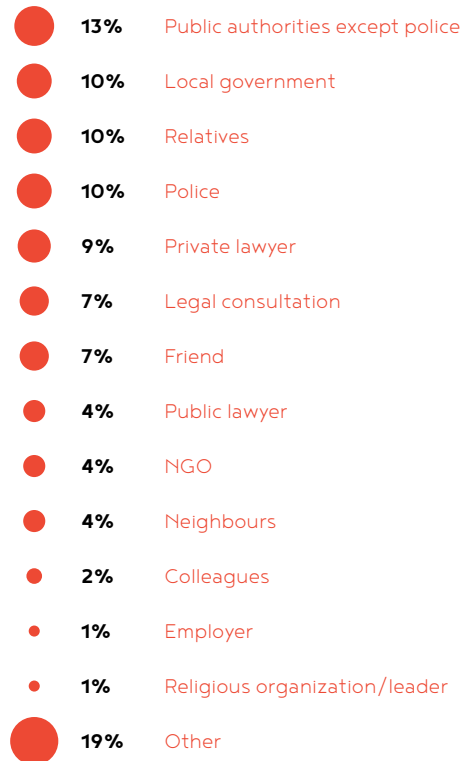
Formal sources consulted more often than informal sources

People seek information and advice from formal sources slightly more often (46%) than from informal sources (44%).

However, if we look at (both formal and informal) sources that are consulted most often, relatives (22%) and friends (18%) are on the top of the list. At the third place comes the public authority other than the police (15%).

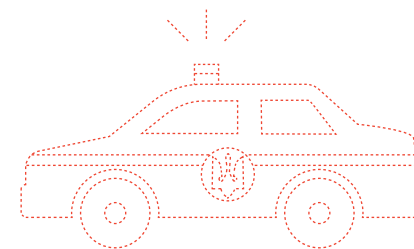
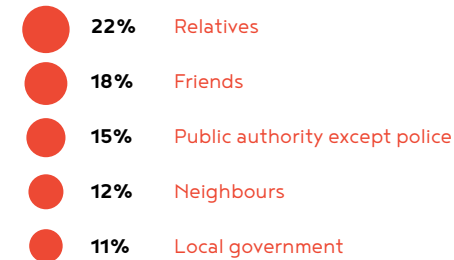
- There is **no specific source that is particularly more often perceived as helpful** than other sources.
- The most useful source of information and advice are public authorities, according to 13% of the respondents who have sought for legal information or advice.
- 10% of the respondents choose **local government, relatives and the police** as the most useful source of advice.
- Private lawyers come at a fifth place, with 9% of the respondents indicating that they were the most useful source of information and advice.

Most useful sources of information and advice



Public authorities most useful source of information and advice

Sources consulted most frequently top 5



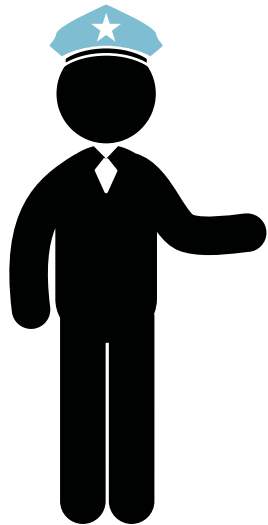
Whereas women are more positive about the public authorities, except for the police, men deem the advice they receive from friends more useful.

For IDPs, NGOs stand out as a useful source of information/advice (14%). However, whereas the police is seen as a helpful source for 10% of the general population, this percentage drops to 3% among the IDPs.

LEGAL INFORMATION AND ADVICE

5

Police helpful source of information for crime and problems with neighbours



Different **sources of information and advice prove to be useful depending on the nature of the problem at hand.** For example, for consumer and social welfare problems, public authorities (except the police), prove to be the most helpful source of legal information and advice. For problems with neighbours and crime, the police is reported as being the most helpful source. NGOs are in the Top 5 as a helpful source of legal information and advice, but only for consumer problems. Relatives and friends are also very helpful sources of legal information and advice, except for housing problems, where neighbours stand out as helpful sources of legal information and advice.

The Top 5 most helpful sources per type of problem

	Consumer	Employment	Social welfare	Neighbours	Crime	Housing
1	Public authorities (31%)	Other (26%)	Public authorities (25%)	Police (27%)	Police (43%)	Other (18%)
2	Other (21%)	Public authorities (14%)	Other (23%)	Other (20%)	Other (22%)	Local government (17%)
3	Relatives (9%)	Friend (13%)	Local government (16%)	Local government (14%)	Relatives (12%)	Neighbours (16%)
4	Legal consultation (7%)	Relatives (13%)	Relatives (7%)	Relatives (10%)	Private lawyer (8%)	Public authorities (14%)
5	NGO (7%)	Employer (97%)	Friend (7%)	Friend (7%)	Friend (5%)	Relatives/private lawyer (both 8%)

Internet important and growing source of legal information

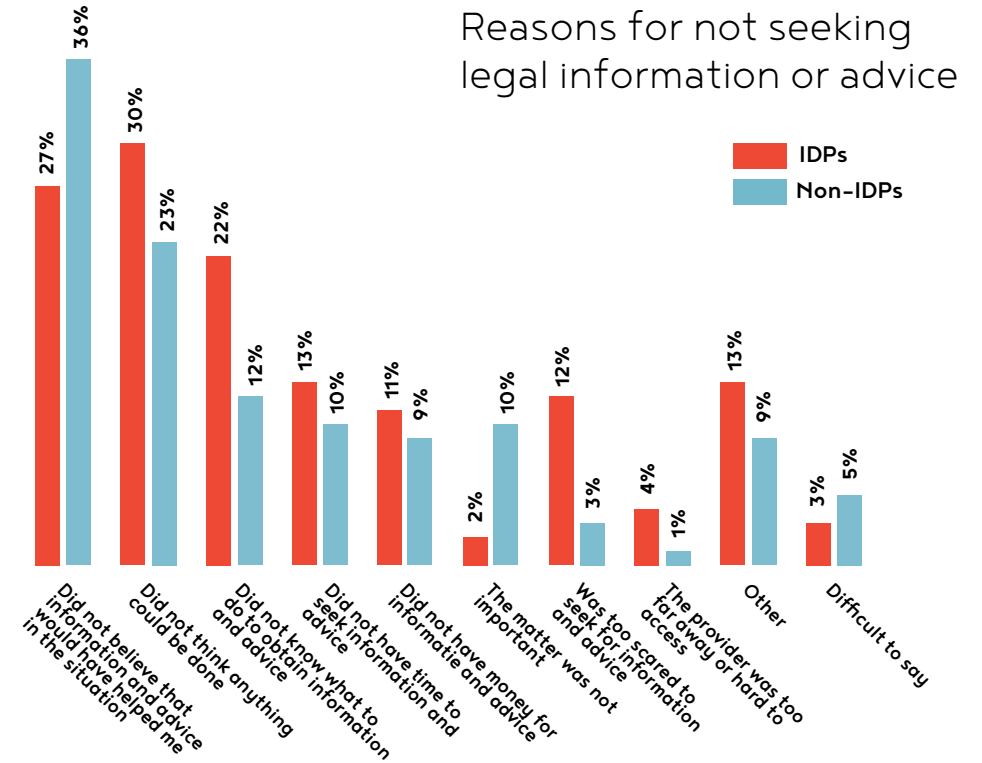
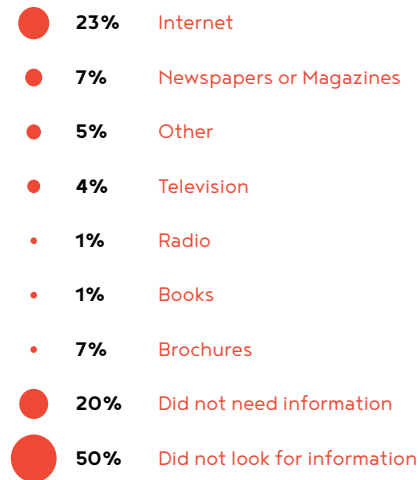
Looking at public sources of information, it is of note that almost a quarter (23%) of the respondents sought information and advice on the Internet; more so than used newspapers or TV. Since 2010, there is a strong increase in the percentage of Ukrainians who search the internet for legal information. Five years ago less than 12% of respondents with problems used the internet for information and advice.

A great difference can be observed here between IDPs and the general population. Whereas 21% of the general population consults the internet, among IDPs this almost doubles to 40%.

There is a distinct difference between people living in urban and rural environments, with the former using the Internet much more often (35%) than the latter (23%).

Not surprisingly, it is mainly younger, well-educated, urban citizens who seek information and advice on the Internet. People who experience family problems and employment disputes are particularly likely to search for legal information on the Internet. Newspapers or magazines are consulted by people with social welfare problems (18%) in particular. People who have problems with their neighbours use the TV quite often (11%) to look for information/advice.

Passive sources of legal information



Most respondents who did not take any action to resolve their problem believed that either the information would not have helped them (35%) or that nothing could have changed their situation (24%). Of the people who did not take action, 13% did not know how to obtain information or advice.

Practical barriers to obtaining legal information

Time (11%) and money (9%) constraints also played a role in not taking action for some respondents. For 2% the provider was too far away or hard to access.

LEGAL INFORMATION AND ADVICE

5

IDPs reluctant seeking for legal information and advice

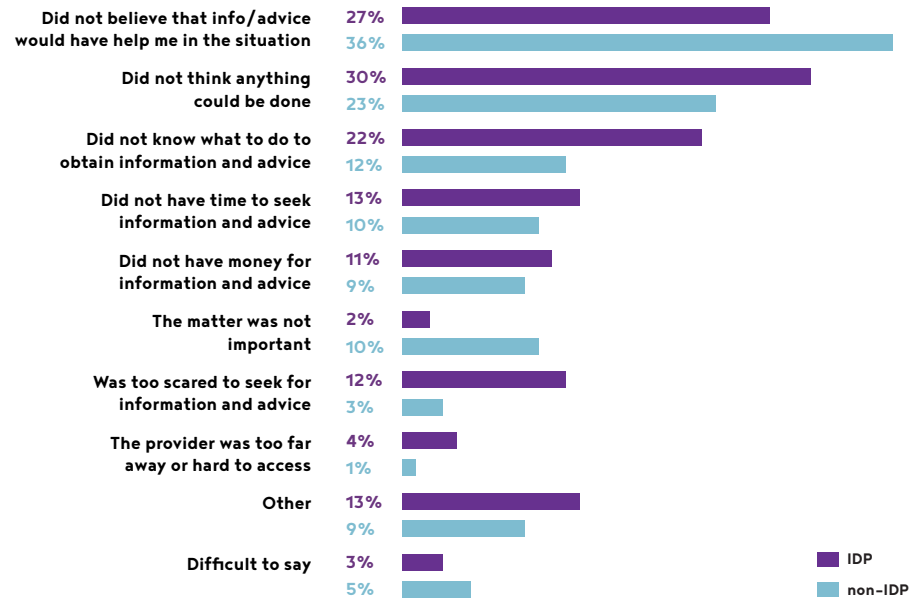
(and don't know what to do)

- Whereas only 3% of non-IDPs indicated that they did not take any action because they were too scared, this rises to 12% for IDPs.
- Also, more often than non-IDPs, IDPs did not take action because they did not think anything could be done, nor do know what to do to obtain information and advice.

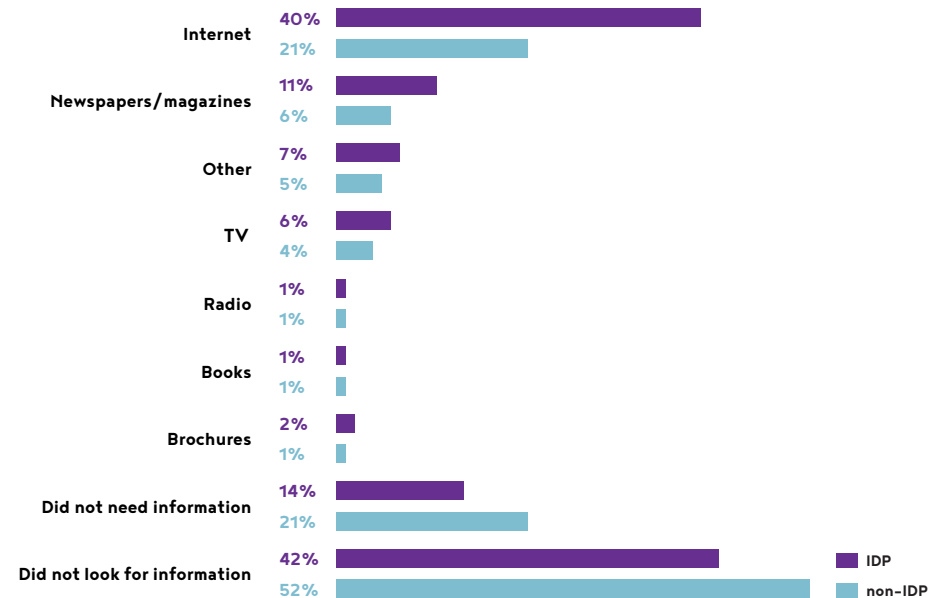
Internet is an important source of legal information for IDPs

- More than half of the non-IDPs (52%) did not look for information, compared to only 42% of the IDPs.
- IDPs particularly use the Internet more often (40%) than non-IDPs (21%).

What was the reason for not looking for legal information and advice?



Which passive sources for legal information and advice did you use to resolve your problems?



LEGAL INFORMATION AND ADVICE

5

Problem types and reasons for not seeking legal information and advice

Reasons for not taking any action to solve a problem vary greatly depending on the problem. For people with consumer problems, 28% indicate that the matter was not important to them. Likewise, people who reported problems with their neighbours often give the same reason (16%). People with social welfare (13%), housing and employment problems (both 11%) indicate relatively often that they do not have money for information and advice.



Of the men who did not seek any information/advice about their problem, **39%** indicated it was because they did not believe that this would have helped them in the situation (compared to **32%** of women). **Women (5%) report being too scared to seek information/advice more than twice as often as men (2%).**

What was the reason for not looking for legal information and advice per category of justice need?

	Consumer	Employment	Social welfare	Neighbours	Crime	Housing
Did not believe that information and advice would have helped me	31%	44%	34%	36%	40%	36%
Did not think anything could be done	18%	27%	30%	19%	28%	25%
Did not know what to do to obtain information and advice	11%	17%	16%	8%	5%	16%
Did not have time to seek information and advice	13%	6%	7%	14%	7%	11%
Did not have money for information and advice	3%	11%	13%	5%	9%	11%
The matter was not important	28%	2%	2%	16%	8%	1%
Was too scared to seek for information and advice	1%	3%	1%	5%	6%	1%
The provider was too far away or hard to access	1%	1%	2%	1%	2%	1%
Other	7%	7%	10%	8%	9%	11%
Difficult to say	4%	4%	6%	5%	12%	4%

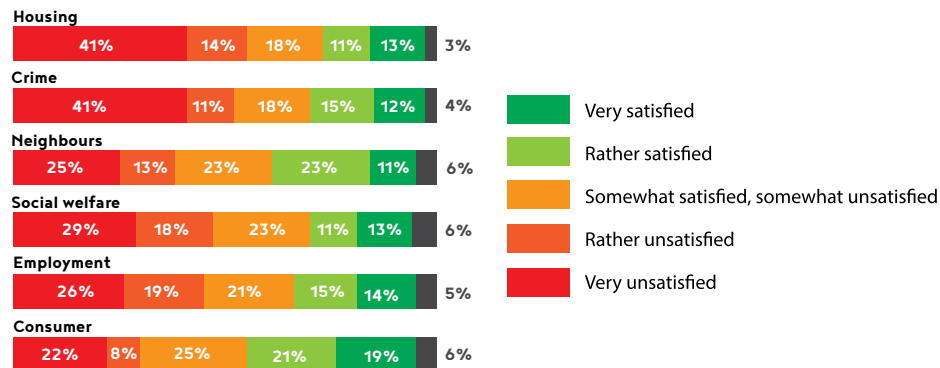
LEGAL INFORMATION AND ADVICE

5

People with consumer problems most satisfied about the help they received

Of the people with consumer problems, 40% are rather or very satisfied about the information or advice they received. This is a significantly larger group than for people with housing and social welfare problems (both 24%).

People with housing problems and crime problems most often (both 41%) report that they are very unsatisfied with the help they received.



Strategies for seeking information/advice for resolving legal problems in Ukraine – Conclusion

People seek information and advice from formal sources slightly more often (46%) than from informal sources (44%). However, this still represents less than half of the instances where advice or information is sought. Further, if we look at the formal and informal sources that are consulted most often, then relatives (22%) and friends (18%) stand on the top of the list. In the third place comes public authorities, other than the police (15%).

Public authorities are rated as the most helpful source of information/advice by most of the individuals (13%) who sought information and advice. Local government authorities, relatives and the police are also rated as useful sources of information and advice. NGOs are particularly helpful for IDPs (14% report NGOs as most helpful). **The police, however, are most helpful only for 3% of IDPs, compared to 10% for the general population.**

When it comes to passive sources of legal information half of the people looked for some sort of legal information and advice. **The Internet tops the list, being consulted by almost a quarter (23%) of people.** Newspapers come in at second place, consulted by 7% of people. It should be noted that **people living in an urban environment use the Internet much more often (35%)** than people living in rural areas (23%) to look for information and advice. The Internet is important especially for IDPs, 40% of whom have consulted the Internet for information.

Most people (36%) who do not look for information and advice respond in this way because they think any **information would not have helped**, and because they are **reluctant to think that anything can be done to resolve** their justice need. In particular, people with consumer problems often think the matter is not important enough to pursue information and advice (28%).

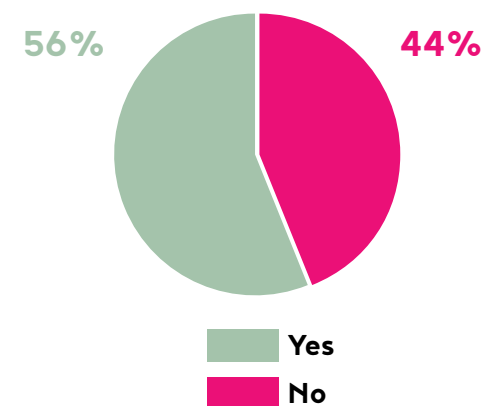


6

Mapping the justice
journeys of the people
in Ukraine



Did you take action to resolve the problem?



In **44%** of cases of serious and difficult to resolve justice problems, the respondents **did not take any action**.

People are most likely to take some sort of action with the following problems: **family problems, land/real estate and crime**.

Problems with the greatest risk of inaction: **Problems involving children, consumer problems, corruption, employment disputes**

Men, IDPs, and people who receive welfare benefits are slightly more likely to take action when a problem appears. Younger people (18–25) are least likely to initiate actions to resolve their problems. Gender and socio-economic status do not affect the patterns of dispute resolution.

MAPPING THE JUSTICE JOURNEYS OF THE PEOPLE IN UKRAINE

6

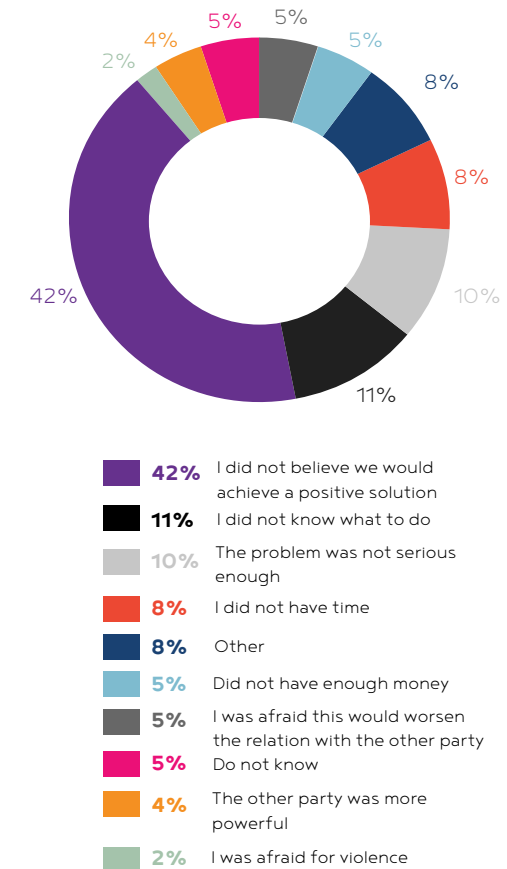
Reasons for doing nothing

Almost half of the individuals who encountered a serious justice need did not pursue active steps to resolve the problem. Lack of subjective belief that anything can be done is the most prevalent reason for leaving a problem unanswered. Interestingly, IDPs feel much more empowered and are less often stopped from taking action from the disbelief that a positive solution is possible. This is a bigger barrier for men than it is for women. Individuals who experience employment disputes and crimes are particularly likely to abandon a problem because they feel it will not achieve much anyway.

Money and the fear of worsening the relationship with the other party are notable tangible barriers in the category of family problems.

Not knowing what to do is a bigger barrier for women than it is for men. One in three IDPs did nothing to resolve their problems, because of a lack of knowledge. Among the non-IDPs the figure is **9%**!

Main reason for not acting to resolve the problem?



MAPPING THE JUSTICE JOURNEYS OF THE PEOPLE IN UKRAINE

6

Lack of legal information limits the justice resolution strategies

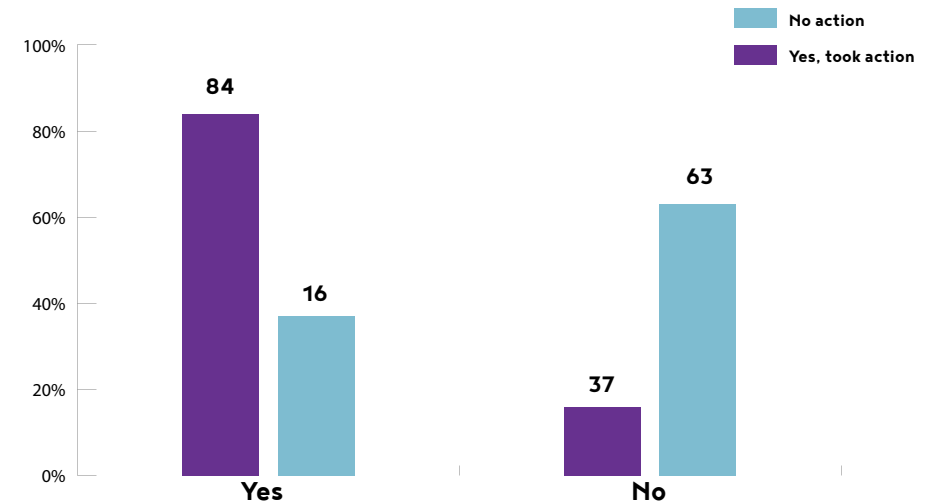
There is a clear relationship between the search for legal information and the resolution of the justice needs. **The majority of the respondents who did not look for legal information or advice did not attempt to resolve their justice needs.**

On the other hand, **84% of those who sought information and advice also took active steps towards the resolution of the problem.** This relationship speaks clearly about the role that legal information plays in the strategies for seeking and receiving justice.



The relationship between seeking legal information and problem resolution

Cross-tabulation between 'Did you look for legal information and advice' and 'Did you take action to resolve the problem?'



MAPPING THE JUSTICE JOURNEYS OF THE PEOPLE IN UKRAINE

6

Justice journeys



steps to justice

How we measure the paths to justice

Hiil's Justice Needs and Satisfaction Tool enables measurement of justice as the people in Ukraine encounter it in their daily lives.

On average, a justice journey consists of **2.15 steps**. Most often the people who have justice needs attempt to resolve their problems by contacting the other

party, taking another type of action or engaging a relative. Public authorities, such as central and self-governance agencies, are the third most frequent source of dispute resolution.

Together central public authorities, police and self-government authorities are used to resolve the justice need in about one in five justice problems.

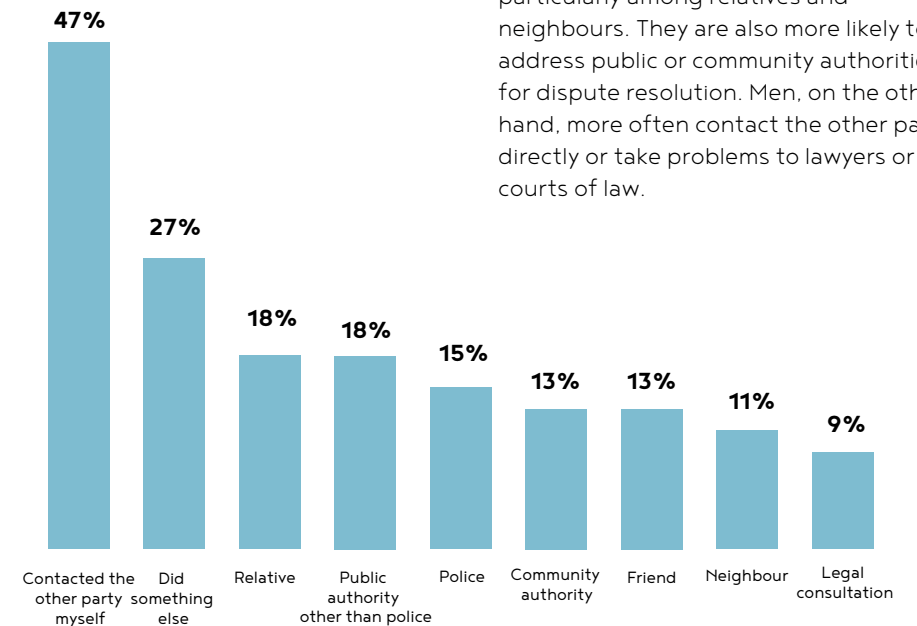
Most frequently used justice journeys

Contacting the other party – by the respondent directly or through an intermediary – is the most prevalent strategy that the Ukrainian people undertake to respond to the ensuing justice needs. Direct negotiation with the other party is used particularly often in consumer problems. Relatively few justice problems ever reach courts and lawyers (public and private). Lawyers are

more frequently engaged in land and real estate problems (15%) and public services grievances (12%). Notably, legal consultations are relatively prolific suppliers of legal advice and information: 9% of all justice needs (in which the respondent took active steps) were referred to legal consultations. Family problems, corruption and personal injury cases are particularly likely to be taken to a centre for legal consultation.

There are visible gender differences in how women and men in Ukraine use paths to justice to respond to their justice needs. Women more often seek problem resolution within their social networks, particularly among relatives and neighbours. They are also more likely to address public or community authorities for dispute resolution. Men, on the other hand, more often contact the other party directly or take problems to lawyers or courts of law.

What did you do to solve the problem?



MAPPING THE JUSTICE JOURNEYS OF THE PEOPLE IN UKRAINE

6

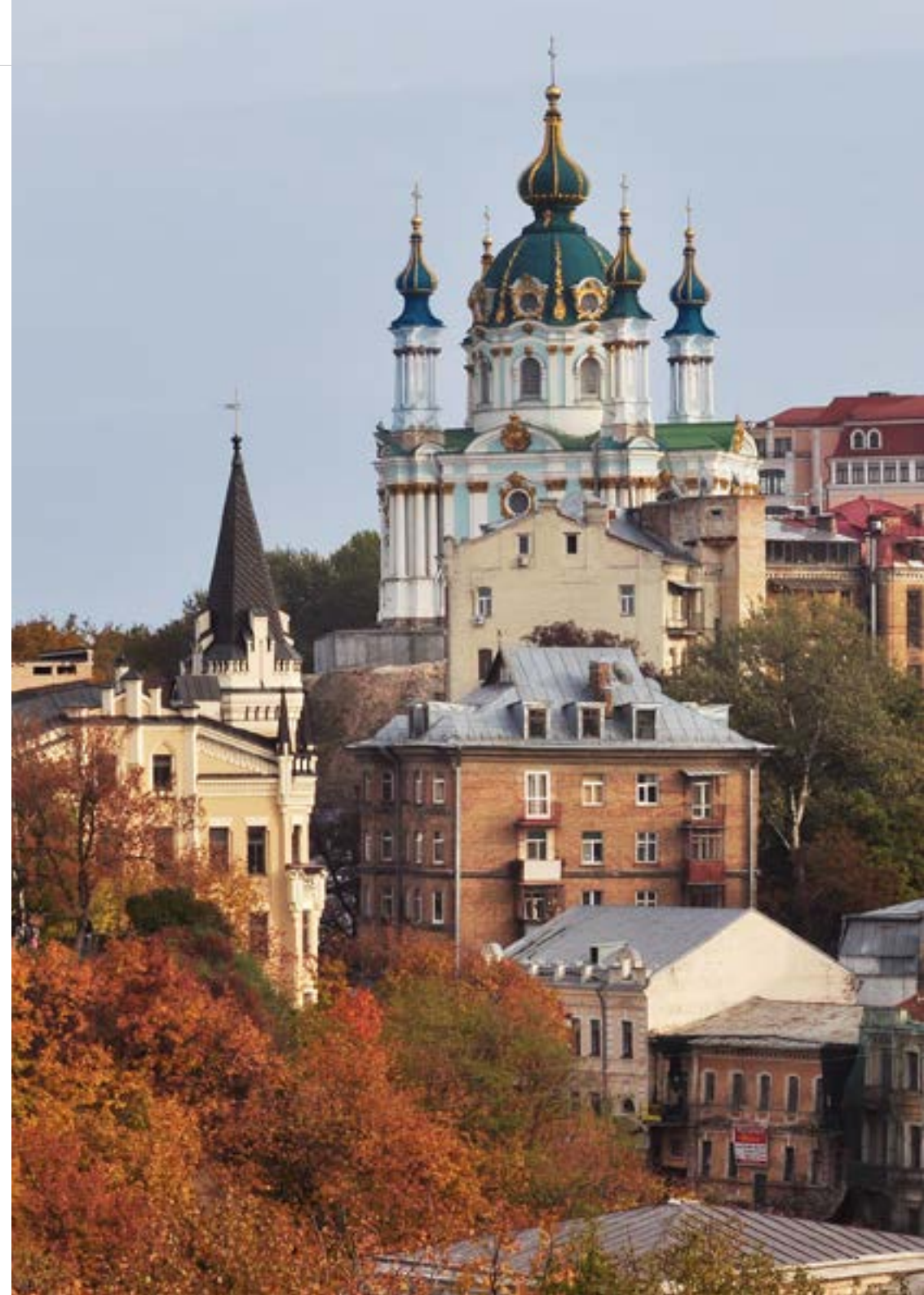
Justice journeys that are less often used

Only 4.8% of the justice problems encountered by the Ukrainian people were referred to courts for resolution. Problem categories that are significantly more often referred to courts are family problems (21%), disputes over land and real estate (9%) and personal injuries (7.4%).

Logically, crimes are referred almost exclusively to the police (77%). However, the police are involved in one in three disputes between neighbours.

Legal consultations are part of the justice journeys for about 9% of the studied problems.

	%
Contacted the other party through a friend/ neighbour/colleague	7.3%
Contacted the other party through a relative	5.7%
Private lawyer	5.7%
Colleague	5.4%
Court	4.8%
Public defender's office (public lawyer)	3.9%
Employer	2.5%
Religious organisation	1.2%



MAPPING THE JUSTICE JOURNEYS OF THE PEOPLE IN UKRAINE

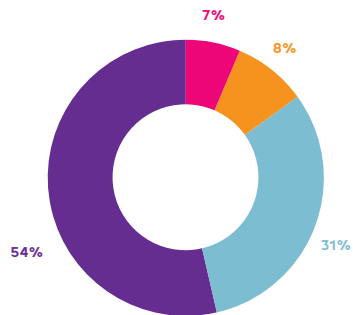
6

Self-help as a path to justice

Contacting the other party directly or through some sort of intermediary is the most frequently used strategy for resolving justice problems in Ukraine. Self-help is particularly used in consumer problems, problems with public services and money-related disputes. It is least used in situations of crime, employment disputes and corruption.



Self-help as a path to justice



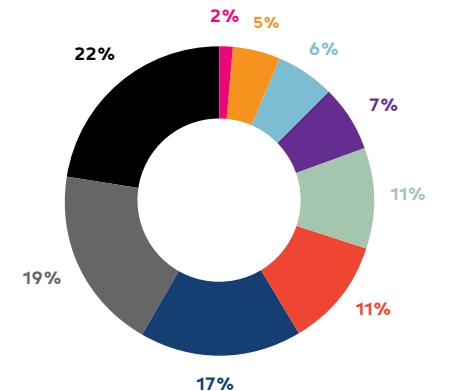
- **54%** Independently contacted the other party
- **31%** Did something else
- **8%** Contacted the other party through a friend/neighbor/colleague
- **7%** Contacted the other party through a relative

Paths to justice

(organised by institutional justice providers)

Institutional justice providers can be formal or informal. Their authority to resolve disputes and justice problems can be based on legal, moral, ethical or political grounds. A court of law is the definitive decision-maker, but such can be other formal or informal institutions and authorities. Central and local administrative organisations are the most frequently used justice providers.

Institutional justice providers



Some problems that have a specific likelihood of being referred to certain institutional justice providers:

- Land and real estate, public services and corruption: private lawyers
- Family, corruption and money: courts
- Problems of IDPs, children and employment: public authorities
- Housing, land and real estate: communal authorities
- Crime and neighbours: police
- Family, corruption, accidents: legal consultation

- **22%** Public authority other than police
- **19%** Police
- **17%** Community authority
- **11%** Legal consultation
- **11%** Other
- **7%** Private lawyer
- **6%** Court
- **5%** Public defender's office (public lawyer)
- **2%** Religious organisation

MAPPING THE JUSTICE JOURNEYS OF THE PEOPLE IN UKRAINE

6

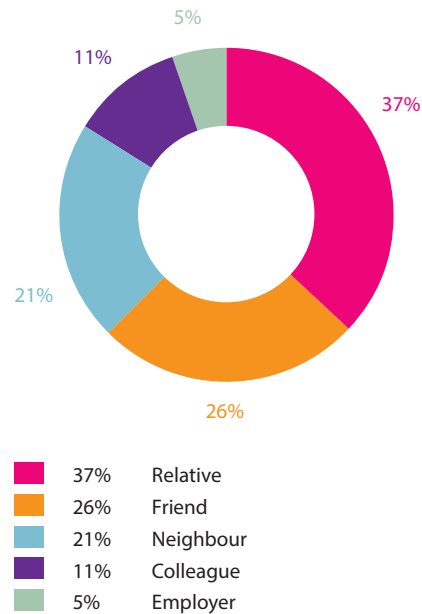
Social networks

(as a source of dispute resolution)

The social networks of the people in Ukraine are less often used than self-help and institutional sources of paths to justice. Nevertheless, relatives, friends and neighbours are among the most prevalent mechanisms for resolving justice problems. This could be interpreted as an indication of gaps in the access to justice. Some people use their social networks as a convenient and trusted way of responding to problems, but for others it could be the only possible choice.

Relatives are particularly engaged in the resolution of family problems, accidents and personal injuries, money and social welfare problems. People go to neighbours more often when they have to deal with disputes with neighbours or housing. Understandably, employers and colleagues are most often used as paths to justice in employment disputes.

Social networks as a source of paths to justice



Which path to justice was most effective for resolving the problem?

As mentioned above, on average, the paths to justice employed by the people in Ukraine consist of 2.15 steps. We asked the respondents which dispute resolution process was most effective in resolving the problem. In general the structure of dispute resolution outlined previously has been kept. Very few people use the courts or professional legal providers to resolve their justice needs. Self-help, public authorities and social networks are the most widely-used mechanisms for dealing with justice problems. These processes bear huge importance for the justice system since they take place 'in the shadow of the law'. There is

a very strong link between the performance of justice institutions and the justice and fairness that the other paths to justice dispense. If courts are perceived as accessible and fair, citizens will apply higher standards to assess the fairness of the out-of-court justice processes. They will also use the courts as formal or informal appeals mechanisms when they face injustice.



MAPPING THE JUSTICE JOURNEYS OF THE PEOPLE IN UKRAINE

6



Women refer their problems more often to relatives, neighbours, central and local public authorities. Men contact the other party more often than women in an attempt to resolve the problem.

Path to justice	%
Other dispute resolution mechanism	20
Contacted the other party myself	18
Took other action on my own	10
Relative	8
Public authorities, except police	7
Police	6
Friend	5
Self-governance authority	5
Private attorney	4
Legal consultation	4
Neighbour	4
Court	3
Colleague	2



How the users experience the paths to justice



On average the people who experience justice problems spend around 9,000 Ukrainian hryvnias on their paths to justice. **IDPs have to spend on the paths to justice almost twice as much as the general population** - 17,000 hryvnias. There is also a significant difference between urban and rural residents: people who live in cities spend on average 10,000 hryvnias to obtain justice, whereas for rural residents the monetary costs are estimated at 5,300 hryvnias.

Traveling a path to justice costs time. On average it takes 152 hours to deal with a problem. Land disputes, housing problems and family problems take significantly more time to deal with. Residents of big cities have to invest significantly more time than those who live in rural areas.



The spiderchart on the left maps all the justice journeys that the people of Ukraine use to resolve their problems. Several conclusions can be made at face value:

- Significant improvements are possible on the paths to justice in Ukraine. Only once the dimension (money spent) exceeds 4.
- Traveling a path to justice is a stressful and emotionally strenuous experience. For many on the paths to justice, the stress and emotions cost dimension is the lowest mark.

· The quality of the procedure of the available paths to justice is seen as lower than the quality of the outcome.

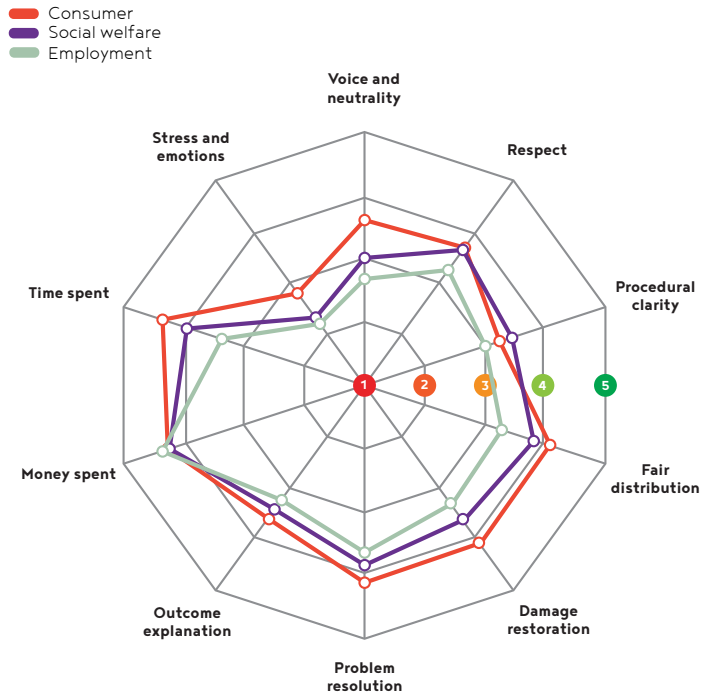
People who describe themselves as IDPs experience justice differently. They give higher scores to the quality of the outcomes of justice processes but had to pay significantly more to obtain justice.

MAPPING THE JUSTICE JOURNEYS OF THE PEOPLE IN UKRAINE

6

How the people experience the paths to justice

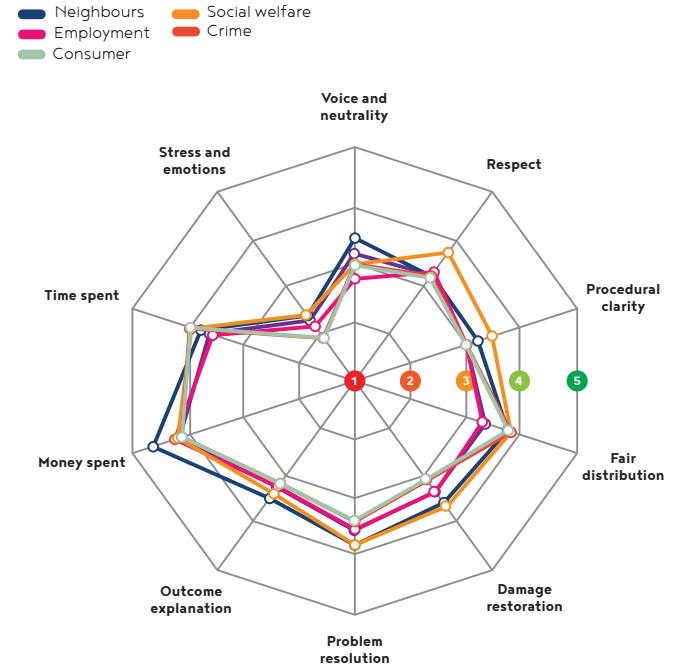
Attitudes to the costs, quality of the procedure and quality of the outcome of the 3 most prevalent categories of justice needs



According to the users of justice **there are significant differences in the performance of the paths to justice for different problems.** In consumer problems the users of justice rate the quality of the process and the quality of the outcomes with relatively high marks. The justice journeys for legal problems

specific to IDPs are also experienced positively when compared with other legal problems. On the other hand, the users of justice are less satisfied with the quality of the processes designed to resolve corruption, employment disputes and public service grievances.

Attitudes to the costs, quality of the procedure and quality of the outcome of the 5 most prevalent categories of justice needs



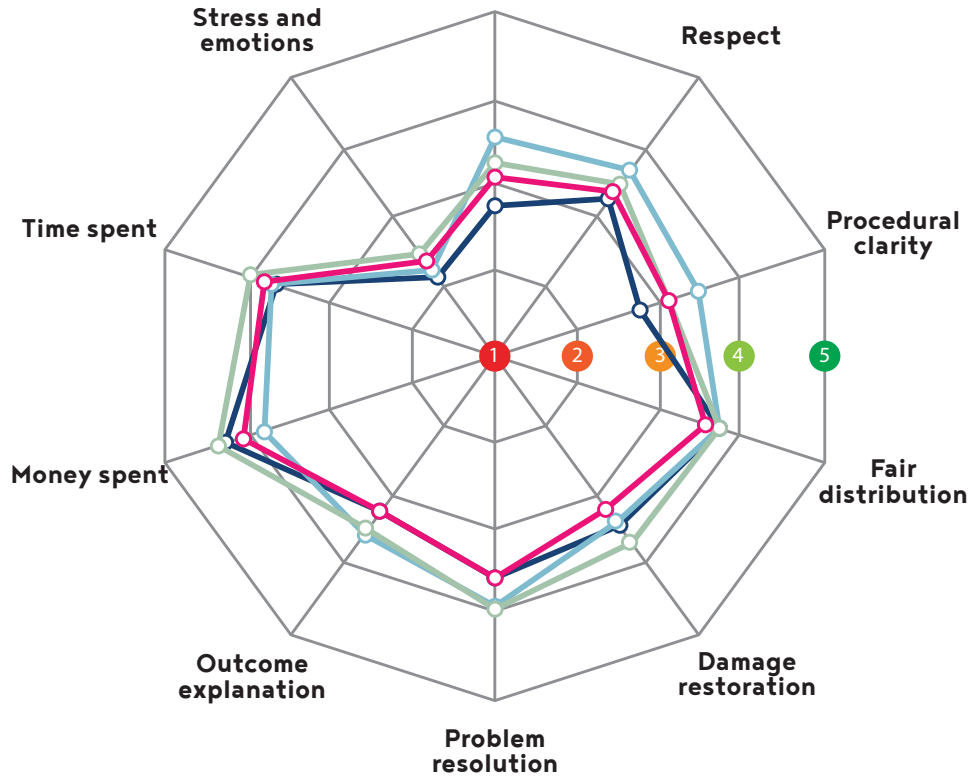
The outcomes of paths to justice for corruption, public services and problems involving children receive the lowest scores. This indicates that **the people who experience these processes are in general unsatisfied with the ways in which the dispute resolution processes resolve these problems.**

MAPPING THE JUSTICE JOURNEYS OF THE PEOPLE IN UKRAINE

6

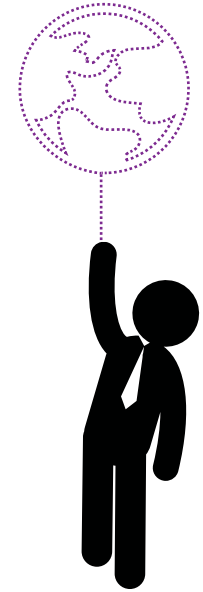
Attitudes to the costs, quality of the procedure and quality of the outcome per type of paths to justice

Voice and neutrality



The processes organised by professional suppliers of justice services are in general seen as more procedurally fair but clearly cost more in terms of out-of-pocket expenses.

Own action is related to better quality of outcome. This relationship has to be studied deeper if the role of factors, such as the type of the problem, the relationships between the parties, their expectations, the specific nature of the outcome is to be understood.





7

Zooming in on
disputes between
neighbours



ZOOMING IN ON DISPUTES BETWEEN NEIGHBOURS

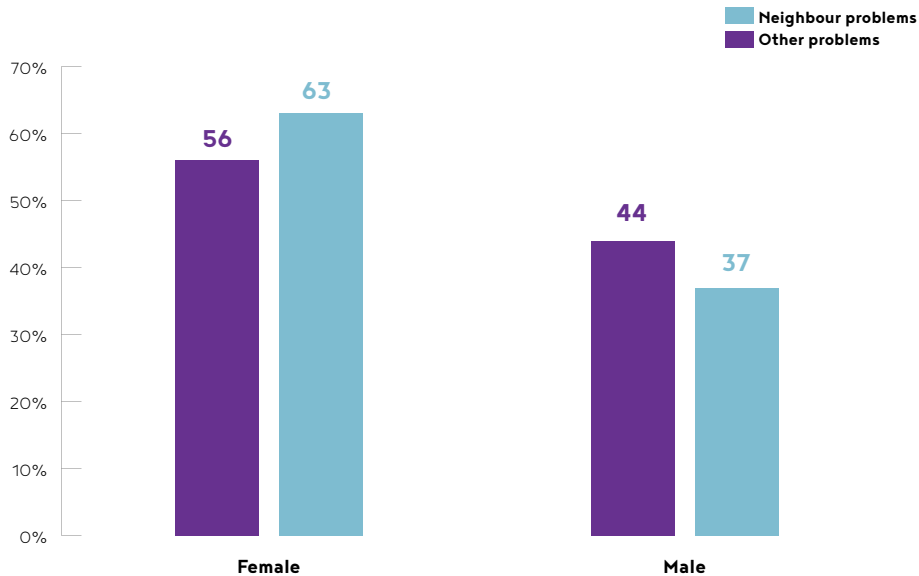
7

Prevalence of neighbour problems

Almost 5% of the people in Ukraine have experienced one or more serious problems with their neighbours in the past four years.

Younger people (up to 25) and older people (56 years and older) experience frequently more problems with their neighbours. Also, more women experience problems with their neighbours.

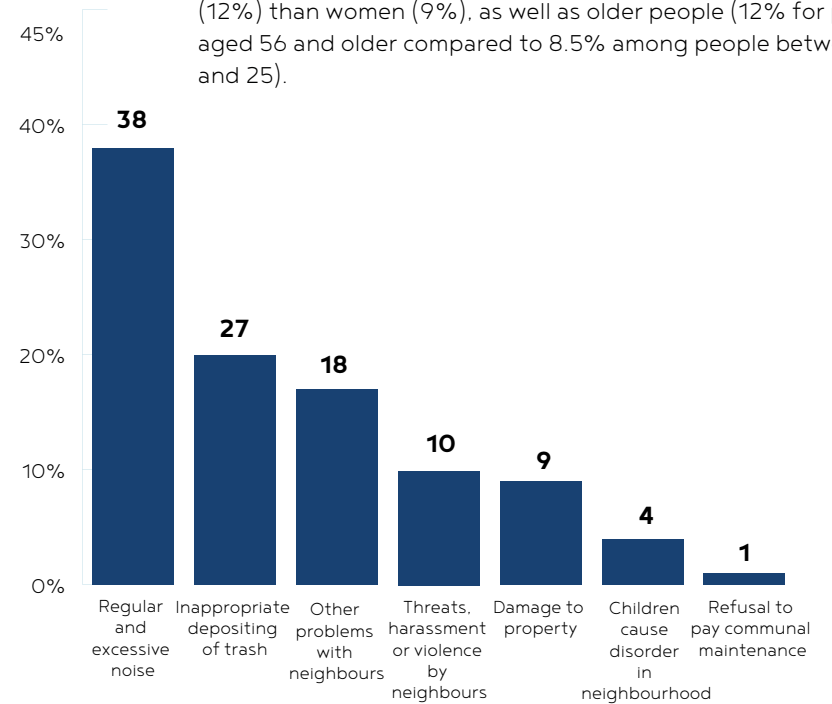
Problems with neighbours occur twice as often in an urban environment (6%) than in a rural environment (3%).



Types of neighbour problems

More than a third (38%) of problems with neighbours are about regular and excessive noise.

Also, inappropriate depositing of trash (20%) and other problems with neighbours (17%) are frequently mentioned. Men encounter threats, harassment and/or violence more often (12%) than women (9%), as well as older people (12% for people aged 56 and older compared to 8.5% among people between 18 and 25).



ZOOMING IN ON DISPUTES BETWEEN NEIGHBOURS

7

Excessive noise from neighbours

(a specific problem in urban environments)

People living in city environments experience different problems with their neighbours than people living in rural settings. In an urban environment, almost half (47%) of the problems with neighbours are about regular and excessive noise, while in a rural environment this drops to 17%. In a rural setting, threats, harassment or violence from neighbours (15% vs. 8%) are much more prevalent, as is inappropriate depositing of trash (35% vs. 14%).

Type of problem	Urban	Rural
Regular and excessive noise	47%	17%
Threats, harassment or violence from neighbours	8%	15%
Refusal to pay communal maintenance	1%	2%
Inappropriate depositing trash	14%	35%
Damage to property	9%	10%
Children cause disorder in neighbourhood	4%	2%
Other problems with neighbours	17%	18%



ZOOMING IN ON DISPUTES BETWEEN NEIGHBOURS

7

Consequences of neighbour problems

People experience mostly problems with relationships (41%) due to neighbour disputes, compared to 15% of people with other types of problems. Also, more than a quarter (29%) experience loss of time due to the problem, although this is a lot less than for people with other problems (45%). However, 18% experienced vandalism as a consequence of the neighbour related justice need, compared to only 11% of people with other types of problems.

- **1%** Loss of job
- **3%** Personal injuries
- **4%** Violence against you
- **6%** Loss of income
- **14%** Stress-related illness
- **18%** Vandalism against you
- **29%** Loss of time
- **41%** Problem with relationships



ZOOMING IN ON DISPUTES BETWEEN NEIGHBOURS

7

Informal sources of legal information and advice

People who have problems with their neighbours use informal sources of information and advice less often than people with other types of problems. Almost a quarter, (23%), consult their neighbours when they have problems with neighbours, compared to only 11% of people with other types of problems.

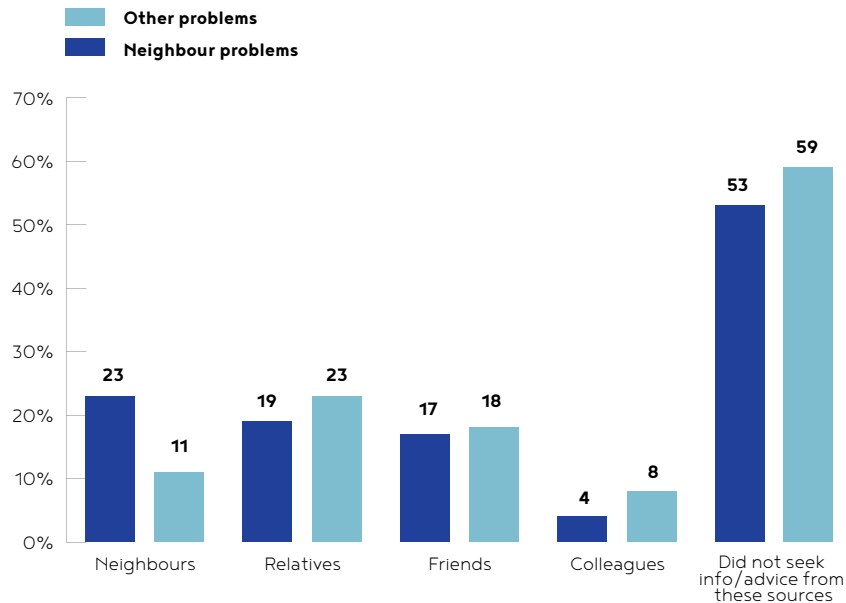
More than half (53%) do not consult any informal source. In particular, people living in rural environments consult informal sources more often. They seek information from friends more often than people in urban environments (21% vs. 16%) as well as their colleagues (6% vs. 3%).

Formal sources of legal information and advice

People who have problems with their neighbours consult the police more often (22%) than people with other types of problems (9%). They also look for legal information at local government authorities more often (14%) than people with other problems (10%). People living in an urban environment

consult the police much more often (23%) than people living in a rural environment (16%). People in rural environments would rather approach the local government (26%), whilst this is only true for 8% for people living in an urban environment.

Where did you seek for information and advice to resolve your neighbours dispute?



	Neighbour problems	Other problems
Police	22%	9%
Local government	14%	10%
Public authority other than police	6%	15%
Legal consultation	6%	6%
NGO	3%	4%
Private lawyer	3%	6%
Public defender's office (public lawyer)	1%	4%
Religious organisation	0%	1%
Employer	0%	2%
Other	3%	5%
Did not seek info/advice from these sources	59%	55%

ZOOMING IN ON DISPUTES BETWEEN NEIGHBOURS

7

Barriers to legal information and advice

People who have problems with their neighbours do not seek for information and advice, because the matter was not important (10%): this occurs more often than people with other types of problems. They slightly less often (12%) think that nothing could be done about their problem than people with other types of problems (15%). Five per cent of people who have problems with their

neighbours did not know what to do to obtain information and advice and this is much lower than for people with other types of problems (9%). However, this number increases starkly among people living in a rural environment (4%) compared to an urban environment (8%). People living in an urban environment more often (14%) think that nothing could be done compared to people in a rural environment (8%).

	Neighbour problems	Other problems
Did not believe that info/advice would have helped the situation	23%	22%
Did not think anything could be done	12%	15%
The matter was not important	10%	5%
Did not have time to seek info/advice	9%	6%
Did not know what to do to obtain info/advice	5%	9%
Did not have money for info/advice	3%	6%
Was too scared to seek for info/advice	3%	2%
The provider was too far away or hard to access	1%	1%
Other	5%	6%
Difficult to say	3%	3%

Most effective path to justice

For people with neighbour problems, contacting the other party themselves is most frequently mentioned (24%) as the most effective path to justice. Also, contacting the police (15%) and contacting the neighbours (11%) is mentioned often. Contacting public authorities is a less effective path to justice for people who have problems with their neighbours, compared to people who have other types of problems.

Path to justice	Neighbour problems	Other problems
Contacted the other party myself	24%	17%
Police	15%	5%
Other	12%	21%
Neighbour	11%	3%
Took other action independently	11%	11%
Self-governance authority	9%	5%
Relative	7%	8%
Friend	4%	5%
Public authorities, except police	2%	7%
Colleague	1%	2%
Private attorney	1%	4%
Court	1%	3%
Legal consultation	1%	4%
Public lawyer (state-funded attorney)	1%	2%
Religious organization/leaders	1%	0%
Contacted the other party through a friend/ neighbour/colleague	1%	1%
Employer	0%	1%
Contacted the other party through relative	0%	1%

ZOOMING IN ON DISPUTES BETWEEN NEIGHBOURS

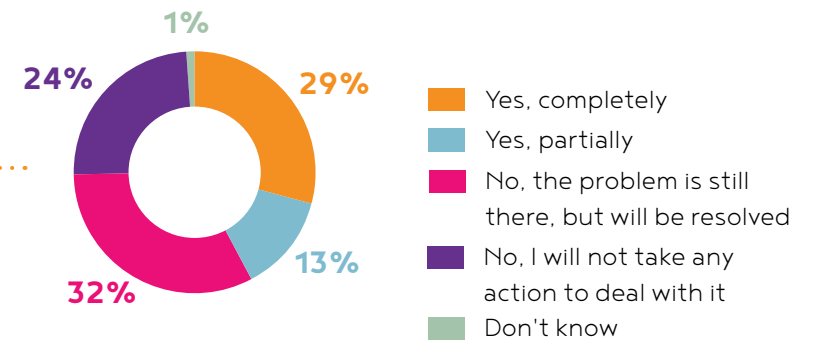
7

Dispute resolution

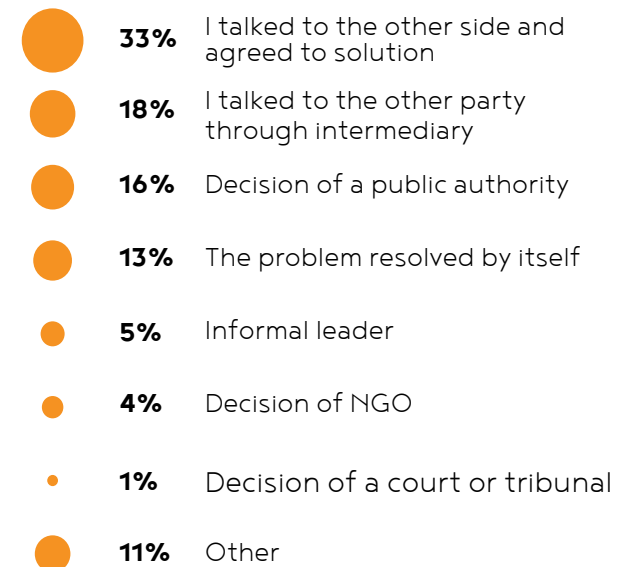
Of the people with neighbour problems, 64% report one or more paths to justice. This means that 36% of the people who have a problem with their neighbour does not take any action to resolve their problem. For almost a third (29%) of the people who initiated one or more paths to justice, the problem has been completely resolved, while 32% believes that their problem will be resolved in the future. Almost a quarter (24%) indicate that they are not taking any action to deal with the problem.

In most cases (33%), people had their problem (partially) resolved, this has happened through talking to the other party and agreeing on a solution. About 18% talked to the other party through an intermediary, while 16% came to a solution through the decision of a public authority. Notably, of the problems that have been resolved, 13% resolved by themselves. Only 1% of the problems with neighbours that were resolved, went through the decision of a court or tribunal.

Is the housing dispute resolved at the moment?



What did you do to resolve the problem?

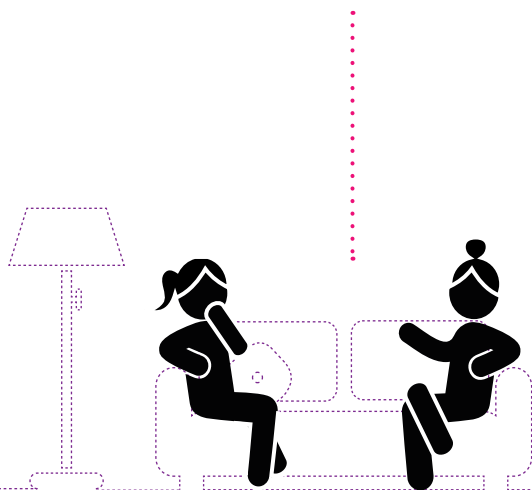


ZOOMING IN ON DISPUTES BETWEEN NEIGHBOURS

7

Paths to justice for neighbour problems

People who need justice to resolve neighbour problems are likely to experience a lot of stress due to the problem itself, since it affects their daily lives. People who have problems with their neighbours report that they experience a lot of additional stress and emotions, due to the process of finding justice. Ukrainian people who have problems with their neighbours clearly express a need for more voice and participation in the justice processes. They are fairly satisfied with the extent to which their problem has been resolved through the justice process.



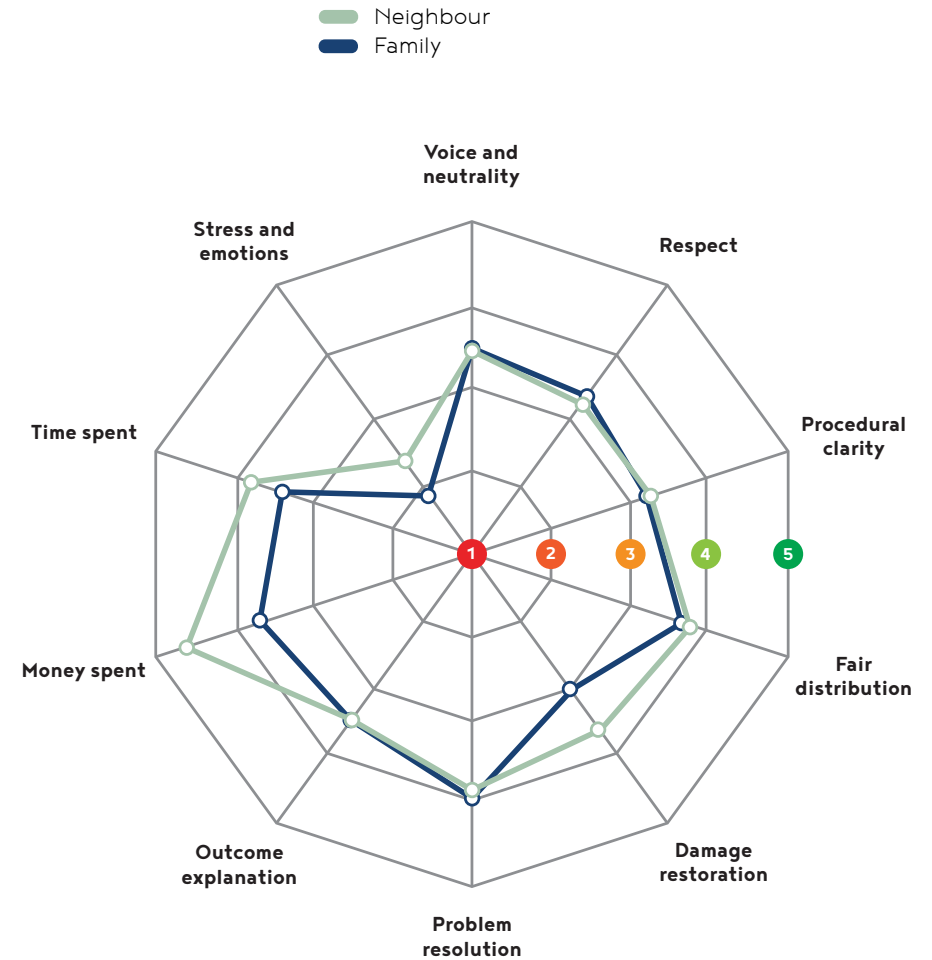
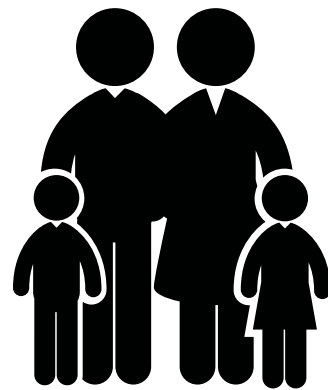
ZOOMING IN ON DISPUTES BETWEEN NEIGHBOURS

7

Neighbour problems compared to family problems

People who have problems with their neighbours experience less 'costs of the procedure' (money spent, time spent and stress and emotions) than people with family problems.

Also, people who have neighbour problems feel that restorations are more in line with the damages they experience, than people with family problems. On the quality of the procedure (voice & neutrality, respect and procedural clarity), people with neighbour problems and people with family problems are equally satisfied.



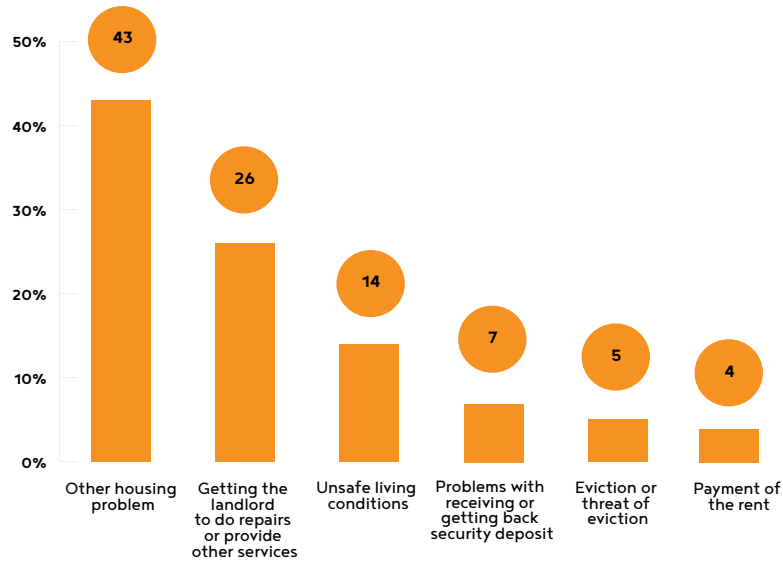


8

Zooming in on housing problems

ZOOMING IN ON HOUSING DISPUTES

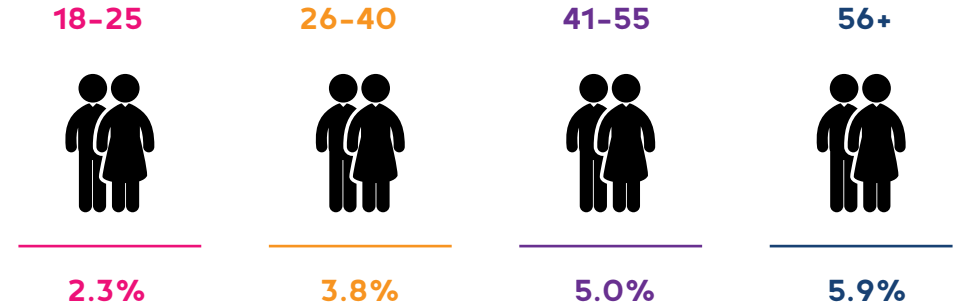
8



Almost one out of ten interviewed Ukrainians report an experience with housing problems in the last four years. Among the problems which the respondents defined as most impactful, housing problems are the sixth most prevalent category of justice needs. Housing problems, however, are significantly more prevalent among

people living in urban areas. Eleven per cent of all urban respondents who reported encountering problems said that their most serious and difficult justice need was about housing. Among the rural population the prevalence of housing problems is significantly lower - 4.3%.

Gender/age dimension



Women experience housing problems significantly more often than men (36%). Among all respondents who report a housing problem about 64% are women. Age is also a factor in the distribution of housing problems. Incidence of housing problems increases with age. Senior citizens (56+) report legal problems around housing twice more often than the youngest respondents.

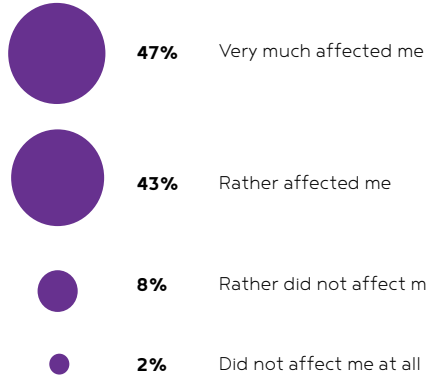
ZOOMING IN ON HOUSING DISPUTES

8

Housing problems co-occur with other justice needs

People who experience housing problems often face other problems from the following categories:

- Consumer problems
- Disputes with neighbours
- Employment
- Land and real estate
- Social welfare



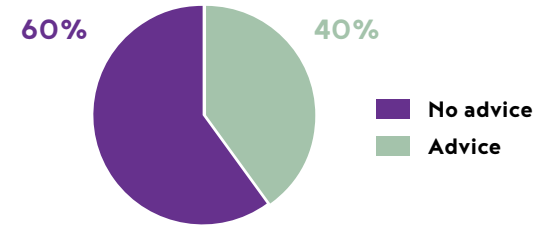
Most often the other party in the housing dispute is some sort of public authority:

- Public authority - 44%
- Private company - 25%
- Neighbour - 4.3%
- Family member - 4%

Housing problems seriously impact the people who experience them:

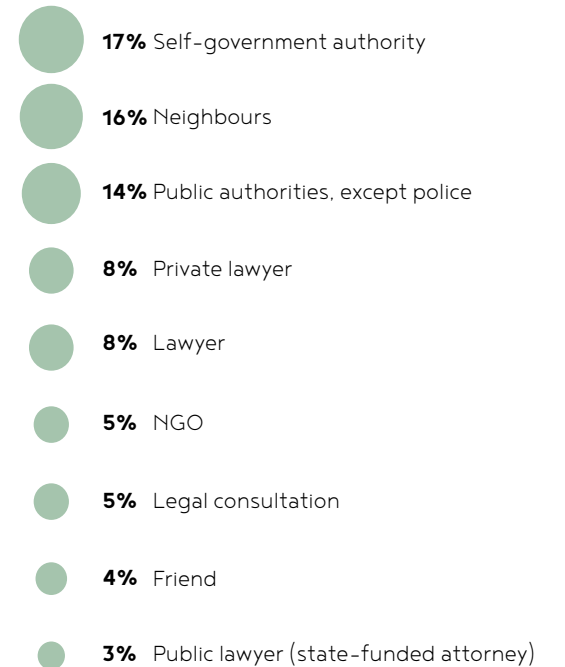
- Loss of time - 44%
- Vandalism - 23%
- Loss of income - 18%
- Stress related illness - 16%

Access to legal information and advice for housing disputes



More than half of the respondents who encountered legal problems around housing did not seek legal information and advice. Most (36%) did not believe that seeking information would have helped them. Others did not believe anything could be done (25%). One in six individuals with housing problems did not know where they could find information and advice.

Sources of advice



To solve their housing problems, people consult 1.6 sources of information and advice on average. Neighbours, community authorities and other public authorities are the most frequently sought sources of legal information and advice. When it comes to passive sources, people browsed the Internet (38%) or sought for information in printed media.

ZOOMING IN ON HOUSING DISPUTES

8

Paths to justice

(what people do to resolve housing problems)

Why many people do not act to resolve their housing problems

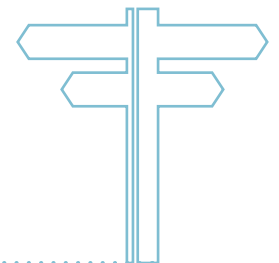
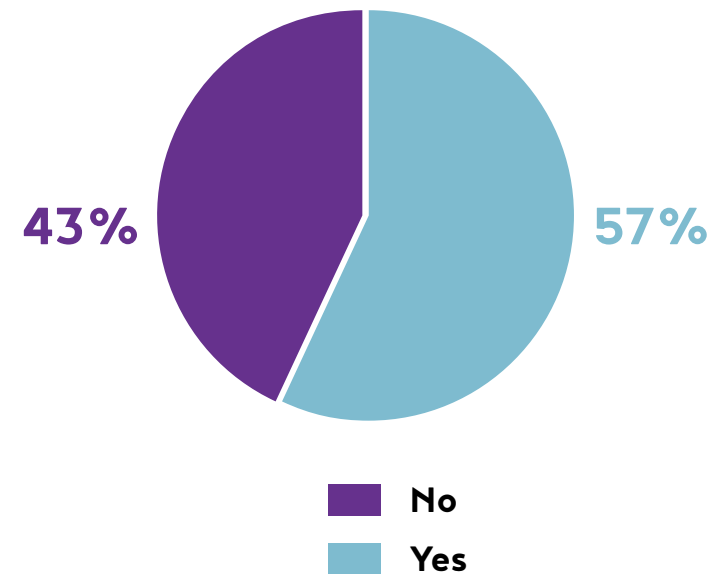
- Many are not confident in their abilities to resolve the problem
- Lack of knowledge about what has to be done
- Time is a barrier
- The problem was not seen as very serious

Of those who encountered housing problems, 57% tried to resolve it through some sort of formal or informal path to justice. On average, those who did something used 2.3 mechanisms. This means that people try or are referred to various sources of dispute resolution.

Most common steps:

- Contacted the other party (44% of respondents with housing problems who took active steps to resolve their problem)
- Asked a neighbour to intervene (33%)
- Took the problem to a community authority (29%)
- Referred to a public authority (26%)
- Contacted the other party with the help of friends, relatives and neighbours (15%)

Did you bring the housing problem to one or more dispute resolution forums?



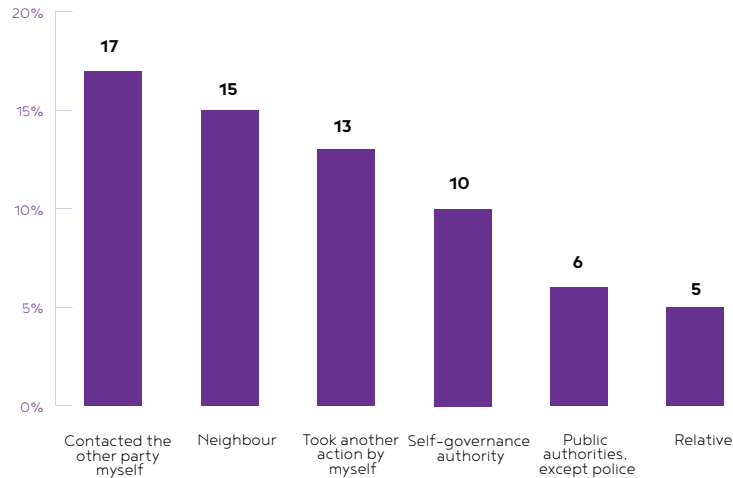
ZOOMING IN ON HOUSING DISPUTES

8

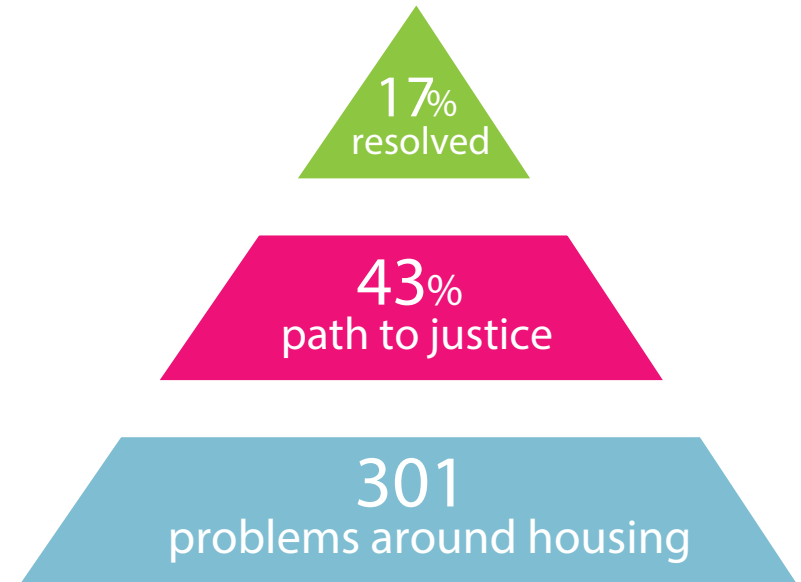
Most effective justice journeys for housing problems

We asked the respondents which was the most effective dispute resolution mechanism for resolving their housing problems. Contacting the other party is the most frequently used method, followed by the involvement of neighbours. Relatively rarely do Ukrainians go to local and other public authorities to deal with housing problems. Lawyers and courts are very rarely engaged in the resolution of this type of dispute.

Most effective paths to justice for resolution of housing disputes



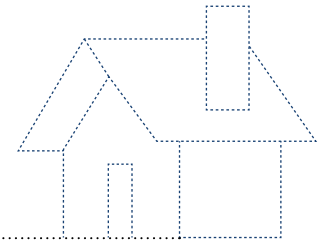
Only 17% of the housing problems are considered resolved.



ZOOMING IN ON HOUSING DISPUTES

8

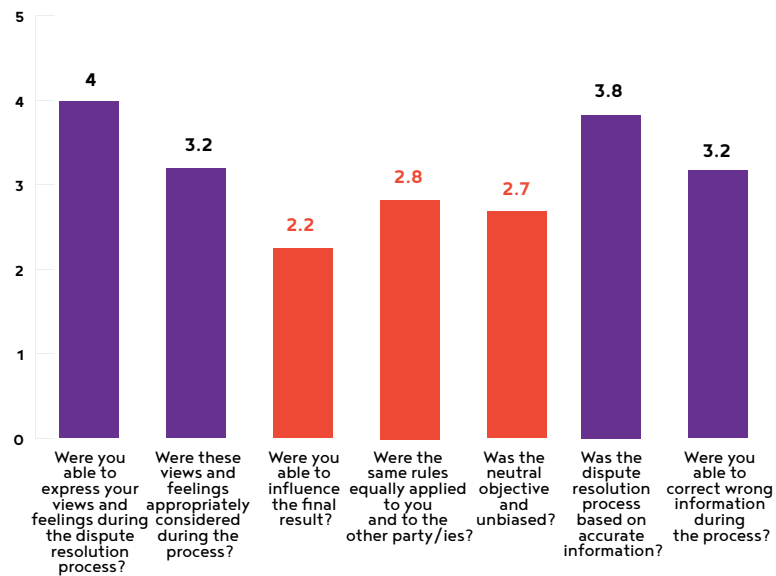
Costs and quality of the justice journeys for housing problems



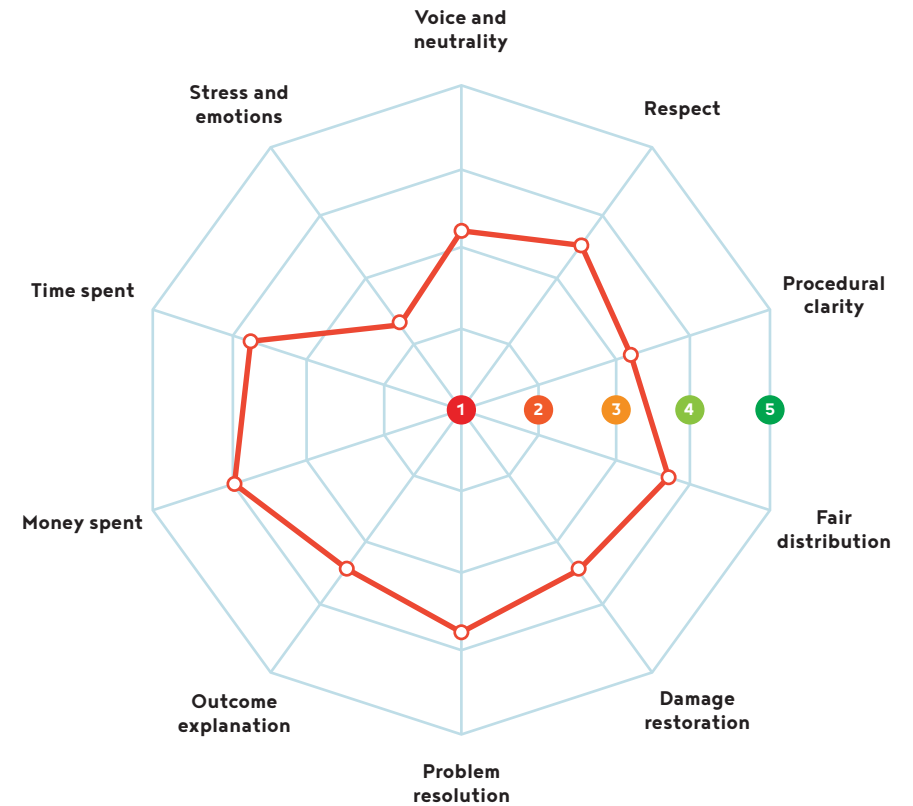
Resolving a housing problem is related to a lot of stress and emotions. With the exception of the money that people spent, all other justice and costs dimensions are rather low. In the existing processes for resolving housing problems, the individuals do not think that they receive adequate

procedural justice. Particularly, those interviewed said that they did not feel able to influence the final result of the process. They also did not think that the same rules were applied to them and to the other party. These are important elements of people's understanding of the quality of the procedure.

How fair was the process for resolving housing problems?



Perceived costs, quality of the procedure and quality of the outcome of access to justice for housing disputes



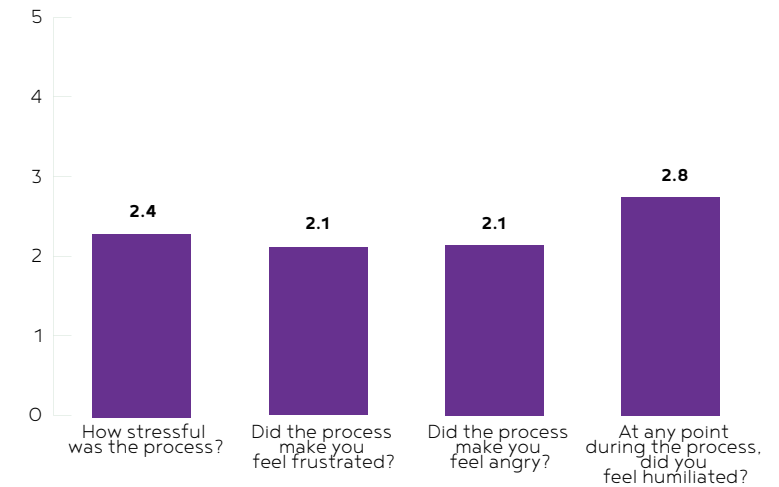
ZOOMING IN ON HOUSING DISPUTES

8

Stress and negative emotions

Stress and emotions in housing problems

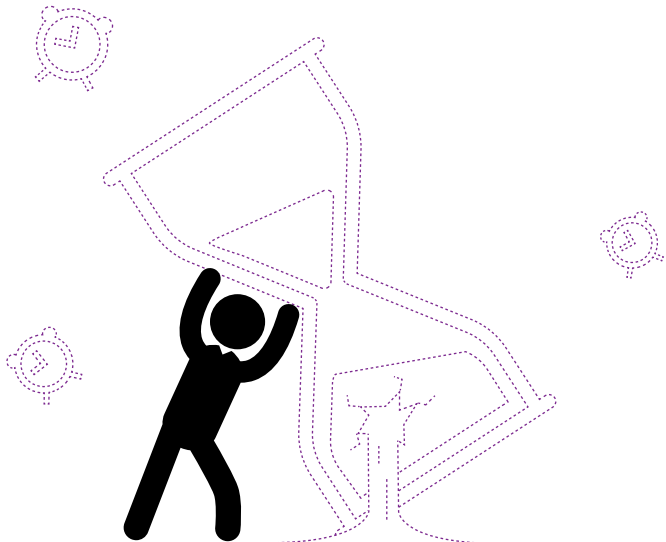
How much stress and negative emotions did you experience on the paths to justice for housing disputes?



Of all dimensions involved in the justice journeys for resolving housing problems, stress and emotions are perceived as the lowest point. The processes for resolving housing disagreements causes significant additional stress in what is already a stressful situation for the people.

Negative emotions play a particularly visible role in the process. The users of justice feel frustrated and angry. Women report significantly more stress and negative emotions (lower rank in our spidercharts) than men.

IDPs also experience more stress when dealing with housing problems. Very likely they encounter much more aggrieved and serious problems than the general population.



ZOOMING IN ON HOUSING DISPUTES

8

Housing problems - Conclusion

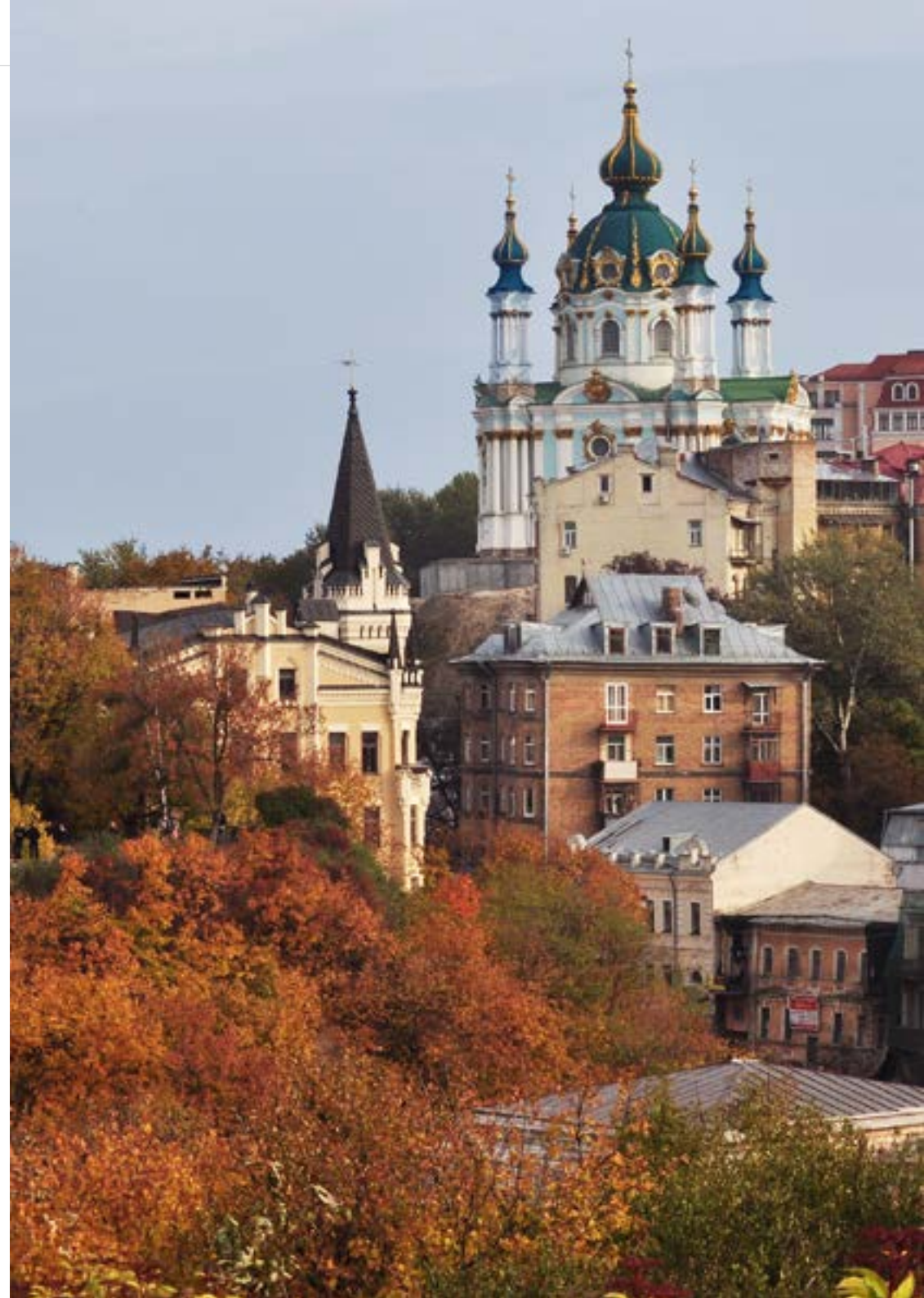
The people of Ukraine need the protection of the law to make sure they have secure and habitable shelter. Disputes and disagreements around housing can have a significant impact upon people's every-day lives. Almost half of the respondents who encountered a housing problem said that it affected them in a very serious manner. This leads to stress, ill-health, poor living conditions and ultimately, a lower quality of life.

There are not a lot of paths to justice that the people can use to resolve housing problems. The main cause for abandoning housing problems is the lack of feeling of legal empowerment. Basically, people do not feel confident that they can use the law to resolve their problems.

Those who embark on some sort of paths to justice report very high intangible

costs in terms of stress and emotions. The existing justice processes can be improved in such a way that people experience them as more relaxed and non-confrontational. A lot can be improved in the dimension of procedural justice. Where justice processes involving neutral third parties exist they are often seen as biased. Notably, the users of justice do not feel that their views, demands and interests will affect the final outcome of the justice procedure. This inevitably creates dis-enfranchisement and feelings of unfair treatment.

The users of justice rate the received outcomes slightly higher than the processes, but there is still plenty that can be improved on the paths to justice for resolving housing problems.





9

Zooming in on
employment problems



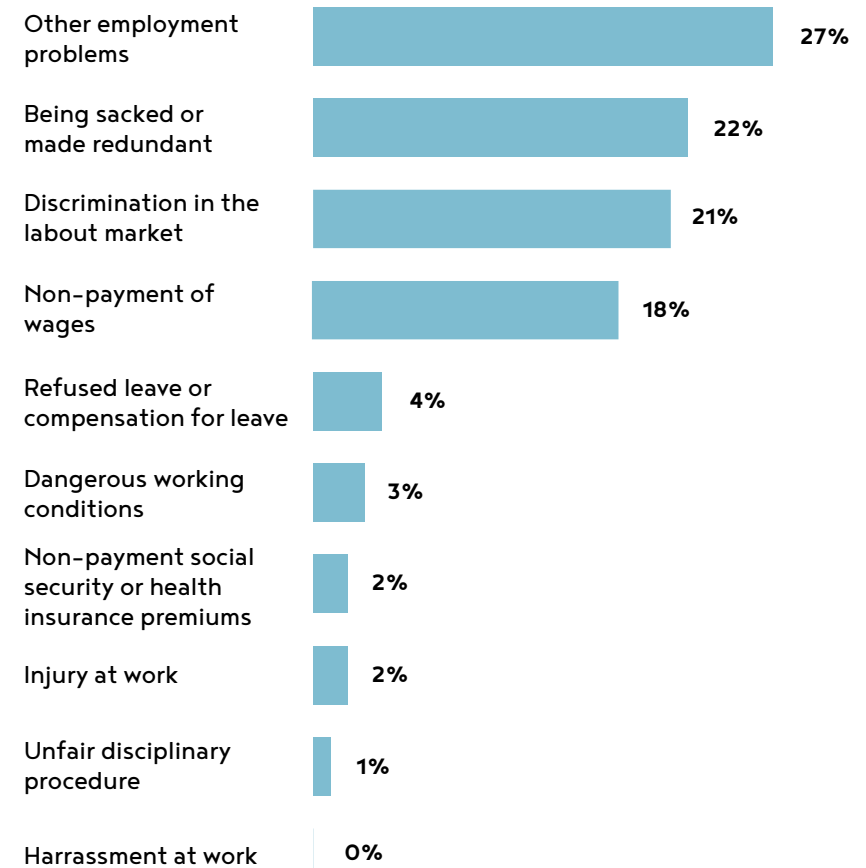
ZOOMING IN ON EMPLOYMENT PROBLEMS

9

Types of employment-related justice needs

More than 22% of employment-related justice needs are about people being sacked or made redundant. Also, discrimination in the labour market (21%) and non-payment of wages (18%) are frequently mentioned. Of the problems, 27% were categorised as "other".

Almost two thirds of those with an employment-related justice need has specialised secondary education or a tertiary education. Of those with a problem, 17% are skilled workers and almost a third are currently unemployed. Furthermore, 27% of them do not have enough money to buy basic products.



ZOOMING IN ON EMPLOYMENT PROBLEMS

9

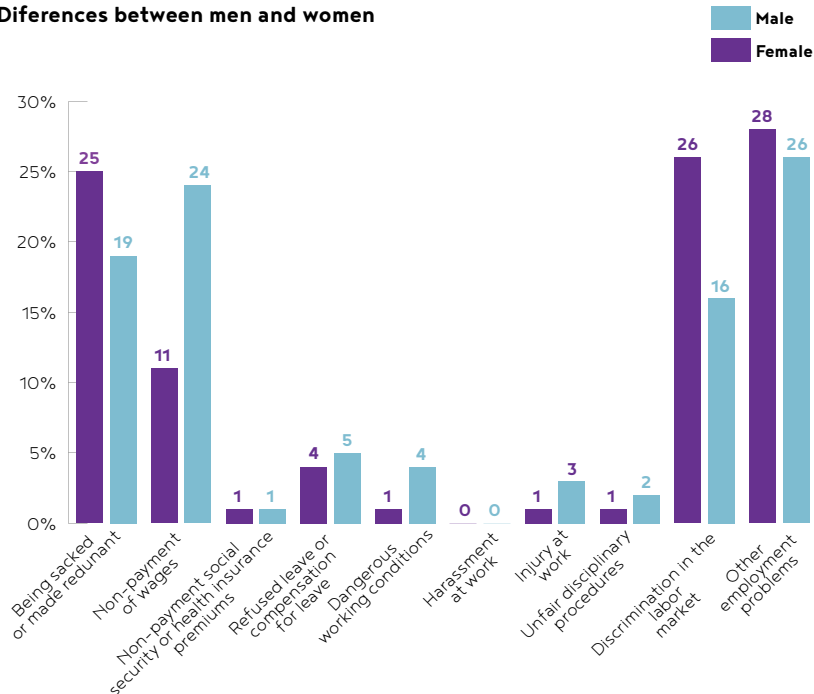
Differences between men and women are apparent. Women have to deal with redundancy (25%) and discrimination in the work place (26%) more often than men. Men, on the other hand, have to deal with non-payment of wages more often than women (24%).

The Constitution of Ukraine and the Labour Code both preclude discrimination based on race, colour, beliefs, sex, ethnic origin, etc. Nonetheless, the International Labour Organisation (ILO) states that the

realization of gender policy and women's employment rights still need to be fully implemented in Ukraine.

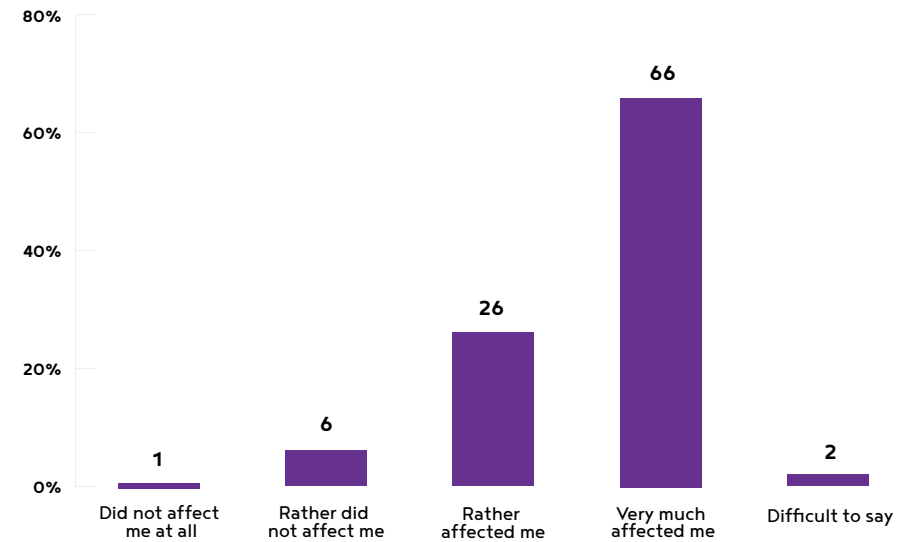
Other discrimination cases are related to age. In the open-ended questions, many complained that they were denied work because of their age. Some complained that those above 40 are regularly discriminated against in the labour market.

Differences between men and women



Impact of employment problems on life

How did the employment problem impact your life?



People were affected to a great extent by their employment problems (66%). The data also shows that 71% of female respondents felt the problem had a strong impact on their lives (versus 62% of men). Around 70% of pensioners, skilled workers and those currently unemployed, also report a very strong effect.

For more than a half of the people with an employment problem the issue was about exercising their rights (58%).

ZOOMING IN ON EMPLOYMENT PROBLEMS

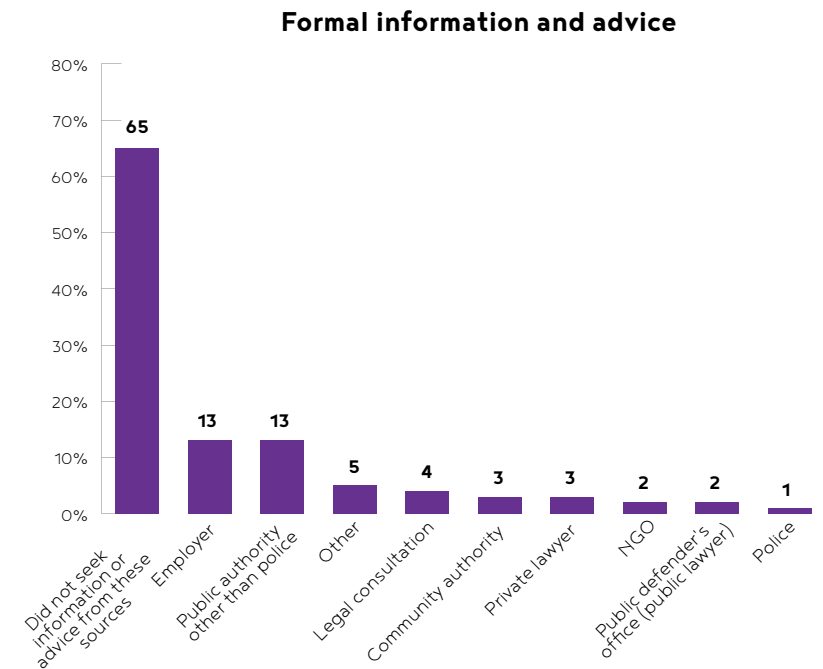
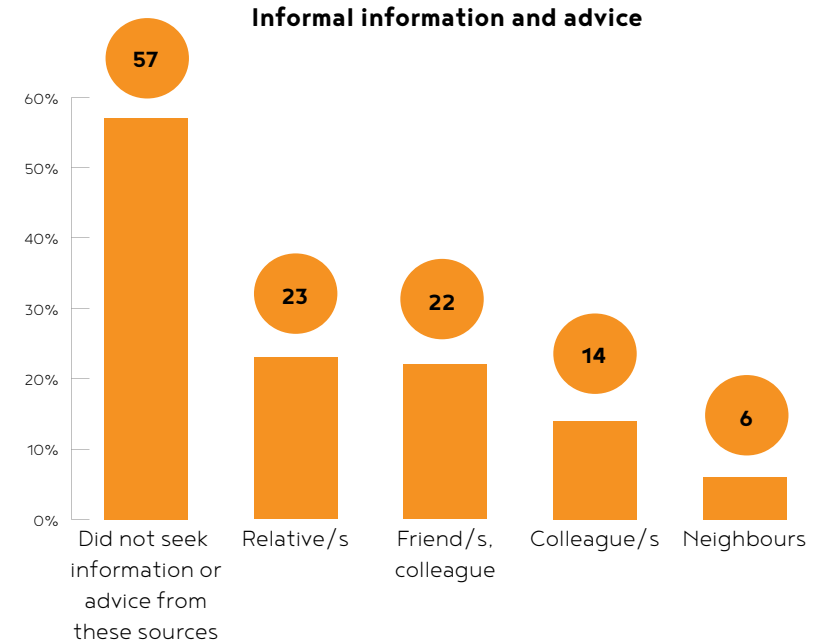
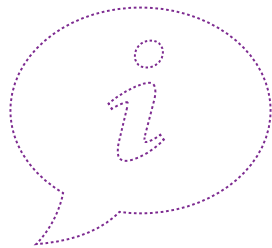
9

Sources of legal information or advice

Relatives, friends and colleagues are the most popular sources of information and advice (23-14%). Almost 13% approached employers and other public authorities.

Almost 65% stated they did not seek legal information from formal institutions (57% did not seek information for informal institutions).

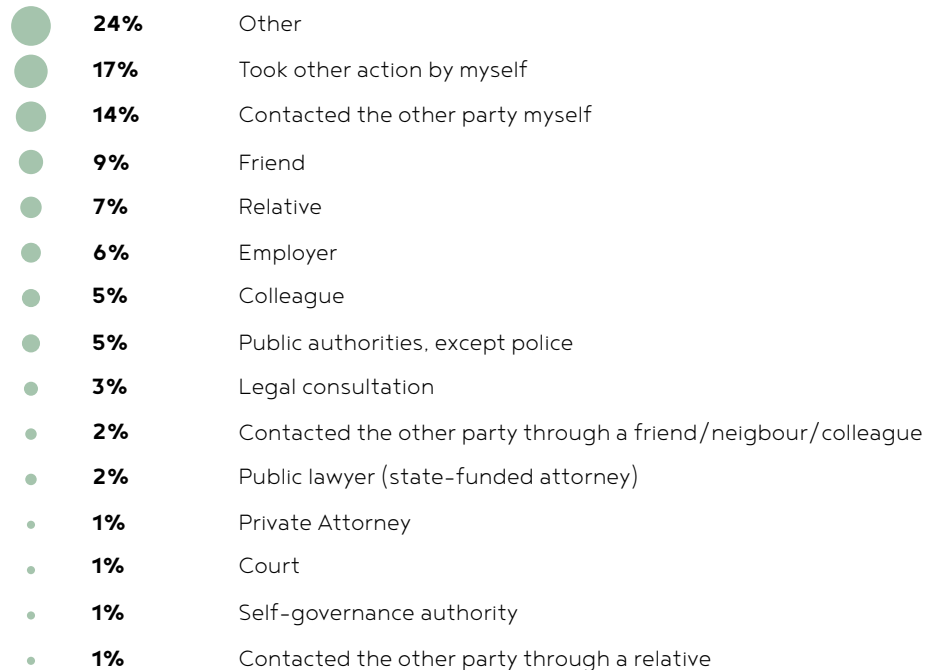
The data shows that most people with employment justice needs did not seek information and advice because they did not believe it would help (30%). Also, many did not believe that anything could be done (19%).



ZOOMING IN ON EMPLOYMENT PROBLEMS

9

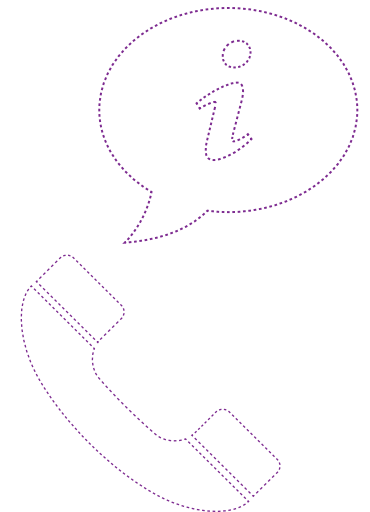
Which process helped the most to solve the problem?



Taking some action independently (17%) and contacting the other party directly (14%) were one of the most helpful methods to resolve the problem.

Some other process was mentioned by 24% as helping the most. One could imagine that labour unions or Labour Dispute Commissions (LDCs) play an important role in labour disputes.

Almost 55% of those with an employment problem did nothing to find resolution. Almost half of them did not believe that they would get a positive result.



ZOOMING IN ON EMPLOYMENT PROBLEMS

9

Both men and women experience **high levels of stress and emotions** with regard to employment problems. Interestingly, men evaluate the process as less fair in terms of distribution

Procedural clarity and voice and neutrality also score low for these types of problems



ZOOMING IN ON EMPLOYMENT PROBLEMS

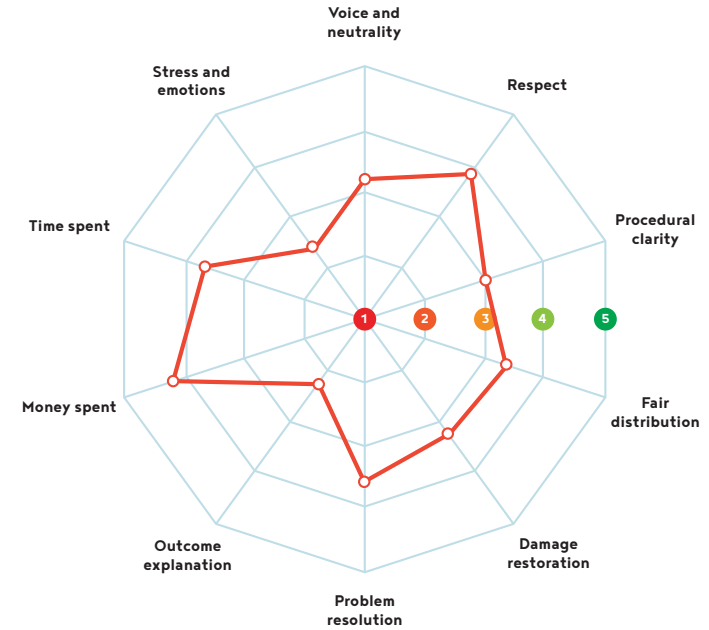
9

IDPs and employment justice needs

Almost 10% of IDPs report an issue related to employment matters. The most prevalent problem in this category is related to discrimination (35%), while 48% report having some other employment-related problem.



How did IDPs experience the costs, the quality of the procedure and the quality of the outcome of employment problems?



IDPs

spend not a lot of money on the procedure

The IDPs we interviewed either mentioned some “other sources” or public authorities as most helpful sources of information and advice. Nonetheless, most were generally very unsatisfied with the information they received. A similar pattern is visible in terms of resolution. Taking some other action (32%), public authorities (14%) and contacting the other party independently (11%) were the most helpful actions to solve the problem. When IDPs evaluate the resolution process they underwent, stress and emotions and outcome explanation score very low.

ZOOMING IN ON EMPLOYMENT PROBLEMS

9

Employment justice needs - Conclusion

For Ukrainians employment issues are generally about exercising their rights. Although the country's labour laws are designed to protect employees, in practice they face discrimination and improper dismissal.

Half of the respondents who encountered an employment problem did not seek any resolution, mostly because they did not believe a positive result was attainable. Many did not even attempt to seek information and advice for similar reasons (they did not think it would help). Furthermore, only about 18% of

employment problems are resolved.

The effects of these problems, as is the case for many of the other problems, are strong. For those seeking resolution, stress and emotions are high. The data shows that there is room for improvement in terms of voice and neutrality and procedural clarity of the justice processes that the Ukrainian citizens use to resolve employment problems. The time that people have to spend on their employment justice journeys is another area that can be improved.



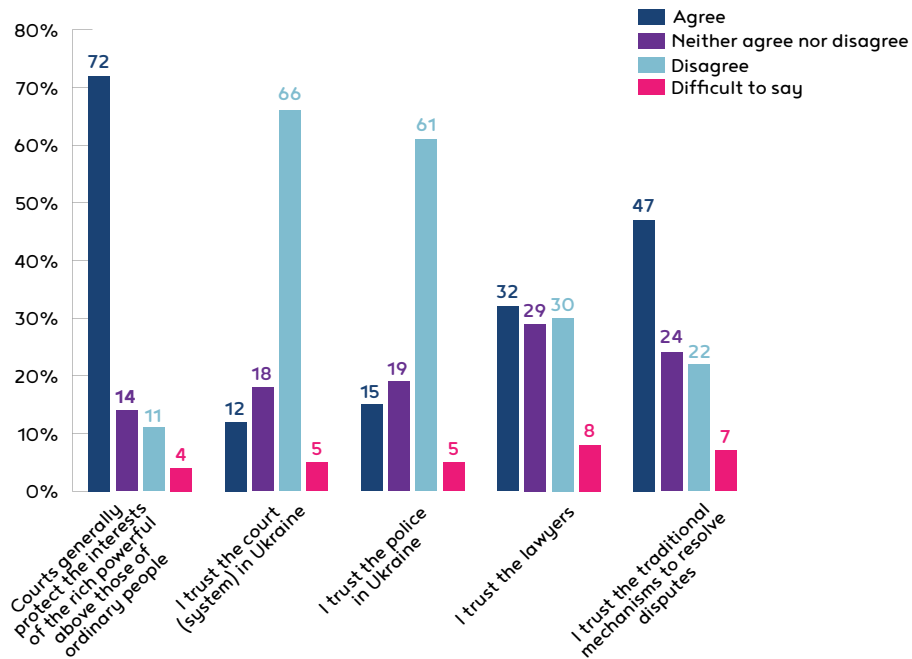


10

**Trust in judicial
institutions**

TRUST IN JUDICIAL INSTITUTIONS

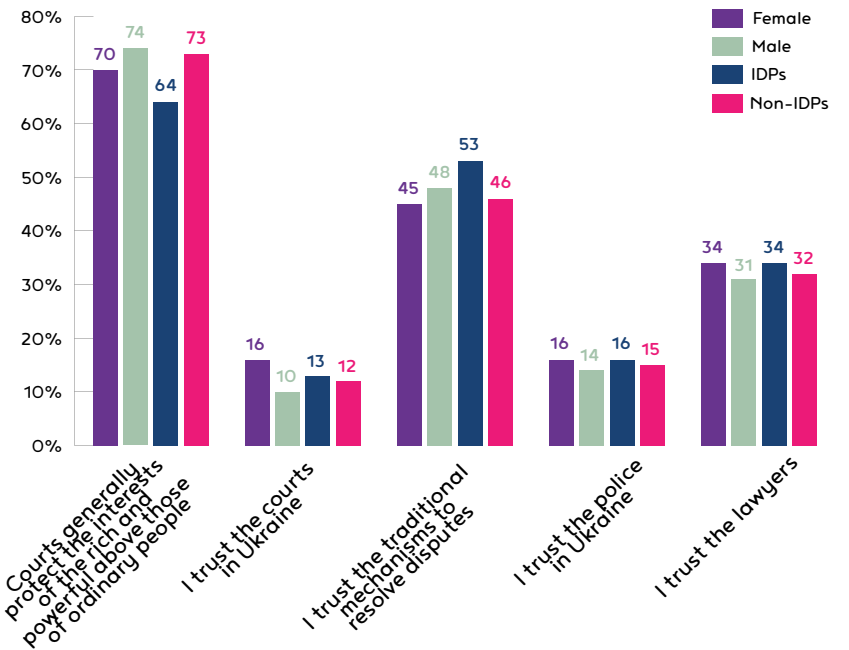
10



To what extent do you agree with the statement?

Citizens trust courts and the police the least, with 66% and 61% respectively disagreeing with the statement that these institutions can be trusted. Traditional mechanisms receive higher levels of trust with 47% of respondents agreeing that they can be trusted.

The numbers are low for different demographics. Women trust the courts, police and lawyers slightly more than men (men are more trusting of traditional mechanisms). In the data we also find that the young adults are more trusting of justice institutions than older generations. Interestingly, very small differences are visible between urban and rural areas.

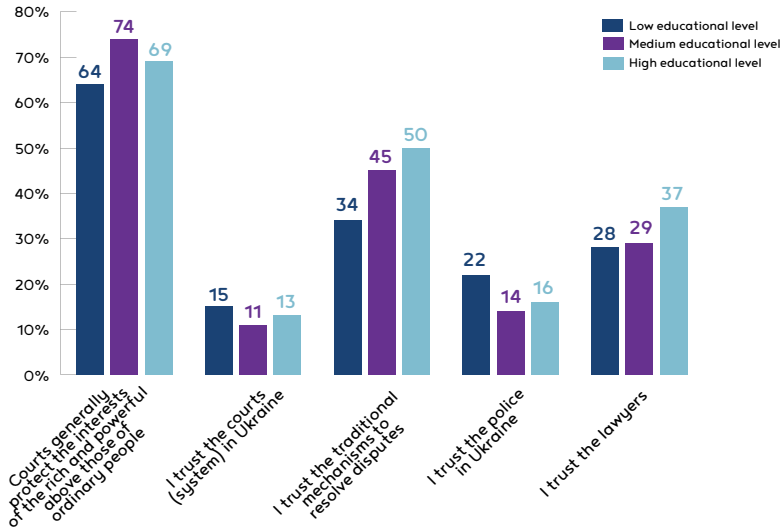


To what extent do you agree with the statement?

IDPs are slightly more trusting toward the institutions than the non-IDPs. Traditional mechanisms enjoy high levels of trust among IDPs (53%).

TRUST IN JUDICIAL INSTITUTIONS

10

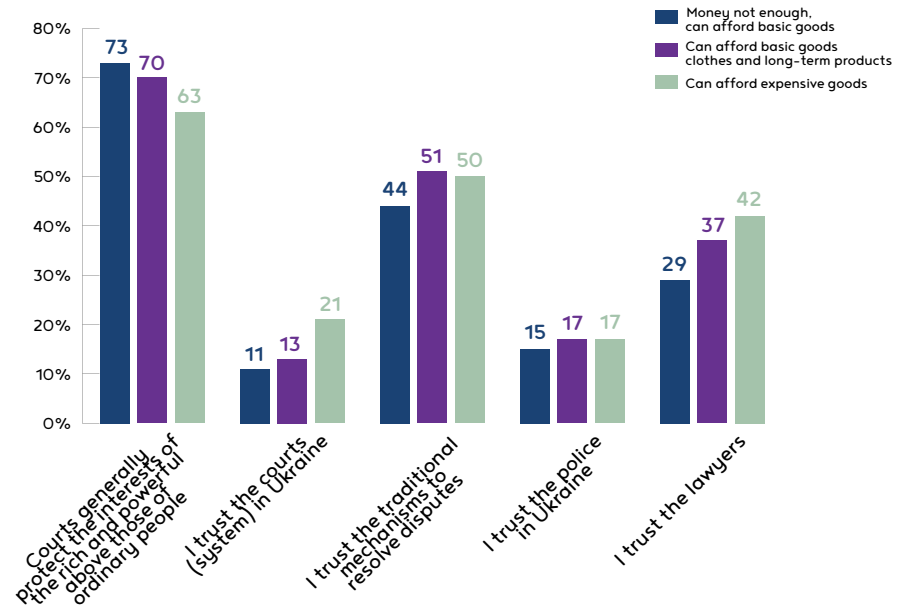


To what extent do you agree with the statement?

The higher educated are somewhat more trusting of lawyers (37%) and traditional mechanisms (50%). In the Ukrainian context, traditional mechanism might entail various forms of negotiation, while those with primary education have more trust towards the police (22%).

The financially well-off are generally more trusting of institutions (courts 21% and lawyers 42%). Interestingly, 63% of them agree that the courts protect the interest of the rich. From those who are less well-off, 73% agree with the statement.

Furthermore, those with a problem related to corruption, public authorities, IDPs, and social welfare are least trusting of courts (2-9%) and the police (7-12%). Those who were victims of crime do not show very different patterns than those who were not victimized (victims are somewhat more trusting of traditional mechanisms [52% versus 46%]).



To what extent do you agree with the statement?

The data shows that those who found resolution to their problem are more trusting of courts and lawyers. Those without a resolution to their problem are more likely to agree that courts are biased (73% versus 56% for those with a resolution).

Those who found courts most helpful in resolving their problems also show more trust in the court system (37%), and they are the least likely to agree that courts are biased. Those who found the police or a lawyer most important in resolving their problem will also show more trust towards those institutions.

TRUST IN JUDICIAL INSTITUTIONS

10

Trust in judicial institutions – Conclusion

Research in the area of social sciences has shown that trust in institutions is an important ingredient for their performance. Trust in the judicial institutions is therefore a necessary factor for the effectiveness of the judicial system. This section has shown that trust in institutions from the justice sector is generally very low in Ukraine.

Although some differences are visible amongst groups, with some groups being more trusted by than others, most respondents remain distrustful of the formal judicial system (courts and police). In light of the Maidan events, new initiatives and policies have been implemented through various organizations in order to increase the public's trust. It is only a matter of time before we can evaluate their impact. One bright spot in the data is the trust level for lawyers and traditional dispute resolution mechanisms, which are higher than those for courts and the police.

Almost half of the respondents have confidence in these traditional institutions. Vulnerable groups, such as victims of crime and IDPs, are even more trusting of these institutions.





11

**Attitudes towards
reconciliation**



ATTITUDES TOWARDS RECONCILIATION

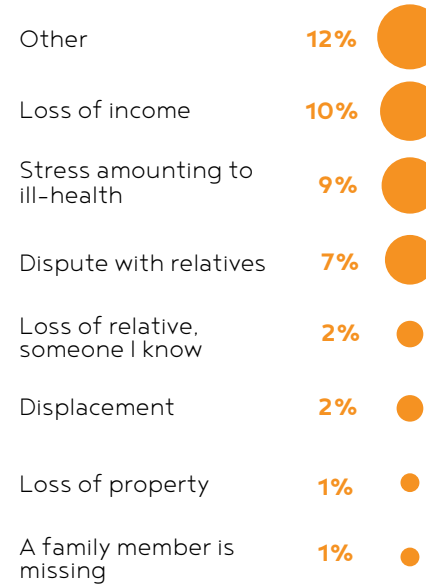
11

The Maidan events

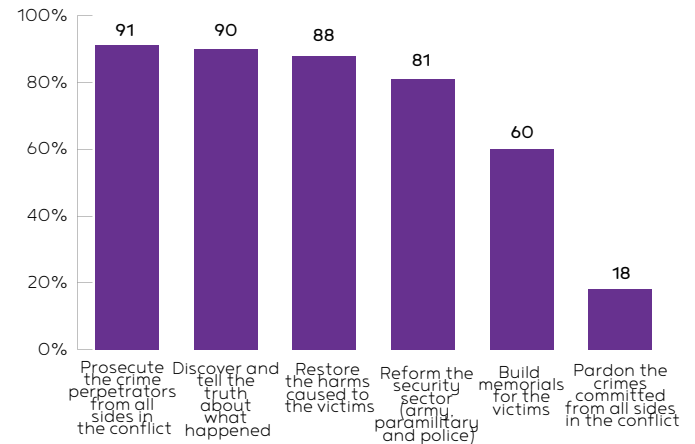
Victimized during Maidan

We asked respondents whether they suffered by the Maidan events. Those who did experienced loss of income (10%), stress and ill-health (9%) or a dispute with relatives (7%).

Those who were affected support the prosecution of the perpetrators (91%), discovering the truth (90%) and restoring the harms experienced by victims (88%). These figures do not diverge greatly from the general population.



What is important for those who suffered from the Maidan events



ATTITUDES TOWARDS RECONCILIATION

11



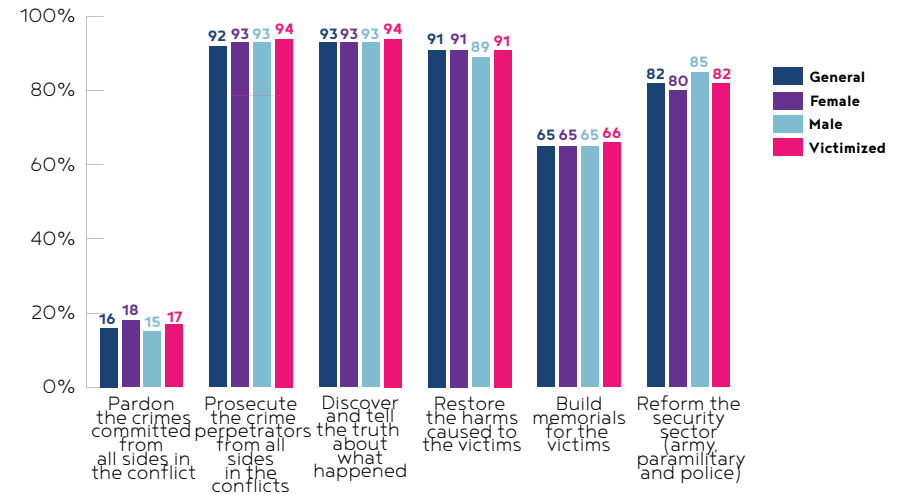
90%

Discover the truth, prosecute crimes and restore damage suffered by victims

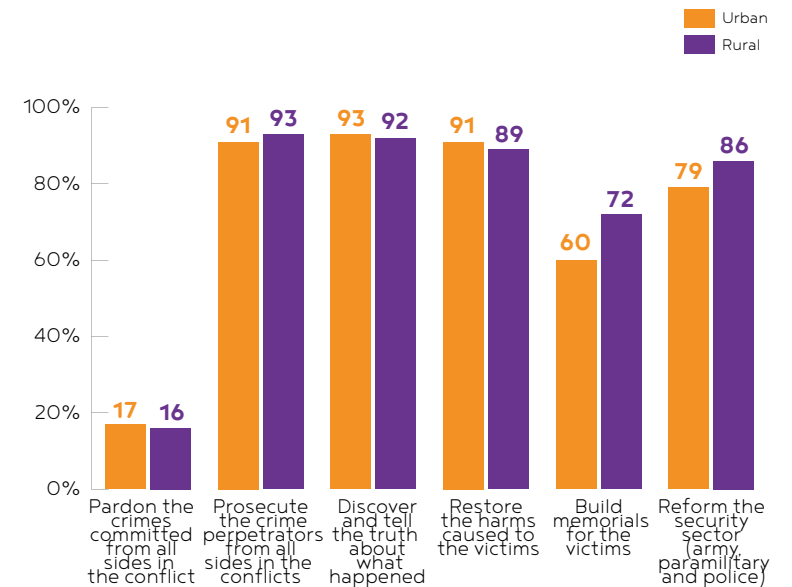
We also asked people how important it is that the human rights violations that occurred as a result of the military activities during 2014/2015, are addressed. Patterns found with regard to the Maidan events persist in questions about the events in the east. People affected by the events in the east experienced stress, loss of income and disputes with relatives. More people report displacement (8%), loss of property (6%) and loss of a relative (6%) as a result of the events in the east than the Maidan events.

An overwhelming majority (around 90%), from all parts of society, wants to discover the truth, prosecute the crimes and restore harms caused to victims. We notice that respondents from rural areas are more likely to support reforming the security sector and building memorials than those from urban areas. Men, are more likely to support the reform of the security sector as well.

How important is it to...



How important is it to...



ATTITUDES TOWARDS RECONCILIATION

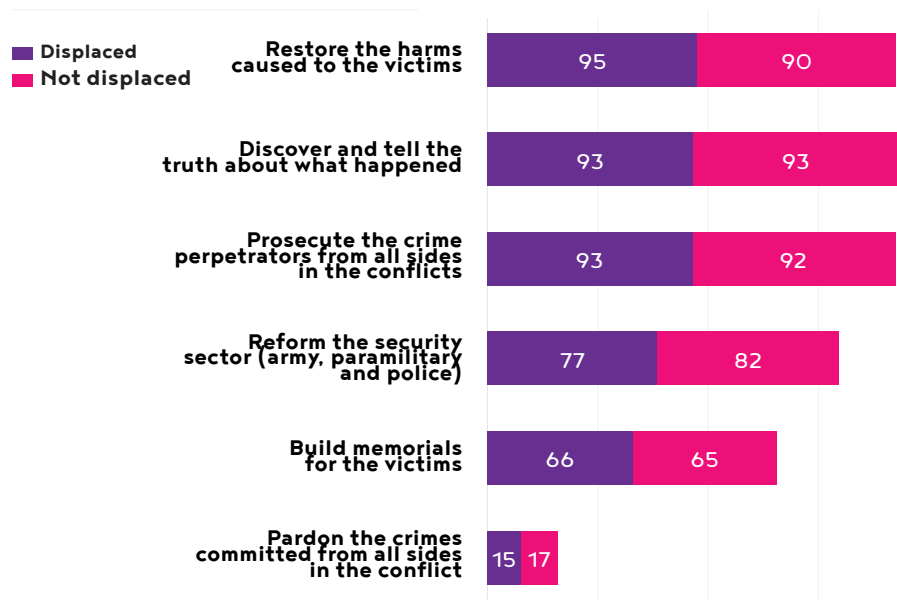
11



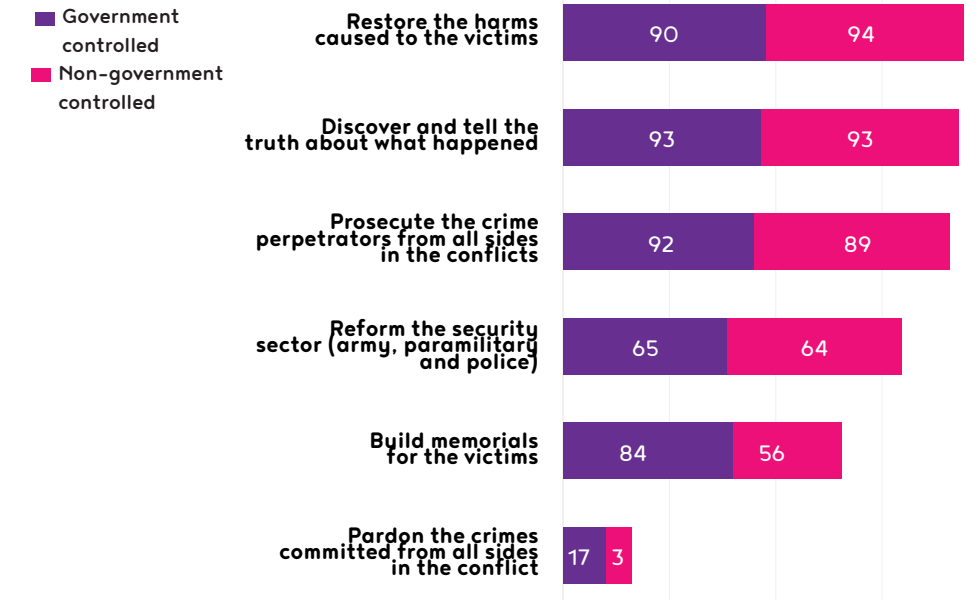
The top three actions after the 2014/2015 military activities for both displaced and not displaced are: restoring harms caused to the victims (95% rep. 90%), discovering the truth (93%) and prosecuting the crimes. Reforming the security institutions is also favoured (77% and 82% respectively).

Similar opinions are visible for those living in government controlled areas and non-government controlled areas. Those living in government controlled areas are more supportive of a security sector reform than those living in non-government controlled areas.

How important it is to....?



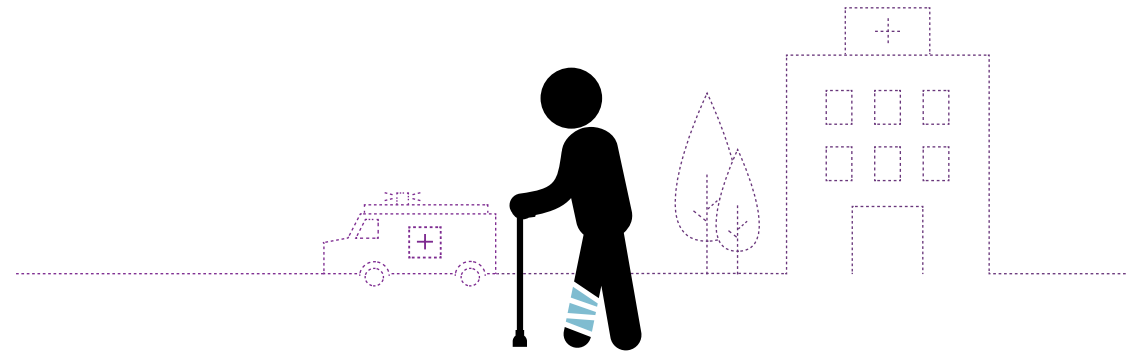
How important it is to....?



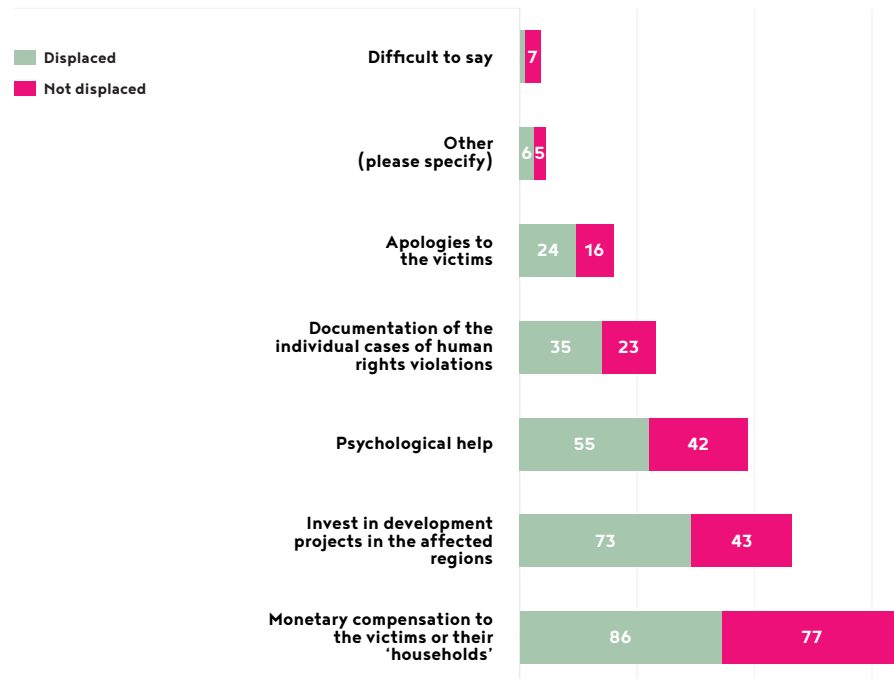
ATTITUDES TOWARDS RECONCILIATION

11

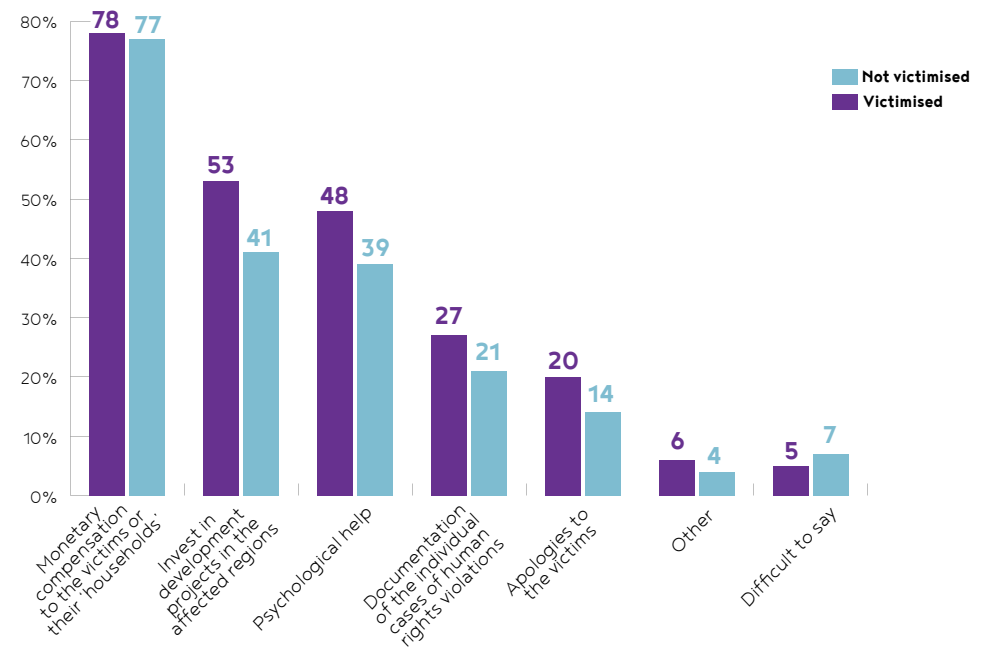
At a later stage we asked people **what should be done to restore the harms sustained by victims**. Both the displaced and non-displaced citizens believe that victims should receive monetary compensation (86% and 77% respectively). Those displaced would also like to see more investments in the affected areas (73%). The numbers are lower for those not displaced. Almost half of those displaced believe psychological help should be provided to victims. Those who suffered (both physically and mentally) from the situation in the east support similar measures as non victims.



What should be done to restore the harms sustained by victims?



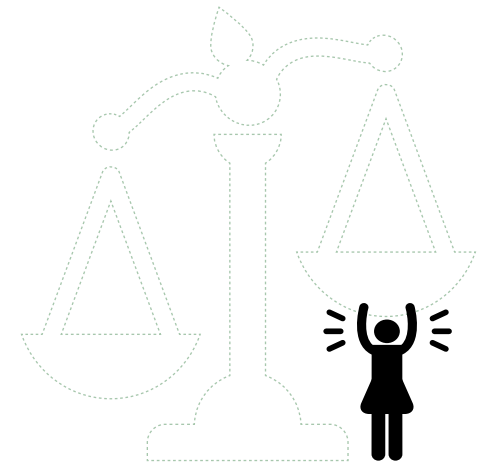
What should be done to restore the harms sustained by victims?



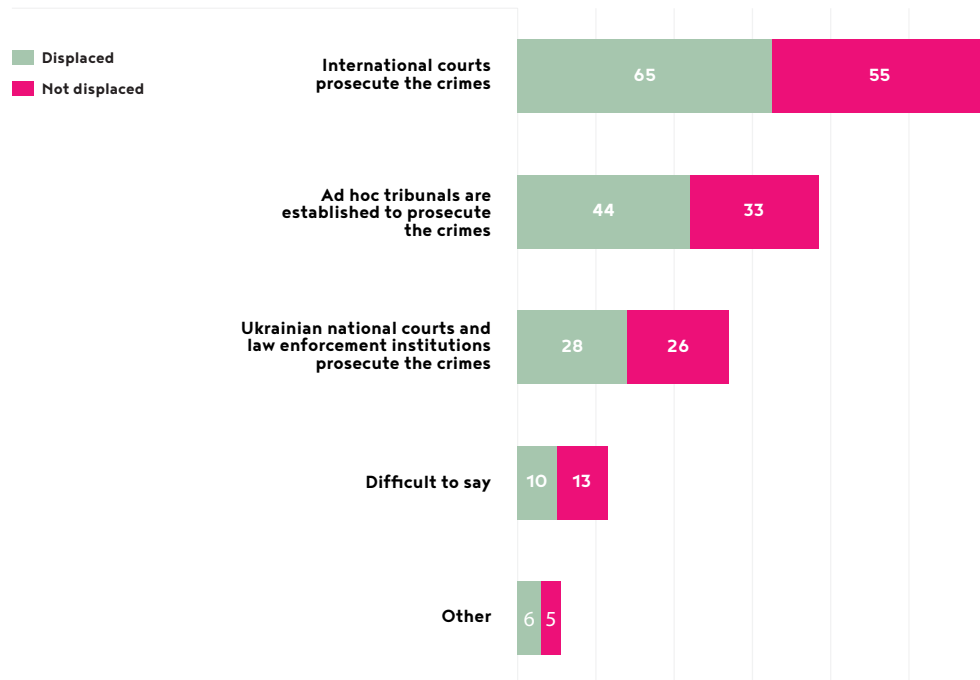
ATTITUDES TOWARDS RECONCILIATION

11

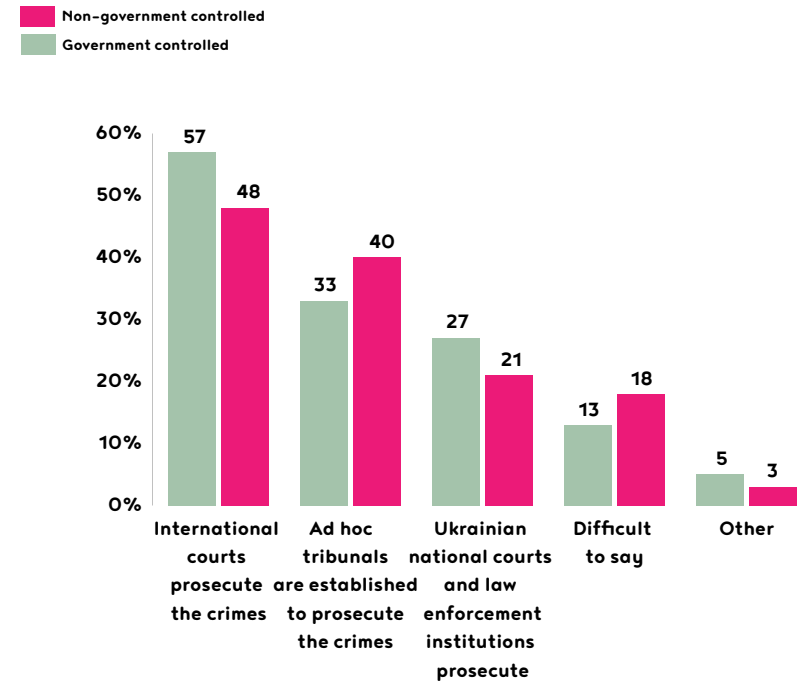
Finally, we asked Ukrainians about what they think can best be done to prosecute the perpetrators of the war in the east. International criminal courts and ad-hoc tribunals are the two most preferred actions for the displaced. The percentages are around ten points lower for those who have not been displaced. Respondents from government controlled areas and non-government controlled areas would like to see international criminal courts prosecute crimes. However, support in government controlled areas is higher (57% versus 48%). On the other hand, government controlled areas are more supportive of the establishment of ad-hoc tribunals.



Which of the following options is the best to prosecute the perpetrators?



Which of the following options is the best to prosecute the perpetrators?



Reconciliation – Conclusion



Discovering the truth, prosecuting crimes and restoring the harms of the victims are the most important actions that need to be taken, according to Ukrainians, in order to address the human rights violations both after the Maidan events and the events in the East. Although differences in levels of support are apparent between the government controlled, government non-controlled regions and the special category of IDPs, these three options remain most

favoured.

Respondents agree that victims can best be supported through monetary compensation, investment in the affected regions and psychological help. More than half of the people believe that the crimes of the perpetrators should be prosecuted by an international court.



Limitations encountered



- ◇ Crimea was left out of the sample due to access and security issues.
- ◇ Respondents had to share information about justice problems spanning a relatively long period of time.
- ◇ Some respondents might have preferred not to share information about life events with legal dimensions with strangers.
- ◇ Inferences about IDPs are based on a non-random sample.
- ◇ Due to an ongoing mobilization of men during data collection the non-response rate was larger than usual, particularly among young men. This might have impacted the characteristics of the sample. This is one reason for having slightly more women in the sample.





13

**Bottom-up justice in
Ukraine:
findings and
recommendations**



Considerable demand for justice in Ukraine

Many people have to deal with justice needs

More than half (53%) of the adult citizens of Ukraine have to deal with justice needs. People encountered more than two problems with possible legal resolution during the reference period of four years. **Twelve per cent of the respondents had to deal with five or more justice problems!**

This means that the people of Ukraine need a justice system that can resolve millions of justice needs in a fair manner. There are people who are in a dire need of basic justice care, in order to be able to realize the full potential of their lives.

Consumer problems, employment disputes and disagreements between neighbours are the most frequently occurring problems. Very similar structures and frequency of justice needs were reported by a study conducted in Ukraine in 2010.

IDPs are particularly vulnerable

What is different in 2015 compared to 2010 are the massive justice needs that the internally displaced people

experience. **Seven out of ten IDPs had to deal with one or more justice problem(s).**

Most often these problems are related to the protection and security of basic needs: property, housing, ID documents, as well as access to public services and welfare benefits. **IDPs in Ukraine are in a dire need of access to justice.**

Many low value/high volume problems, few justice journeys with neutral decision-makers

There are many low value/high volume justice needs in Ukraine. Very few of these problems ever reach the official justice infrastructure. What people do is to try to resolve the problems with their own actions. Contacting the other party is the most frequently used strategy. The problem is that on this path to justice there is no neutral side to decide in a fair and objective manner. There is no justice ownership. Very often justice takes place in informal paths that are difficult to manage and steer into accessible, affordable, fair and rigid processes that results in a fair outcome.

Discernible patterns of justice needs

Affected individuals and clusters of problems

Justice needs do not occur randomly.

Some individuals are more likely to experience legal problems than others.

Victims of crime often report other non-criminal problems. Seven out of ten IDPs had to deal with serious legal problems. Urban residents are more likely to experience justice problems than people in rural areas. **Also, problems are not independent from each other.** Multiple justice needs occur in groups. Our study identifies three clusters of problems that frequently co-occur. Clearly these clusters are related to age, education and the income of the citizens.

The implications are two-fold. First, **some groups and communities in Ukraine are more likely to encounter justice needs than others.** Second, **access to justice interventions focused on groups of problems that are interrelated will be much more effective** than simply responding to individual instances of problems.

Professional legal information and advice is limited

Lawyers are consulted relatively rare when there is a serious justice need. This necessitates exploration of alternative modes for delivery of existing legal services. The gap can also be closed through new sources of legal information and advice.

The gap between formal dispute resolution and self-action

Very few problems that might have a legal resolution reach forums with neutral and unbiased decision-makers. Furthermore, almost half of the justice problems remain unresolved - people simply abandon them. **This is one way in which the little injustices from daily life fuel distrust in the rule of law.** In this void, the most viable alternative for resolving justice problems is to resort to self-action. For many problems, however, the lack of affordable, fair and effective dispute resolution processes with neutral decision-makers is tantamount to denying access to justice.

FINDINGS AND RECOMMENDATIONS

13

Ukrainian people need more access to justice

Large number of justice needs remain unanswered

A significant proportion, 44% of the justice needs in Ukraine, are **left without any specific action or resolution**. Young people are particularly likely to lump the legal problems that they encounter. The types of justice needs that are most likely to remain unsolved are: problems with children, consumer problems, corruption and employment disputes.

Legal information and advice

Legal information and advice is clearly visible on the access to justice radar in Ukraine. **Still, many individuals who encounter needs for justice do not receive proper legal information**. In about half of the occurrences of legal problems the affected individuals do not seek any information and advice. This is a huge gap with a very concrete impact on people's strategies for resolving legal problems.

On a positive note, **the Ukrainian people increasingly use the internet as a source of legal information**. There is a visible

pattern that shows younger and urban residents look for information on the internet.

Stress and emotion – lowest points on the paths to justice in Ukraine

In virtually all justice journeys in Ukraine, the lowest point of the procedure is the experience of stress and negative emotions. **The resolution of justice needs has very high intangible costs for individuals**. These costs are not visible when one analyses the justice system from the top, but they are overwhelming when we ask the users of justice. Significant stress and negative emotions take their toll on the social fabric. First, in aggravated cases stress leads to ill-health of the people involved. Second, many people refrain from taking action to resolve their justice needs because of the significant emotional costs anticipated during justice journeys. Third, these concerns inevitably further erode the trust and confidence in the values of justice and rule of law in Ukraine.

Bright spots of justice in Ukraine

Our study shows challenges but also reveals that **there are many successes in the Ukrainian justice system**. There are many paths to justice that according to their users deliver fairly good processes and outcomes. These should be meticulously studied and replicated since they contain authentic Ukrainian justice solutions. Below are some of the successes or bright spots of justice in Ukraine.

- ◇ Paths to justice for low value/high volume matters, such as consumer problems are seen as performing relatively well.
- ◇ For many justice needs there are public authorities where people can go to resolve their justice problems.
- ◇ IDPs receive relatively good basic justice care. This can be improved further. The justice needs of IDPs can be met in many different ways.
- ◇ NGOs actively provide legal information and advice. These providers are particularly active in delivering services to IDPs.

- ◇ Many Ukrainian people engage in self-action to resolve legal problems. Many problems are addressed and resolved at the lowest possible level. Self-help, however, might have a downside.
- ◇ The internet is rapidly growing as a source of legal information – by almost 100% in comparison to five years ago. Young, highly educated people mainly refer to internet for strategies for responding to legal problems.
- ◇ Monetary costs of justice are not a very high barrier for most problems.
- ◇ Legal aid centres are expanding their coverage and outreach. The results of the study clearly indicate the size and structure of the demand for justice. Legal aid centres have the potential to become truly innovative hybrid justice providers.
- ◇ On many paths to justice the quality of the outcome is better than the perceived quality of the procedure. People are slightly more satisfied with the results of the justice processes.



14

Innovate justice
procedures to deliver
more access to justice
in Ukraine

INNOVATE JUSTICE PROCEDURES

14

This is what our research identifies as promising strategies for improving access to justice

- ◇ **The people of Ukraine need more justice in their daily lives.** For great many justice needs there are no accessible, fair and fast paths to justice. **New and innovative justice procedures are needed.** There is a considerable gap between formal justice procedures and the self-help paths to justice. The design and implementation of justice procedures does not necessarily mean more courts and normative regulation. **Accessible, fair and fast procedures with some sort of a neutral decision-maker can deliver access to justice to millions of people in Ukraine.** Hybrid justice facilitators are one possible way forward. Developing independent and accessible procedures is another promising strategy. **Justice innovation can lead to effective and fair solutions to people's justice needs.**
- ◇ **Develop and share best practices** and protocols that make sure the justice journeys end with fair resolutions. Identify what works in Ukraine, make it accessible and scale up so that

others can use it. This will improve the transparency and accessibility of justice processes.

- ◇ **Continuously measure and benchmark** how the users of justice evaluate the fairness of the existing justice journeys. Compare with best practices from Ukraine and from across the world in order to find and scale procedures that work. Compare the justice journeys to best practices. Improve justice constantly.
- ◇ **Provide more and better legal information** so the users can more easily navigate the justice landscape. Understand better exactly where and how people look for legal information on the internet. The people who sought and received legal information and advice are significantly **more likely to embark on justice journeys.** Innovative ways for dispersing legal information will influence how the Ukrainian users of justice seek redress. Many people might benefit from user-friendly, comprehensive and accessible

...and the way forward

information that gives a clear idea about how to solve legal problems. It should be noted, however, that for sizeable groups of citizens low-tech solutions will be much more effective than the IT solutions discussed in the next paragraphs.

- ◇ **The growth of Internet as a source of knowledge for resolving legal problems is promising.** A recent report* from the UK calls of the online dispute resolution for low value claims to be embraced. The main recommendation is the establishment of an Internet-based court service to handle disputes for which the present court system is too slow, expensive and complex.

"...civil disputes, in the future, may need to be managed and resolved in ways quite unlike those embraced by our traditional system"*.

- ◇ **IT platforms that support negotiation and dispute resolution are the way forward.** There is a significant proportion of people in Ukraine, mostly young and well-educated, who look for legal information on the Internet. These groups of Ukrainians encounter many relatively low value/high volume problems, such as consumer and housing problems. It is unlikely that the traditional methods for delivering justice and legal solutions will match that demand. **IT platforms can support effective justice journeys for many problems.**

* Online Dispute Resolution for Low Value Civil Claims. Online Dispute Resolution Advisory Group, (2015), available at: <https://goo.gl/FfrNkO>

INNOVATE JUSTICE PROCEDURES

14

The way forward III: Innovate justice procedures to deliver more access to justice in Ukraine

◇ **Stress and negative emotions are the lowest scoring dimensions of most paths to justice used by the people of Ukraine.**

To process improvements that make the justice journeys more relaxed and less stressful require specific attention. **The field of victim support and protection offers good examples of how stress and negative emotions can be reduced.** One interesting justice innovation applies the concept of Therapeutic Justice to achieve rehabilitation, compliance with the law and help victims cope with the impact of crime on their lives.

◇ **Small teams of experts will help 'ordinary' courts to apply Therapeutic Justice (TJ), especially in criminal, juvenile and perhaps family cases.**

The teams and the courts will explore how TJ can be integrated into various stages of the process, such as early diversion from the criminal process itself, in bail hearings, during plea negotiations and judicial settlement conferences, in the imposition of sentence, and in post-incarceration

procedures and conditional release. See more at: <https://goo.gl/ijUcEm>

◇ **Justice processes can be significantly improved so that people receive much more process fairness.**

The quality of the justice journeys for frequent and impactful legal problems, such as employment disputes, public services grievances and crime are perceived as inadequate. The users of justice do not feel that they can express their views during the justice journeys. More importantly, many do not think that they can influence the end results of the justice processes. Many users of justice do not feel like participating in a justice process that does "not listen" to their needs and interests.

◇ **Ushahidi is an open source web-project that allows people to share their stories. This gives voice to the people who need justice.**

Various channels, including SMS, Twitter, RSS feeds and email, are used to empower the users of justice. See more at: <https://goo.gl/aVfilQ>

The justice needs of the Internally displaced people merit special attention

IDPs are in greater need of protection from the rule of law. Their problems are mostly around securing housing, dealing with property damaged during military action, receiving and or transferring aid and social welfare benefits, as well as using public services, such as education and healthcare. IDPs also report work related discrimination and other employment problems.

In their quests, **IDPs are reliant on public authorities and NGOs for legal information and advice.** The question is how their services provide value to the people who need them.

IDPs are resilient – a greater proportion of displaced people than the general population say that they did something to resolve their problems. Most took some actions of their own or involved public authorities. Legal institutions and formal legal processes are rarely used. Most likely it is the accessibility and perceived speed of such mechanisms that dissuade

IDPs from using other alternatives for resolving their problems. IDPs need quick and effective solutions to their acute problems: this is a specific challenge for the justice system. **The traditional paths to justice might not be suitable for the needs of the displaced people.**

These paths to justice should be designed and developed around the specific justice needs of IDPs to ensure they receive full protection from the rule of law.



Recommendations for concrete actions

- ◇ Mobilizing a group of Ukrainian and other experts and leaders around the data that emerged from this study to set justice delivery targets for an improved procedure: what would a procedure that produces a satisfactory degree of fairness for Ukrainian citizens around employment, neighbour and housing, have to do? This is something the Ukrainian government can initiate.
- ◇ Researching and analysing more deeply what works elsewhere and what can be improved. Looking for local and international best practices.
- ◇ In an open, time boxed process, improve or design the best functioning procedure, benchmarked in accordance with the justice delivery targets. A fast prototype, which is tested, improved, tested improved, etc.
- ◇ As part of this process: include the design and implementation of a good financing and governance model.
- ◇ Legal information about the improved procedure is widely shared, using multiple channels.



Hiil Innovating Justice
 Bezuidenhoutseweg 16A, 2594 AV The Hague
 P.O. Box 93033, 2509 AA The Hague
 The Netherlands
 Tel: +31 70 762 0700
www.hiil.org
 E-mail: info@hiil.org