



THE LAW OF UKRAINE

On Free Legal Aid

(Journal of VerKhovna Rada of Ukraine (VRJ), 2011, No 51, art.577)

{ Amended by the Laws

[No 3671-VI of 08.07.2011](#), VRJ, 2012, No 16, art.146

Code

[No 4651-VI of 13.04.2012](#), VRJ, 2013, No 9-10, No 11-12, No 13, art.88

Laws

[No 4652-VI від 13.04.2012](#), VRJ, 2013, No 21, art.208

[No 5076-VI від 05.07.2012](#), VRJ, 2013, No 27, art.282

[No 5290-VI of 18.09.2012](#), VRJ, 2013, No 41, art.549

[No 726-VII of 16.01.2014](#), VRJ, 2014, No 22, art.806 - repealed by the Law [No 732-VII від 28.01.2014](#), VRJ, 2014, No 22, art.811

[No 733-VII of 28.01.2014](#), VRJ, 2014, No 22, art.812

[No 1697-VII of 14.10.2014](#), VRJ, 2015, No 2-3, art.12

[No 936-VIII of 26.01.2016](#), VRJ, 2016, No 10, art.99

[No 580-VIII of 02.07.2015](#), VRJ, 2015, No 40-41, art.379

[No 1379-VIII of 19.05.2016](#), VRJ, 2016, No 27, art.521

[No 1798-VIII of 21.12.2016](#)}

In accordance with the [Constitution of Ukraine](#) (254k/96-VR), this Law establishes the right to free legal aid, procedures for execution of this Law, the grounds and procedures for provision of free legal aid, and state guarantees with regard to providing free legal aid.

Section I

GENERAL PROVISIONS

Article 1. Definitions

1. In this Law the following terms shall be used:

1) free legal aid – the legal aid guaranteed by the state and funded in full or in part by the State Budget of Ukraine, the local budgets and other sources;

2) legal representatives – parents, adoptive parents, training parents, foster parents, patronage trainers, adopters, caregivers, representatives of adopting and caregiving institutions;

3) legal aid – provision of legal services with the view to support exercise of human and civil rights and freedoms, protection of these rights and freedoms and their restoration in case of infringement

4) legal services – provision of legal information, consultations and explanations on legal issues; drafting statements, complaints, procedural and other legal documents; legal representation of person in courts and other state and self-government authorities, and versus other persons; providing judicial remedy against charges; assisting individuals in providing access to secondary legal aid and intermediation.

Article 2. Scope of the Law

1. This Law regulates legal relations in the area of providing free legal aid to persons-subject to the law, entitled to receive free primary legal aid, and to persons-subject to the law, entitled to receive secondary legal aid, as set forth by this Law.

2. The procedure for granting free legal aid to individuals on charity basis by physical and legal entities engaged in charity activities independently or together with the corresponding charity organizations, shall be regulated by the corresponding legislation and charters of these organizations.

Article 3. The right to legal aid

1. The right to free legal aid is guaranteed by the [Constitution of Ukraine](#) as the right of a citizen of Ukraine, a foreigner, a stateless person, including refugees, or other persons seeking additional protection, to receive free primary legal aid in full scope, and the right of certain categories of entities to receive free legal aid in cases set forth by this Law.

{Part one of Article 3 with amendments, introduced by the Law [№ 5290-VI of 18.09.2012](#)}

Article 4. Guaranteed non-discrimination of access to free legal aid

1. While exercising the right to free legal aid, it is not allowed to apply privileges or restrictions to persons based on race, skin colour, political, religious and other convictions, sex, ethnical and social background, place of living, language and other factors.

Article 5. Principles of the state policy regarding free legal aid

1. The state policy in the area of granting free legal aid shall be based on the following principles:

- 1) rule of law;
- 2) legality;
- 3) availability of free legal aid
- 4) quality of free legal aid;
- 5) guaranteed state funding.

Article 6. Ukrainian legislation on free legal aid

1. The issue of granting legal aid in Ukraine shall be regulated by the [Constitution of Ukraine](#), this Law, and other laws of Ukraine, international treaties, ratified by the Verkhovna Rada of Ukraine.

Article 6¹. System of free legal aid

1. The system of free legal aid includes:
- 1) Coordination center for legal aid provision;
 - 2) subjects of free primary legal aid provision;
 - 3) subjects of free secondary legal aid provision;

{Section I was supplemented by Article 6¹ according to the Law [No 1697-VII of 14.10.2014](#)}

Section II

GRANTING FREE PRIMARY LEGAL AID

Article 7. Definition of free primary legal aid

1. Free primary legal aid is the type of state guarantee expressed in informing persons on their rights and freedoms, procedures for their execution, their restoration in case of violation, and procedures for appealing against decisions, actions or lack thereof by the state authorities, local self-government authorities, and public officials.

2. Free primary legal aid includes the following types of legal services:

- 1) provision of legal information;
- 2) provision of consultations and explanation of legal issues;
- 3) drafting statements, complaints and other legal documents (except for procedural documents);
- 4) assisting in individual's access to the secondary legal aid and intermediation.

Article 8. Persons that have the right to free primary legal aid

1. In accordance with the [Constitution of Ukraine](#) and this Law, the right to free primary legal aid shall be granted to all persons under the jurisdiction of Ukraine.

Article 9. Providers of free primary legal aid

1. The providers of free primary legal aid in Ukraine are as follows:
executive authorities;
local self-government authorities
physical and legal entities of private legal practice;
4) specialized institutions.

Article 10. The procedure for processing applications for free primary legal aid

1. Applications for provision of any of legal services, set forth by Article 7, [part two](#), of this Law, shall be sent or submitted by persons of legal age directly to the central or local executive authorities and local self-government authorities according to their jurisdiction.
2. Applications for provision of any of legal services provided for in Article 7, [part two](#), of this Law, with regard to children, shall be sent or filed by their lawful representatives.
3. Applications for provision of any of legal services provided for in Article 7, [part two](#), of this Law, with regard to persons recognized incapable by the court, or to persons with capability restricted by the court, shall be sent or filed by their guardians or caregivers.
4. Upon receiving the written application from individuals for granting any type of legal services as set forth in Article 7, [part two](#), of this Law, with regard to issues included into their jurisdiction, executive authorities or local self-government authorities shall be obliged to provide such services within 30 calendar days from the day of receiving the application.
5. If the person's application only contains a query for respective legal information, such legal aid shall be provided within 15 days of the date of receiving the application.
6. Executive authorities and local self-government authorities shall not charge legal fees for rendering any legal aid provided in Article 7, [part two](#), of this Law, and for issuing blank forms of statements, applications, requests, certificates, or other documents, provided in the legislation for exercising human and civil rights and freedoms.
7. If the issues that were raised in the application are not within the jurisdiction of the executive authority or local self-government authority that receives such application from a person, such authority, within five calendar days, shall forward the application to the corresponding authority, of which it shall notify the person that filed the application.
8. If during the processing of application for rendering free primary legal aid it was established that the individual requires free secondary legal aid, the executive authority or the local self-government authority which processes the application shall be obliged to explain the procedure for filing the application for free secondary legal aid to the person or one's legal representative.
9. Applications unrelated to granting primary legal aid shall be reviewed in accordance with the procedure set forth by the legislation on applications of citizens.

Article 11. Reception of persons with the view to rendering free primary legal aid

1. Executive authorities and local self-government authorities shall be obliged to arrange reception of persons requiring free primary legal aid, on issues within the jurisdiction of the corresponding executive authority or local self-government authority.
2. Reception of persons requiring free primary legal aid shall be arranged on a regular basis during the scheduled visiting days and hours. The persons shall be notified of the scheduled reception time.
3. Executive authorities and local self-government authorities shall arrange personal reception of individuals by highly qualified employees providing specific and clear interpretation of legal provisions and giving advice on human and civil rights and freedoms, as well as their duties.
4. If in the course of the personal reception it is established that a person requires secondary legal aid, the employee conducting the reception shall explain to that person or one's legal representative the procedure for filing an application for free secondary legal aid.

Article 12. Granting free primary legal aid by specialized institutions and other entities

1. Taking into account community needs at a corresponding administrative and territorial area, local self-government authorities may establish, in accordance with the procedures set forth by the law, specialized institutions to provide free primary legal aid.

2. Specialized institutions providing free primary legal aid, established by the local self-government authorities, shall be considered non-profit organizations with the rights of legal entities have their own official letterhead and stamp with their name on them.

3. Specialized institutions providing free primary legal aid shall be established by the local self-government authorities, and shall be funded by the local budgets and other sources not prohibited by the legislation.

4. Powers and operating procedures of the specialized institutions providing free primary legal aid shall be set forth in the Regulation on the institution providing free legal aid that is approved on the basis of the [standard regulation on institutions providing free primary legal aid](#).

5. Local self-government authorities may enter into contracts with legal entities of private practice that can provide legal aid based on their Charter on a permanent or temporary basis at the territory of the corresponding administrative and territorial unit.

6. [The procedures and criteria for involving legal entities of private practice in providing free primary legal aid shall be](#) approved by the Ministry of Justice of Ukraine.

7. Local self-government authorities may employ lawyers or other specialists in the corresponding field of law to provide free primary legal aid.

8. An lawyer or any other specialist in a corresponding field of law, or legal entity with private practice with which a contract on providing primary legal aid has been concluded, shall be obliged to provide aid of high quality to the extent and within the period specified in the contract.

Section III

GRANTING FREE SECONDARY LEGAL AID

Article 13. Definition of free secondary legal aid

1. Free secondary legal aid is a type of state guarantee that provides equal access to justice for everyone.

2. Free secondary legal aid includes the following types of legal services:

1) defense;

{Item 1 of part two of Article 13 with amendments, introduced by the Law [No 1697-VII of 14.10.2014](#)}

2) representation of the interests of persons that have a right to free secondary legal aid in the courts, other state agencies, self-government authorities, and versus other persons.;

3) drafting procedural documents.

Article 14. Persons that have the right to free secondary legal aid

1. In accordance with this Law and other laws of Ukraine, the following categories of persons have the right to free secondary legal aid:

1) persons under jurisdiction of Ukraine, if the average monthly average income is lower than the two minimum subsistence level calculated and approved in accordance with legislation for the persons belonging in the principal social and demographic groups of population, and disabled persons who receive pension (or allowance) of less than two minimum subsistence levels for the incapacitated persons have the right for all types of legal services set forth by Article 13, part two, of this Law;

{Item 1 of part one of Article 14 as amended by the Law [№ 1798-VIII of 21.12.2016](#)}

2) orphaned children, children whose parents have been deprived of their parental rights, children in difficult straits, and children affected by war actions and military conflicts have the right to all types of legal services set forth by Article 13, [part two](#), of this Law;

{Item 2 of part one of Article 14 as amended by the Law [No 936-VIII of 26.01.2016](#)}

2¹) internally displaced persons - to all types of legal services, set forth by part two of Article 13 of this Law;

{Part one of Article 14 was supplemented by item 2¹ according to the Law [No 1798-VIII of 21.12.2016](#)}

2²) citizens of Ukraine who applied to be registered as internally displaced persons, -to legal services set forth by items 2 and 3 of the part two of Article 13 of this Law, regarding issues, connected with receiving a certificate of internally displaced person, before such certificate of internally displaced person is received by them;

{Part one of Article 14 is supplemented by item 2² according to the Law [No 1798-VIII of 21.12.2016](#)}

3) persons to whom administrative detention has been applied have the right to legal services mentioned in Article 13, part two, [items 2](#) and [3](#) of this Law;

3) persons to whom administrative arrest has been applied have the right to legal services mentioned in Article 13, part two, [items 2](#) and [3](#) of this Law;

5) persons, who are in custody according to the criminal procedural legislation have the right to legal services set forth by Article 13, part two, [item 1](#) and [3](#) of this Law.

{Item 5 of part one of Article 14 as amended by the Laws [No 4652-VI of 13.04.2012](#), [No 1697-VII of 14.10.2014](#)}

6) persons taken into custody as a form of preventive measure have the right to legal services provided in Article 13, part two, [items 1](#) and [3](#) of this Law.

{Item 6 of part one of Article 14 as amended by the Laws [No 4652-VI of 13.04.2012](#), [No 1697-VII of 14.10.2014](#)}

7) persons against whom criminal procedure was initiated in accordance with the provisions of the [Criminal Procedural Code of Ukraine](#) and whose defendant is invited by the investigator, the prosecutor, investigating judge or court for dock defense or conduct of separate procedural action, as well as persons, sentenced for imprisonment, custody in a penal battalion for military or restriction of liberty the have the right to all types of legal services set forth in [part two](#) of Article 13 of this Law;

{Item 7 of part one of Article 14 as amended by the Law [No 4652-VI of 13.04.2012](#); with amendments, introduced according to the Law [No 1697-VII of 14.10.2014](#)}

8) persons covered by the [Law of Ukraine](#) "On Refugees and persons, who require additional or temporal protection" have the right to all types of legal services mentioned in the [second part](#) of Article 13 of this Law, from the moment of submitting of statement about recognition as a refugee or a person, who requires additional protection in Ukraine, until the final decision is made on the statement, and foreigners and people without citizenship, who are in custody with the aim of identification and deportation, from the moment of custody;

{Item 8 of part one of Article 14 as amended by the Laws [No 4652-VI of 13.04.2012](#), [No 5290-VI of 18.09.2012](#), [No 1379-VIII of 19.05.2016](#)}

9) war veterans and persons indicated in the [Law of Ukraine](#) On the Status of War Veterans and Guarantees of their Social Protection, persons with special merits, those who have rendered special labor services to the country, and victims of Nazi persecution have the right to all types legal services under part two of Article 13 of this Law;

{Item 9 of part one of Article 14 with amendments, introduced by the Law [No 1798-VIII of 21.12.2016](#)}

9¹) persons who are under jurisdiction of Ukraine and have applied to receive a status of a person, covered by the [Law of Ukraine](#) On the Status of War Veterans and Guarantees of their Social Protection, - have the right to legal services, set forth by items 2 and 3 of part two of Article 13 of this Law - till the moment the decision is taken about granting of such status.

{Part one of Article 14 is supplemented by item 9^a according to the Law [No1798-VIII of 21.12.2016](#)}

10) persons in relation to whom the court is considering restriction of one's civil capability, recognition of the individual as incapable, and recovery of the person's civil capability have the right to legal services mentioned in Article 13, part two, [items 2](#) and [3](#) of this Law, in the course of the hearing;

11) persons in relation to whom the court is considering rendering forced psychiatric care have the right to legal services provided in Article 13, [items 2](#) and [3](#) of this Law, in the course of the hearing;

12) persons rehabilitated in accordance with the legislation of Ukraine have the right to legal services mentioned in Article 13, part two, [items 2](#) and [3](#) of this Law, with regard to rehabilitation-related issues.

2. The right to free secondary legal aid shall be granted to citizens of the countries with which Ukraine has signed the relevant international treaties on legal aid, ratified by the Verkhovna Rada of Ukraine, as well as foreigners and stateless citizens in accordance with international treaties to which is Ukraine is a party, if such treaties prescribe free legal aid to be provided by the participating states to certain categories of persons.

Article 15. Entities rendering free secondary legal aid

1. There are the following entities rendering free secondary legal aid in Ukraine:

1) centers for granting free secondary legal aid;

2) lawyers included in the Registry of Lawyers that provide free secondary legal aid.

{Items 2 and 3 of part one of Article 15 were replaced by item 2 according to the Law [No1697-VII of 14.10.2014](#)}

Article 16. Centers for free secondary legal aid

1. The Ministry of Justice shall establish regional (republic (of the Autonomous republic of Crimea) regional, Kyiv and Sevastopol municipal) and local (regional, interregional, municipal, municipal regional, interregional and regional municipal) centers for free secondary legal aid. The Centers providing free secondary legal aid shall be regional offices of the Coordination center of free legal aid and are established according to the needs of the corresponding administrative-territorial unit and provision of access to the free secondary legal aid.

{Part one of Article 16 as amended by the Law [No 1697-VII of 14.10.2014](#)}

2. The Centers providing free secondary legal aid shall be the non-profit organizations that have the rights of legal entities, have their official letterheads and seals with their name on them.

3. The Centers providing free secondary legal aid shall be funded from the State Budget of Ukraine and other sources not prohibited by the law.

4. The Centers providing free secondary legal aid shall provide all kinds of legal services in accordance with the [second part](#) of Article 13 of this Law.

5. Powers and operating procedures of the Centers for free secondary legal aid shall be set forth in the [Regulation on the Centers for Free Secondary Legal Aid](#) approved by the Ministry of Justice of Ukraine.

6. While providing free secondary legal aid, the Centers shall work with courts, prosecutor's offices and other law enforcement agencies, executive bodies, and local self-government authorities.

7. Activities of the Center for free secondary legal aid shall cover the territory of a corresponding administrative territorial unit.

Article 17. Mandate of the Centers for free secondary legal aid

1. The Center for free secondary legal aid shall:

{Paragraph one of part one of Article 17 with amendments, introduced according to the Law [No 1697-VII of 14.10.2014](#)}

1) take decision about provision of free secondary legal aid or about refusal to provide free secondary legal aid;

2) assist in drafting procedural documents as requested by persons with the right to free secondary legal aid;

3) ensure participation of defendant during inquiry, criminal investigation and criminal proceedings at the court where defendant is under the provisions of the [Criminal Procedural Code of Ukraine](#) invited by the investigator, the prosecutor, investigating judge or court for dock defense or conduct of separate procedural action;

{Item 3 of part one Article 17 as amended by the Law [No 4652-VI of 13.04.2012](#)}

4) ensure participation of a defendant in hearings of administrative offenses;

5) ensure representation of persons having the right to free secondary legal aid in courts or any other state and local self-government authorities, and versus other persons;

6) enter into contracts with lawyers included in the Registry of Lawyers who provide free secondary legal aid, with regard to rendering such aid on a regular basis;

7) enter into contracts with lawyers included in the Registry of Lawyers, who provide free secondary legal aid, with regard to rendering such aid on a temporary basis (based on individual service contracts);

8) issue power of attorney to confirm authority of the defender or lawyer that represent person in courts, state and local self-government authorities, and versus other persons;

9) decide to replace the lawyer under [Article 24](#) of this Law;

10) submit a plea to the Coordination Center on free legal aid, on exclusion of a lawyer from the Registry of Lawyers that provide free secondary legal aid in cases stipulated by [items 2](#) and [3](#), of part one of Art. 24 of this Law;

{Item 10 of part one of Article 17 as amended by the Law [No 1697-VII of 14.10.2014](#)}

11) take decision about termination of free secondary legal aid;

12) present reports on their activities to the Coordination center;

{Item 12 of part one of Article 17 with amendments, introduced by the Law [No 1697-VII of 14.10.2014](#)}

13) perform other activities in accordance with the [Regulations on the centers for free secondary legal aid](#).

Article 18. Procedures for submitting applications for free secondary legal aid

1. Applications for any type of legal services, as provided in [part two](#) of Article 13 of this Law, shall be submitted by persons of age to the Center for free secondary legal aid or the local Department of Justice based on the place of actual residence of such persons, regardless of their registered domicile or their permanent residence.

2. Applications for any type of legal services to children, as provided in [part two](#) of Article 13 of this Law, shall be submitted by their legal representatives at the place of actual residence of a child or of the child's legal representatives, regardless of their registered domicile or their permanent residence.

3. Application for any type of legal services, as provided in [part two](#) of Article 13 of this Law, to persons deemed incapable by a court, or persons whose capability was limited by a court, shall be submitted by their guardians or caregivers based on the place of actual residence of such persons or their guardians or caregivers, regardless of their registered domicile or their permanent residence.

4. Together with the application for provision of free secondary legal aid, a person or person's legal representative shall submit documents confirming that the person or persons in respect of which the request is made by legal representative, belong to one of vulnerable categories of individuals as provided in the [first part](#) of Article 14 hereof.

Article 19. Procedures for considering applications for free secondary legal aid

1. In case of a person applies for any type of free secondary legal aid, the Center for free secondary legal aid shall take a decision within ten days from the day of receiving the application for free secondary legal aid.

2. If a person has applied for any type of legal services in accordance with [part two](#) of Article 13 of this Law, to the territorial Department of Justice, within three days after submission of the application the Department shall send it to Center for free secondary legal aid operating in the territory of the administrative territorial unit. Within seven days after receipt of the application, the Center for free secondary legal aid shall make the decision on provision of free secondary legal aid.

3. If a person belongs to one of the categories indicated in the [first part](#) of Article 14 of this Law, the Center for free secondary legal aid shall take a decision on [granting](#) free secondary legal aid and shall notify in writing the person or his/her legal representative, the court, state and local self-government authorities representing that person.

4. If a person has no grounds to receive free secondary legal aid, the Centers for free secondary legal aid can take decision to refuse to provide free secondary legal aid, and sends a copy of said decision to the person who applied for such aid, explaining the procedures for appealing against refusal in free secondary legal aid.

5. In case of applications by persons referred to in [items 3-6](#) of Article 14 of this Law for free secondary legal aid, or when receiving information about detainees from close relatives and members of their families the list of which is specified in the [Criminal Procedural Code of Ukraine](#), the Center for free secondary legal aid shall decide on provision of free secondary legal aid as of the moment of detention.

{Part five of Article 19 as amended by the Law [No 1697-VII of 14.10.2014](#)}

6. In case of receiving a resolution from the investigator, prosecutor or interim order from investigating judge about dock defense or conduct of separate procedural action, the Center for free secondary legal aid shall appoint the defender immediately.

{Part six of Article 19 as amended by the Law [No 4652-VI of 13.04.2012](#)}

Article 20. Grounds for refusal in free secondary legal aid

1. A person's request for free secondary legal aid may be turned down in view of at least one of the following reasons:

- 1) the person does not belong to any of the categories of persons referred to in [part one](#) of Article 14, of this Law;
- 2) the person has submitted false information or fake documents with the view to be included into one of the categories of persons eligible for free secondary legal aid;
- 3) the person's requests for protection or restoration of their rights are illegitimate;
- 4) the person was provided free secondary legal aid earlier with regard to the same issue;
- 5) the person has used all domestic remedies in the case for which he/she requests to receive free secondary legal aid.

2. If a person's request for free secondary legal aid has been turned down under item 5 of part one of this Article, the decision about refusal shall include a written explanation of the procedures for applying to the relevant international judicial institutions or the relevant international bodies of which Ukraine is a member.

Article 21. Provision of free secondary legal aid by lawyers on a regular basis in accordance with the contract

1. After the decision to provide free secondary legal aid is taken, the Center for free secondary legal aid shall appoint a lawyer that provides free secondary legal aid on a regular basis in accordance with the contract.

2. While considering the nominated lawyer, his/her expertise, experience, workload, and complexity of cases in which the lawyer has participated shall be taken into account.

3. The authority of a lawyer to act as defender during criminal proceedings in the court, participate in hearing of administrative offenses and represent interests of the persons eligible to receive secondary free legal aid in the courts, other state and local self-government authorities, and versus other persons, shall be confirmed by a power of attorney from the Center for the provision of free secondary legal aid.

{Part three of Article 21 with amendments, introduced by the Law [No 4652-VI of 13.04.2012](#)}

Article 22. Provision of free secondary legal aid in accordance with the contract

1. If it is impossible to provide free secondary legal aid by a lawyer who provides free secondary legal aid on a regular basis in accordance with the contract, the Center for free secondary legal aid shall enter into contract with a lawyer included into the Register of Lawyers who provide free secondary legal aid on a temporary basis under the contract.

{Part one of Article 22 with amendments, introduced by the Law [No 1697-VII of 14.10.2014](#)}

2. The contract on provision of free secondary legal aid shall indicate the scope of legal aid and the period during which legal aid shall be provided, and the professional fee.

3. The authority of the lawyer with whom contract for free secondary legal aid was signed shall be confirmed in accordance with the procedure set forth in [part three](#) of Article 21 of this Law.

4. The lawyer with whom a contract on provision of free secondary legal aid was signed must provide such aid in quality manner and according to the scope and within the period specified in the contract.

Article 23. Grounds and procedure for termination of free secondary legal aid

1. Free secondary legal aid shall be terminated by a decision of the Center for secondary legal aid if:

1) circumstances or reasons based upon which the person was included into a category of persons referred to in Article 14, [part one](#), of this Law cease to exist;

2) it was established that false information or fake documents were submitted by the person, as a result of which this person was entitled to free secondary legal aid, and the decision was made to provide free secondary legal aid;

3) the person uses another defender (defenders) in the case for which a defender for this person was appointed in accordance with this Law;

4) the person has used all available domestic remedies in the case.

2. The person who has previously received free secondary legal aid under this Law but ceased to qualify for receiving such aid, may receive legal aid on general grounds.

3. In case of termination of free secondary legal aid under item 2 of part one of this Article, a person that received such aid shall reimburse the actual cost of the rendered legal aid.

4. Provision of free secondary legal aid shall be terminated in case of completion of the obligations by the entity providing free secondary legal aid in accordance with the contract.

Article 24. Grounds and procedures for replacement of lawyers who provide free secondary legal aid

1. The lawyer who provides free secondary legal aid can be replaced in case of:

1) lawyer's illness;

2) improper execution of contractual obligations by the lawyer;

3) lawyer's failure to comply with the procedures for provision of free secondary legal aid;

4) expulsion from the Register of Lawyers who provide free secondary legal.

{Item 4 of part one of Article 24 as amended by the Law [No 1697-VII of 14.10.2014](#)}

2. Lawyer replacement shall be performed in accordance with the norms set forth in [Articles 21](#) and [22](#) of this Law.

3. Lawyer replacement shall not affect the continuity of free secondary legal aid.

4. The new lawyer must take actions to address the deficiencies of the free secondary legal aid that were in place prior to his appointment.

5. If the decision to replace the lawyer was made in accordance with items 2 and 3 of part one of this Article, the Center for free secondary legal aid may propose the Center for free secondary legal aid to expel such lawyer from the Register of Lawyers who provide free secondary legal aid.

{Part five of Article 24 as amended by the Law [No 1697-VII of 14.10.2014](#)}

Article 25. Rights of entities rendering free secondary legal aid

1. The entity rendering free secondary legal aid shall have the right to:

1) provide legal defense in criminal case during pre-judicial inquiry, and criminal proceedings in the court on the basis of the power of attorney from the Center for free secondary legal aid;

{Item 1 of part one of Article 25 with amendments, introduced by the Law [No 4652-VI of 13.04.2012](#)}

2) participate in court hearing of administrative offenses on the basis of the power of attorney from the Center for free secondary legal aid;

3) represent the rights and legitimate interests of persons in need of free secondary legal aid at the courts, other state and local self-government authorities, and versus other individuals on the basis of the power of attorney from the Center for free secondary legal aid;

4) request and receive documents and other materials, or copies thereof, as required in connection with the provision of free secondary legal aid at the courts, other state authorities, local self-government authorities, and versus other individuals;

5) collect information to use it while protecting the rights and legitimate interests of persons entitled to free secondary legal aid;

6) get familiar with the documents of the state and local self-government authorities, enterprises, institutions and organizations as required to ensure effective legal defense, except for the national security information;

7) inform the Center for free secondary legal aid about the circumstances involving the termination of free secondary legal aid in cases provided for in [part one](#) of Article 23 of this Law;

8) receive due fee for provision of free secondary legal aid.

2. The lawyer providing free secondary legal aid on a permanent basis in accordance with the contract, or on temporary basis in accordance with the contract, shall enjoy all the rights and guarantees set in the [Law of Ukraine](#) On the Bar and practice of law and in other Ukrainian laws.

{Part two of Article 25 with amendments, introduced by the Law [No 5076-VI of 05.07.2012](#)}

Article 26. Obligations of entities rendering free secondary legal aid

1. The lawyer providing free secondary legal aid shall be obliged to:

1) firmly comply with requirements of the [Constitution of Ukraine](#), this Law, international treaties of Ukraine ratified by the Verkhovna Rada of Ukraine, and other normative legal acts;

2) provide high quality free secondary legal aid in the necessary amount;

3) accept for proceedings cases of persons requiring free secondary legal aid according to contracts concluded with the Center for free secondary legal aid;

4) not disclose confidential information about a person that became known in connection with provision of free secondary legal aid.

2. The lawyer providing free secondary legal aid on a permanent basis in accordance with the contract, or on temporary basis in accordance with the contract, shall comply with all obligations set in the [Law of Ukraine](#) On the Bar and practice of law and in other Ukrainian laws.

{Part two of Article 26 with amendments, introduced by the Law [No 5076-VI of 05.07.2012](#)}

Section IV

MANAGING THE SYSTEM OF FREE LEGAL AID AND ITS FINANCING

Article 27. Authority of the Cabinet of Ministers of Ukraine in the area of free legal aid

1. Cabinet of Ministers of Ukraine shall:

- 1) approve [the procedures, terms of competition, and requirements to professional skills of the lawyers involved in the provision of free secondary legal aid](#);
- 2) establish the [procedures and terms for signing contracts with the lawyers that provide free secondary legal aid on a regular basis](#);
- 3) establish the [procedures and terms for signing contracts with the lawyers that provide free secondary legal aid on a temporary basis](#);
- 4) [establish the procedures for informing the Centers for free secondary legal aid on any case of detention](#).
- 5) establish the amount and procedure of remuneration of activity of the entities providing free secondary legal aid;
{Part one of Article 27 was supplemented by item 5 according to the Law [No 5076-VI of 05.07.2012](#)}
- 6) establish [terms of reference of the Coordination center for legal aid](#).
{Part one of Article 27 was supplemented by item 6 according to the Law [No 1697-VII of 14.10.2014](#)}

Article 28. Authority of the Ministry of Justice of Ukraine in the field of free legal aid

1. Ministry of Justice of Ukraine shall:

- 1) ensure coordination of the central executive agencies with regard to realization of the state policy in the area of free legal aid;
- 2) be responsible for the general management of free primary legal aid and free secondary legal aid;
- 3) be responsible for implementation and operation of the free secondary legal aid system;
- 4) establish the Centers for provision of free secondary legal aid;
- 5) submit to the Cabinet of Ministers of Ukraine draft laws and other regulations on provision of free legal aid;
- 6) provide methodological assistance to executive agencies and local authorities on the issues related to provision of free primary legal aid;
- 7) establish the [procedures for keeping, by Coordination center for legal aid of the Register of Lawyers that provide free secondary legal aid](#);
{Item 7 of part one of Article 28 as amended by the Law [No 1697-VII of 14.10.2014](#)}
- 8) support competitions to be run by the Chief Departments of Justice in the Autonomous Republic of Crimea, regions, Kyiv and Sevastopol in order to outsource lawyers to provide free secondary legal aid;
- 9) analyze the practice of application of this Law;
- 10) approve quality standards for provision of free legal aid;
- 11) cooperate with the central bodies of executive power on the implementation of this Law;
- 12) approve the [standard regulation on the entities providing free primary legal aid](#);
- 13) approve the procedures and criteria for involvement of legal entities of private practice by local self-government authorities to provide free primary legal aid;
- 14) approve [Regulations on the Centers for free secondary legal aid](#);
- 15) exercise other functions related to provision of free legal aid established by laws and international treaties of Ukraine and ratified by the Verkhovna Rada of Ukraine.

Article 29. Funding of free legal aid

1. Free primary legal aid shall be funded with allocations from the State Budget of Ukraine to the relevant executive bodies, local budgets, and other sources.
2. Free secondary legal aid shall be funded with allocations of the State Budget of Ukraine.

Section V

APPEALS AGAINST DECISIONS ON PROVISION OF FREE LEGAL

AID, ACTIONS or INACTIONS OF STATE AND LOCAL SELF-GOVERNMENT AUTHORITIES, PUBLIC OFFICIALS AND FUNCTIONARIES

Article 30. Appeals against decisions on provision of free legal aid

1. Refusal by an executive body, local self-government authority or institution to provide free primary legal aid, or refusal by officials or functionaries to provide primary legal aid may be challenged in the court in accordance with the law.

2. Decisions of the Center for free secondary legal aid to turn down requests for free secondary legal aid may be challenged in the court in accordance with the procedures set forth by the law.

Article 31. Appeals against actions and failure thereof by officials violating the procedures for rendering free legal aid

1. Actions and failure thereof by public officials and employees which violate procedures and deadlines for reviewing applications for free legal aid, as well as poor quality legal aid, can be challenged judicially through procedures set forth by the law, or through administrative proceeding.

Article 32. Responsibility for violation of legislation regulating free legal aid

1. Persons who violate this law shall be held responsible in accordance with the procedures set forth by the law.

2. Persons who have deliberately submitted false information or fake documents that classified them as persons eligible for free secondary legal aid, shall be held responsible in accordance with the procedures set forth by the law.

Section VI

FINAL CLAUSES AND TRANSITIONAL PROVISIONS

1. This Law shall come into force on the day following the date of its publication, except for: [Section III](#) of this Law, which comes into effect phase-by-phase after the launch of Centers for free secondary legal aid;

[sub-items 1-4](#) and [7](#) of item 7 of section VI Final Clauses and Transitional Provisions of this Law that come into force on January 1, 2013.

2. By January 1, 2013, the Ministry of Justice of Ukraine shall establish the Centers for free secondary legal aid at the Chief Departments of Justice in the Autonomous Republic of Crimea, regions, and cities of Kyiv and Sevastopol.

3. As of January 1, 2013, the Centers for free secondary legal aid shall provide legal aid to persons referred to in [items 3-7](#), part 1, Article 14 of this Law.

4. Before such Centers are able to render free secondary legal aid, the investigator, the prosecutor, the investigating judge, the court shall appoint a defender through associations of lawyers, and through the said Centers in the areas of administrative units where the Centers have started providing such aid.

{Item 4 of section VI with amendments, introduced by the Law [No 4652-VI of 13.04.2012](#)}

5. Lawyers appointed through lawyers associations before the Centers can start rendering free legal aid in the territory of a respective administrative and territorial units shall complete the cases in their proceedings, except for cases set forth by the law.

6. Free secondary legal aid to persons referred to in [Article 14](#) of this Law, shall be provided in full amount from 1 July 2015.

{Item 6 of section VI with amendments, introduced by the Law [No 726-VII of 16.01.2014](#) repealed by the Law [No 732-VII of 28.01.2014](#); with amendments, introduced by the Law [No 733-VII of 28.01.2014](#); as amended by the Law [No 1697-VII of 14.10.2014](#)}

7. Amendments shall be introduced to the following laws of Ukraine:

{Subitem 1 of item 7 section VI repealed by the Code [No 4651-VI of 13.04.2012](#)}

2) [Article 271](#) of the Code of Ukraine on Administrative Offenses (Vidomosti of Verkhovna Rada of USSR, 1984, Attachment # 51, Art. 1122) shall be supplemented with parts three and four as follows:

"If a person is eligible to have the right to free secondary legal aid, the lawyer appointed by the Center for free secondary legal aid may participate in trying the case of administrative offence. The lawyer enjoys the rights stipulated by part 1 of this Article, and by other laws.

The authority of a lawyer appointed by the Center for the provision of free secondary legal aid shall be confirmed by a power of attorney from the Center for the provision of free secondary legal aid";

{Subitem 3 of item 7 section VI repealed by the Law [No 580-VIII of 02.07.2015](#)}

{Subitem 4 of item 7 section VI repealed by the Law [No 5076-VI of 05.07.2012](#)}

5) in the [Law of Ukraine On Local Self-Government in Ukraine](#) (Journal of Verkhovna Rada of Ukraine, 1997, N 24, art. 170 with subsequent amendments):

[the first part](#) of Article 26 shall be supplemented with item 39¹ as follows:

"39¹) establishment, according to the law, at the expense of local government institutions for free primary legal aid, appointment and dismissal of heads of these institutions, involvement, in accordance with the procedures set forth by the law, of physical or legal entities of private practice to provision of free primary legal aid";

To supplement Article 38¹ as follows:

"Article 38¹. Authority in the field of free primary legal aid

1. The competence of executive bodies of village, town and city councils with regard to provision of free primary legal aid shall include the following (self-governing) authority:

1) to establish, according to the approved procedures, institutions for free primary legal aid according to the needs of local communities;

2) to prepare and submit for consideration of the Council proposals for establishment of institutions for free primary legal aid, make decisions on the number of employees of such institutions, the cost of their maintenance, logistic support of their operations, and provision of proper facilities for their functions;

3) to ensure coordination of institutions for free primary legal aid in the territory of an appropriate administrative territorial unit;

4) to fund the institutions for free primary legal aid, and control proper use of the funds by such institutions;

5) to consider written applications for free primary legal aid and provide such aid within their competence, according to the law;

6) to provide comments to legal provisions and advise on procedures of applying for free secondary legal aid;

7) to arrange personal reception of persons to provide free primary legal aid;

8) contract lawyers, individuals and legal entities of private practice to provide free primary legal aid;

9) coordinate actions of local executive authorities and regional executive authorities with regard to provision of free primary legal aid;

10) provide documents and other materials or their copies required in connection with the provision of free secondary legal aid;

11) arrange seminars and conferences on free primary legal aid.

2. Executive bodies of village, town and city councils shall interact with the Centers for free secondary legal aid and provide them with assistance within their authority ";

{Subitem 6 of item 7 section VI repealed by the Law [No 3671-VI of 08.07.2011](#)}

7) [Article 19](#) of the Law of Ukraine "On the State Border service of Ukraine" (Verkhovna Rada Journal, 2003, No27, art.208; 2008, No26, art 243; 2009, No24, art.298; 2010, No6, art.46; 2011, No32, art.316) was supplemented by items 28 and 29 as follows:

"28) provide to detainees, as of the moment of their detention, the right to defend themselves or to use legal assistance of a lawyer;

29) inform the Center for free secondary legal aid, in accordance with the procedures set forth by the Cabinet of Ministers of Ukraine, of each and every case of detaining persons under the mandate of law enforcement agencies of Ukraine, and of every case of administrative detention, except for the cases where a person defends oneself or invites a lawyer."

8. Within six months after this Law comes into effect, the Cabinet of Ministers of Ukraine shall: draft and submit to the Verkhovna Rada of Ukraine proposals on bringing the laws of Ukraine in accordance with this Law;

bring normative-legal acts in compliance with this Law;

support, within its authority, approval of normative-legal acts required to implement this law;

oversee compliance with the present Law of the normative-legal acts of Ministries and other central executive bodies in Ukraine.

President of Ukraine	V.Yanukovich
the city of Kyiv, June 2, 2011 No 3460-VI	