

Post-Distribution Monitoring (PDM) of legal assistance (LA) provided by UNHCR partners in 2019

Analysis of survey results

March 2020

Introduction

Background and objective (I)

UNHCR Ukraine has been providing legal assistance to internally displaced persons and other conflict-affected people as early as 2014. Legal assistance is an essential intervention since it provides the basis for accessing national protection systems and the evidence base for advocacy, including through judicial interventions. UNHCR provided both primary and secondary legal assistance. Primary legal aid is the provision of information by a qualified lawyer to an applicant regarding his/her rights and freedoms, how to fulfil and/or renew them in case of violation; how to challenge acts or omissions of representatives of state authorities, local self-government and their staff. Primary legal aid can include the provision of legal information; consultations and clarifications on legal issues; assistance in compiling documents and submitting applications and complaints and other documents of a legal nature (apart from documents of procedural nature in connection with a judicial process)... Secondary legal aid is the provision of assistance by a qualified lawyer directed at creating equal opportunities in having access to justice. It includes the representation of the interests of an applicant in courts and/or before other state or local self-government authorities and other persons, and; and assistance in developing documents of procedural nature in connection with a judicial process. Source: [The Law of Ukraine on Free Legal Aid](#)

In its [Multi-Year, Multi-Partner Protection and Solutions Strategy \(MYMP\) for Ukraine, 2018-2022](#), UNHCR identified legal assistance, along with legislative advocacy and capacity support to national NGOs and government partners, as one of the main cross-cutting interventions for all populations of concern for the duration of the strategy.

From 2017, IDPs are entitled to legal assistance provided free of charge by the Government in the Free Legal Aid Centers (FLACs), a system that has been assessed by UNHCR as having significant potential to improve the protection of IDPs' rights. The MYMP strategy adopted by UNHCR therefore envisaged the gradual reduction of the legal assistance provided by NGOs to IDPs while, at the same time, contributing to the development of the FLAC capacities to handle a larger number and wider range of displacement-related cases. The most common legal issues related to pensions, IDP registration, documents, and property rights.

Background and objective (II)

In 2018, a series of trainings were organized, referral mechanisms were initiated with more than 500 cases referred following the guidance provided in the prioritization table developed in accordance with MYMP and Milestones Table, and a memorandum of understanding was signed. Overall, in 2018, the Free Legal Aid Centers strengthened their outreach to IDPs, giving free legal aid to 39 per cent more IDPs than in the previous year. In July 2018, UNHCR conducted its first evaluation of the impact of its support to the FLACs. The overall support was assessed positively and recommendations allowed for improvement in 2019. The FLACs assisted 15% more IDPs in 2019.

In line with its MYMP and the progressive handover of legal assistance activities to the FLACs, UNHCR made the decision to survey its 2018-2019 beneficiaries. The objective of this legal assistance post-distribution monitoring (PDM) was not to assess the quality of the legal assistance that was provided. Given the specificity of legal assistance, this would have required in-depth analysis and expertise. The objective of this PDM was rather to measure the [level of satisfaction](#) of the people who have benefited from such support.

This is the [first time](#) that UNHCR Ukraine undertakes a PDM of its legal assistance Programme. It is considered as a pilot exercise, which could be expanded in 2020 to legal assistance provided to asylum-seekers and refugees and persons under UNHCR statelessness mandate.

For 2020, UNHCR decided to reduce the provision of individual legal assistance in zone 3, focusing mainly on strategic litigation. IDPs with legal questions will be referred to the Free Legal Aid Centers, which have an increasing capacity to provide the necessary assistance, in zone 3. UNHCR will continue to provide legal assistance to conflict-affected persons and residents of NGCA (those not registered as IDPs), since they do not have access to the state's free legal aid. UNHCR will also continue to assist persons who do not have access in practice to the state-run Free Legal Aid Centers (for example, due to location), as well as to support strategic litigation related to advocacy.

The findings of this PDM and the recommendations will enable UNHCR to continue providing quality legal assistance to IDPs and conflict-affected persons in Ukraine through the network of its [NGO partners](#).

[Introduction](#)

[Profile of all beneficiaries](#)

[Satisfaction of Primary LA](#)

[Satisfaction of Secondary LA](#)

[Summary](#)

Methodology

- The sample was created with a [simple random sampling](#) method for all adult beneficiaries who received legal support from UNHCR from January 2018 to June 2019 [1.5 years] by each type of legal assistance (primary or secondary)
- For this exercise, UNHCR considered the assistance provided by three of its NGO partners: NRC (*Norwegian Refugee Council*), R2P (*The Right to Protection*), and TTA (*The Tenth of April – Desyate Kvitnya*)
- Confidence level: [95%](#)
- Margin of error: [10%*](#)
- Data collection:
 - Pilot phase: [August 2019](#)
 - LA PDM: [September – November 2019](#)
- Conducted by UNHCR staff by phone, following the [Guidance Note on Legal Assistance PDM](#)
- Questionnaire: <https://enketo.unhcr.org/x/#QzRC63W2>

*Although a margin of error of 5% was recommended, it was decided to proceed with 10% since the exercise was conducted for the first time in Ukraine, and the resources made available did not allow to survey a bigger sample.

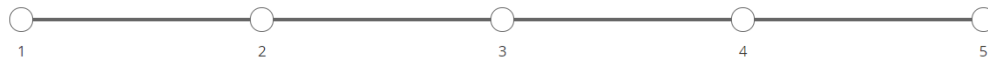
Satisfaction assessment: number rating scale

The number scale is a universally accepted form of survey measurement, that indicates the strength of the respondent's opinion.

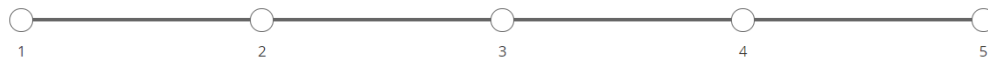
Mapping of the word categories is customizable, but would typically be as follows:

- 1 = Very Dissatisfied
- 2 = Dissatisfied
- 3 = Neutral
- 4 = Satisfied
- 5 = Very Satisfied

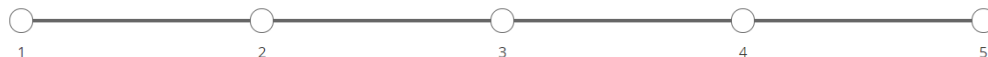
ARE YOU SATISFIED WITH THE LEGAL SUPPORT YOU RECEIVED FROM LAWYER/ATTORNEY? PLEASE RATE FROM 1 TO 5



DID YOU RECEIVE THIS ASSISTANCE TIMELY (AS YOU EXPECTED, WITHOUT ANY UNNECESSARY DELAYS)? PLEASE RATE FROM 1 TO 5



WERE THE LEGAL EXPLANATIONS CLEAR? PLEASE RATE FROM 1 TO 5



ARE YOU SATISFIED WITH THE FEEDBACK/UPDATE PROVIDED BY LAWYER/ATTORNEY ON YOUR CASE? PLEASE RATE FROM 1 TO 5



HOW DO YOU ASSESS THE ATTITUDE OF THE STAFF WHO PROVIDED YOU WITH LEGAL ASSISTANCE? PLEASE RATE FROM 1 TO 5



Sampling frame

* Numbers are slightly different than communicated initially as additional data cleaning was made to ensure the unique number of beneficiaries (not cases/instances) in the dataset for the whole period

Partner	Type of LA	Total* number of beneficiaries (18+)	Minimum sample size for 95/10	Beneficiaries surveyed
NRC	Primary	5,081	95	95
	Secondary	424	79	79
R2P	Primary	24,908	96	97
	Secondary	4,285	94	114
TTA	Primary	2,325	93	100
	Secondary	191	65	65
Total		35,451	522	550
<i>Incl.</i>	<i>Primary</i>	<i>32,314</i>		
	<i>Secondary</i>	<i>4,900</i>		

Margin of error is 9% for R2P's secondary LA

Some beneficiaries received both primary and secondary LA, therefore Primary + Secondary ≠ Total

Profile of beneficiaries

[all beneficiaries*, including non-surveyed]

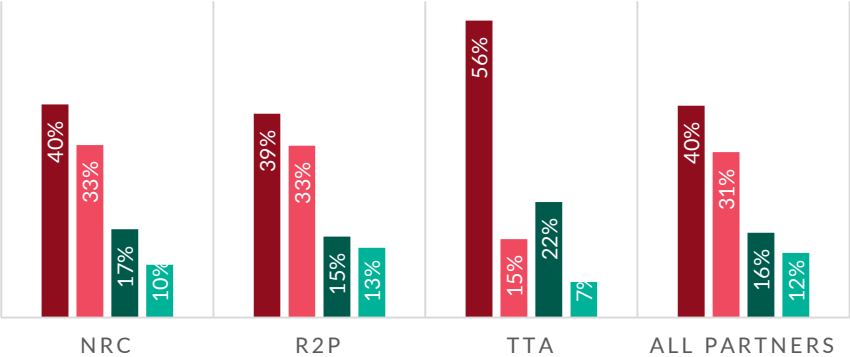
* List of all beneficiaries was compiled based on partners' datasets. Beneficiaries below 18 y.o. or without age indicated in the dataset constituted ~1% of the list and were removed from the dataset as part of data cleaning process [in the questionnaire we asked only about beneficiaries of at least 18 years old]

Beneficiaries by Sex and Age (I)

TTA has a much higher share of women aged 18-59 among its beneficiaries, when compared to R2P and NRC

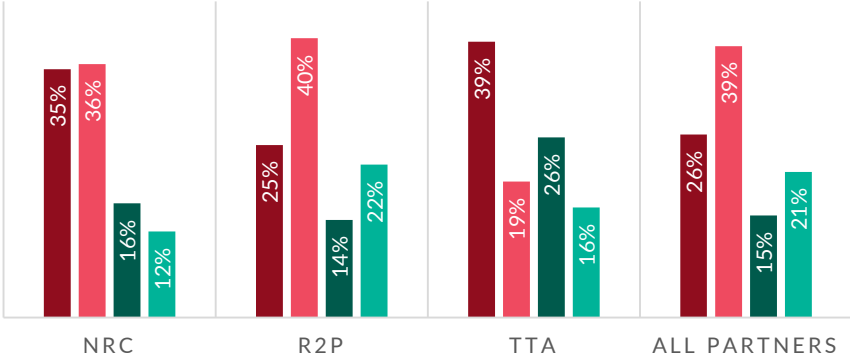
PRIMARY LA: ALL BENEFICIARIES BY SEX AND AGE

■ Female 18-59 ■ Female 60+ ■ Male 18-59 ■ Male 60+



SECONDARY LA: ALL BENEFICIARIES BY SEX AND AGE

■ Female 18-59 ■ Female 60+ ■ Male 18-59 ■ Male 60+



Beneficiaries by Sex and Age (II)

Difference among partners can be explained for the following reasons:

- NRC focuses on shelter issues along the contact line. There are many women-led households. Therefore, the largest share of their beneficiaries are females.
- For R2P, more elderly received secondary legal aid as R2P was particularly active in assisting them with gaining access to their pension.
- For both R2P and NRC, the rather large share of women above 60 can also be explained by the fact that many younger women left because of lack of employment in areas closer to the contact line.
- For TTA, there are more women in the 18-59 age category for both, primary and secondary legal aid. This can be explained by the largest share of birth registration cases (especially in the view of the growing amount of such cases from Crimea).

Beneficiaries by Category (I)

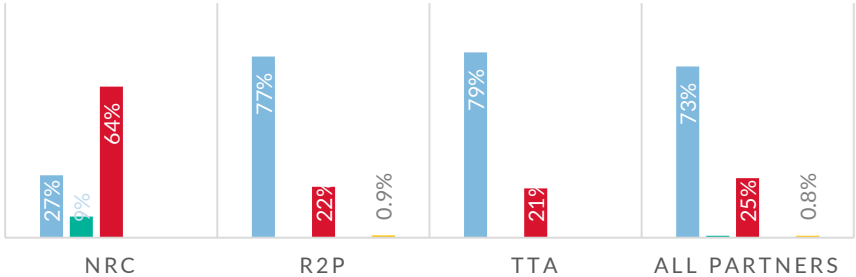
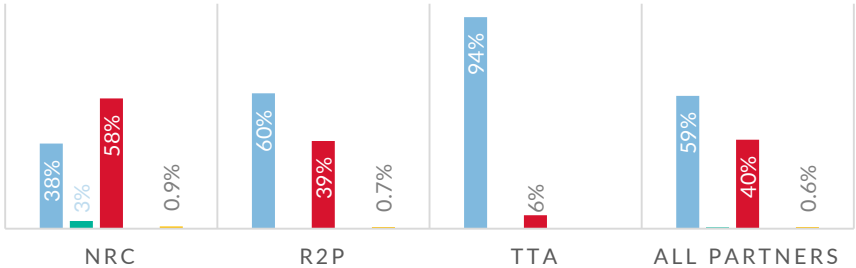
For secondary LA, NRC is primarily working with other conflict-affected persons, while R2P and TTA are supporting mainly IDPs residing in GCA

PRIMARY LA: ALL BENEFICIARIES BY CATEGORY

SECONDARY LA: ALL BENEFICIARIES BY CATEGORY

- IDP in GCA
- IDP in NGCA
- Other conflict-affected person
- Returnee to/within GCA
- Returnee to/within NGCA

- IDP in GCA
- IDP in NGCA
- Other conflict-affected person
- Returnee to/within GCA
- Returnee to/within NGCA



Beneficiaries by Category (II)

Difference among partners can be explained by:

- Different geographic coverage among partners, as well as issues and topics covered:
 - NRC provides legal assistance in Donetsk/Luhansk GCA only and worked on shelter-related issues, thus working predominantly with local non-displaced but conflict-affected population;
 - R2P has offices both in eastern Ukraine, and in central and western Ukraine (Kyiv and Lviv). R2P assisted both IDPs and conflict-affected persons on a variety of issues;
 - TTA has worked in the southern oblasts of Ukraine and in Kropyvnytskyi, assisting predominantly IDPs.
- NRC assisted more conflict-affected persons close to the contact line with secondary legal aid related to shelter issues. R2P's secondary legal aid support was focused on pension-related issues and, because of the legal context, more assistance was therefore given to IDPs.

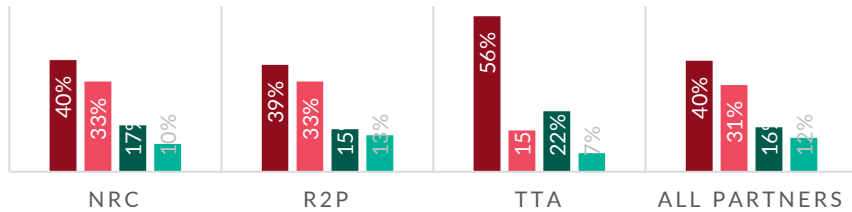
Beneficiaries: All vs Surveyed

The difference of sex/age breakdown between surveyed beneficiaries and all PoCs is small and falls within confidence interval, i.e. representativity by sex and age is good.

ALL BENEFICIARIES

PRIMARY LA: SEX AND AGE

■ Female 18-59 ■ Female 60+ ■ Male 18-59 ■ Male 60+



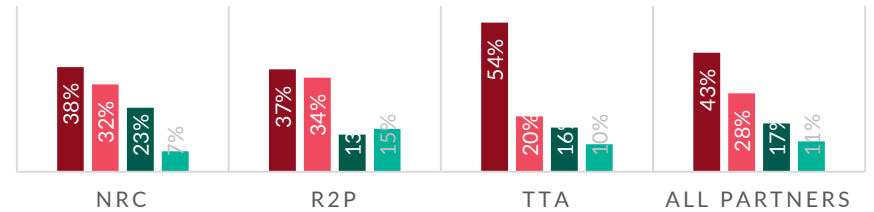
SECONDARY LA: SEX AND AGE



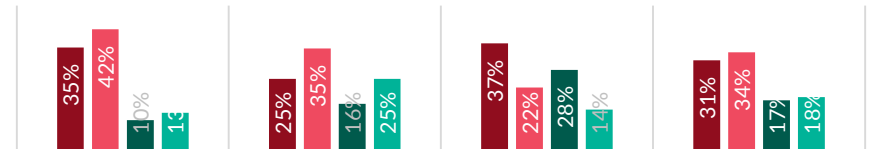
SURVEYED BENEFICIARIES

PRIMARY LA: SEX AND AGE

■ Female 18-59 ■ Female 60+ ■ Male 18-59 ■ Male 60+



SECONDARY LA: SEX AND AGE



[Introduction](#)

Profile of all beneficiaries

[Satisfaction of Primary LA](#)

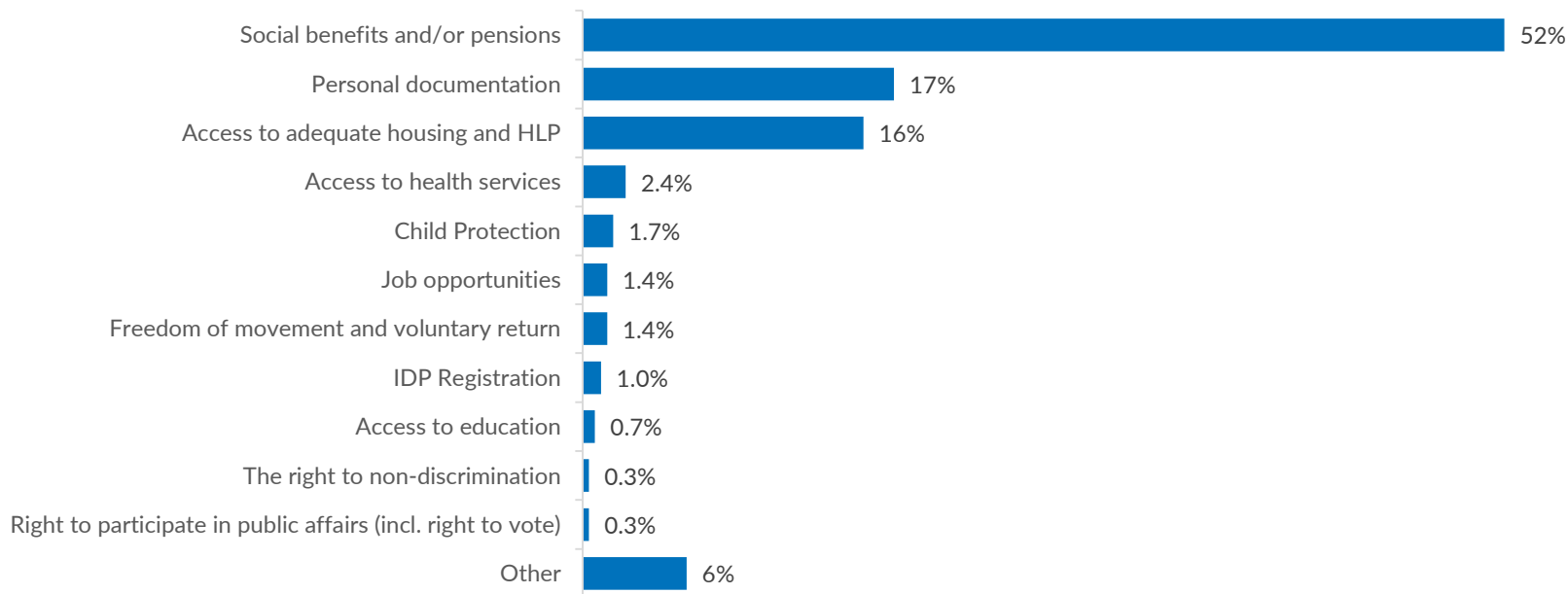
[Satisfaction of Secondary LA](#)

[Summary](#)

**Satisfaction with
primary legal assistance
provided by UNHCR partners**
[survey results]

Primary LA: Last problem / legal issue of beneficiary when approaching UNHCR partner

PRIMARY LA: THE LAST PROBLEM / LEGAL ISSUE



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[Profile of all beneficiaries](#)

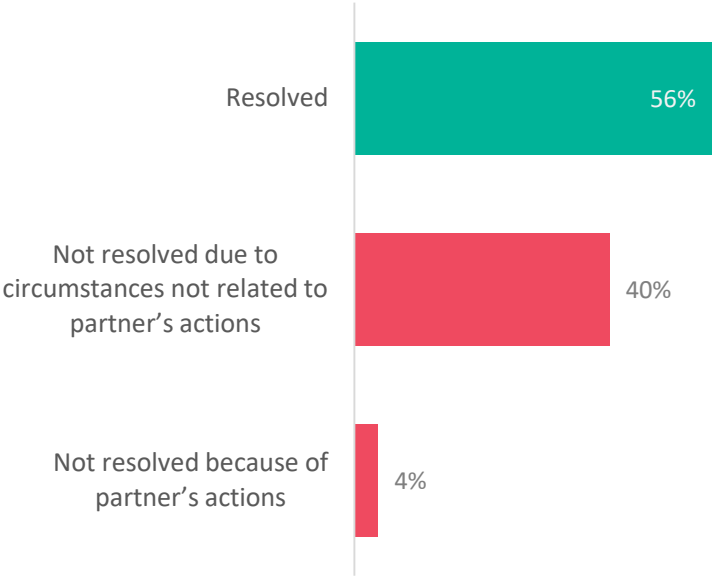
[Satisfaction of Primary LA](#)

[Satisfaction of Secondary LA](#)

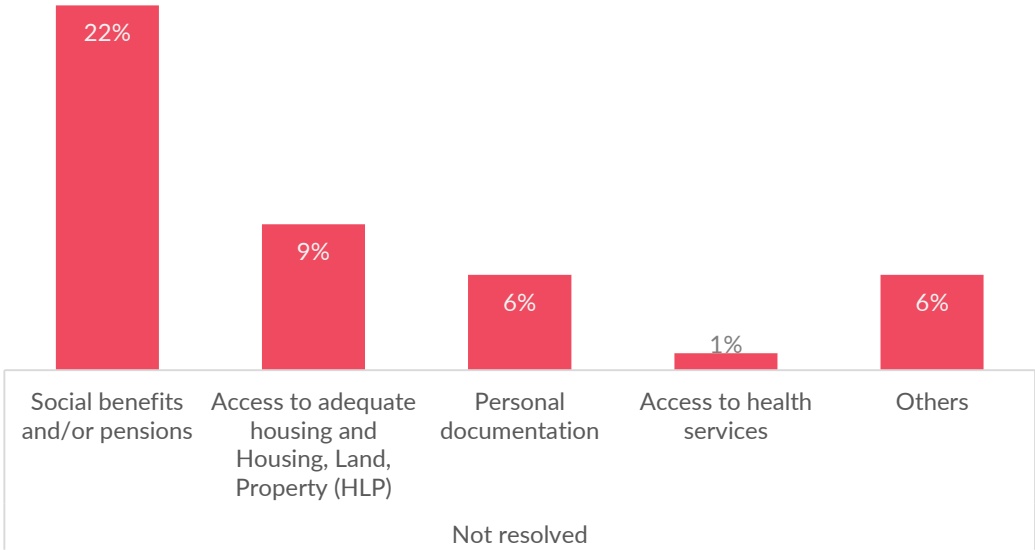
[Summary](#)

Primary LA: Last problem / legal issue: was it resolved? If not, why?

RESOLUTION OF THE LAST LEGAL ISSUE



MAIN ISSUES THAT WERE NOT RESOLVED BY PARTNER



Resolved or not resolved ?

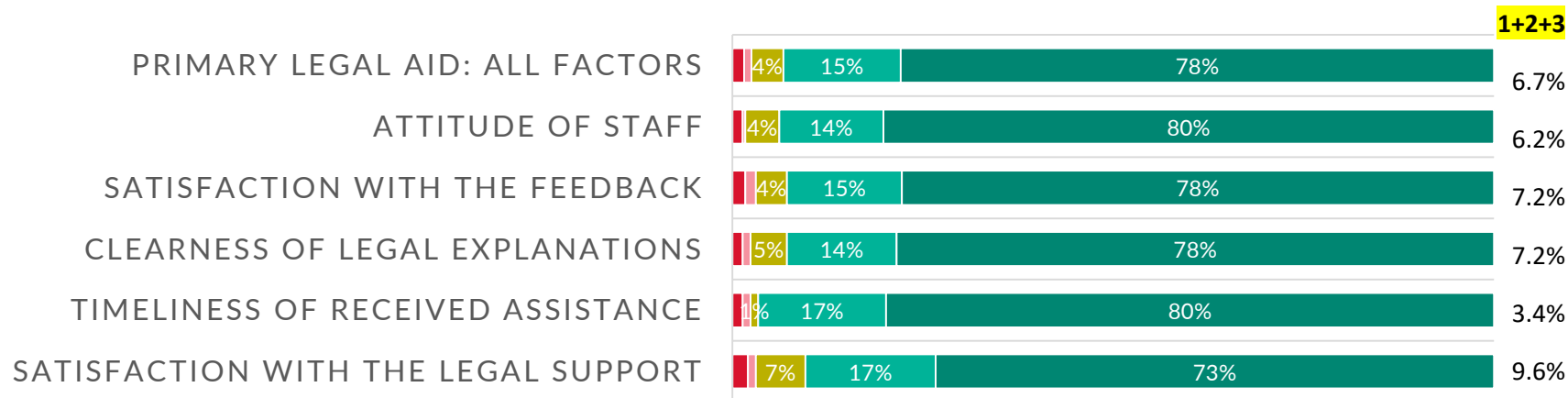
- When assessing whether the problem has been resolved, it is necessary to remember that the question demonstrates the perception from beneficiaries, while the legal reality may be different.
- The fact that a rather large number of cases were considered as “not resolved” reflects the state of the current legislation and/or practice in Ukraine. In particular, Ukraine lacks proper regulation on issues such as compensation for damaged houses and access to affordable housing.
- In line with the UNHCR MYMP strategy, routine cases were gradually referred to the Free Legal Aid Centers (FLAC). It is possible that beneficiaries could have considered cases referred to the FLAC as cases “not resolved by the partner”.

Satisfaction of Primary LA

Overall there is high level of satisfaction for Primary LA, slightly higher for attitude of staff and timeliness, slightly lower for other factors. The share of negative opinions (categories 1 and 2) is less than 3% overall.

PRIMARY LA SATISFACTION

■ 1 ■ 2 ■ 3 ■ 4 ■ 5

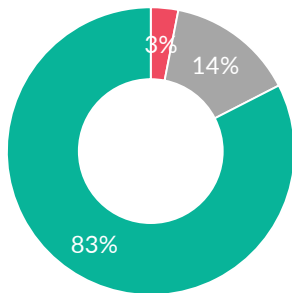


Recommendation of the services to others

Legal issues can be complex, requiring specific knowledge and beneficiaries answering “I don’t know” probably considered that they do not have the necessary expertise to assess whether they could recommend the services of a partner to others or whether anything could have been done differently.

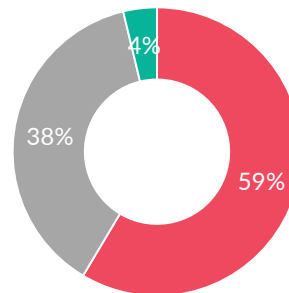
WOULD THE BENEFICIARY
RECOMMEND PARTNER'S SERVICES
TO OTHERS

■ No ■ I don't know ■ Yes



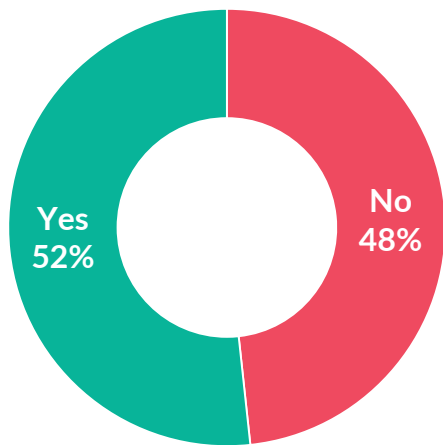
WOULD THE BENEFICIARY WANT SOMETHING
TO BE DONE DIFFERENTLY IN
HOW ASSISTANCE WAS PROVIDED

■ No ■ I don't know ■ Yes

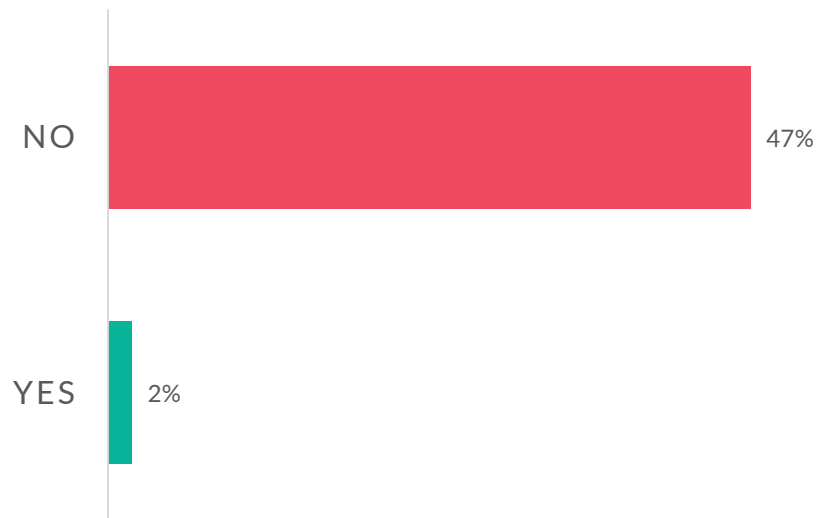


Awareness about the complaint mechanism (I)

PRIMARY LA: DOES BENEFICIARY KNOW ABOUT THE POSSIBILITY TO FILE A COMPLAINT IF DISSATISFIED WITH THE ACTIONS OF PARTNER



PRIMARY LA: DOES BENEFICIARY KNOW ABOUT THE POSSIBILITY TO COMPLAIN BY CALLING TO UNHCR HOTLINE



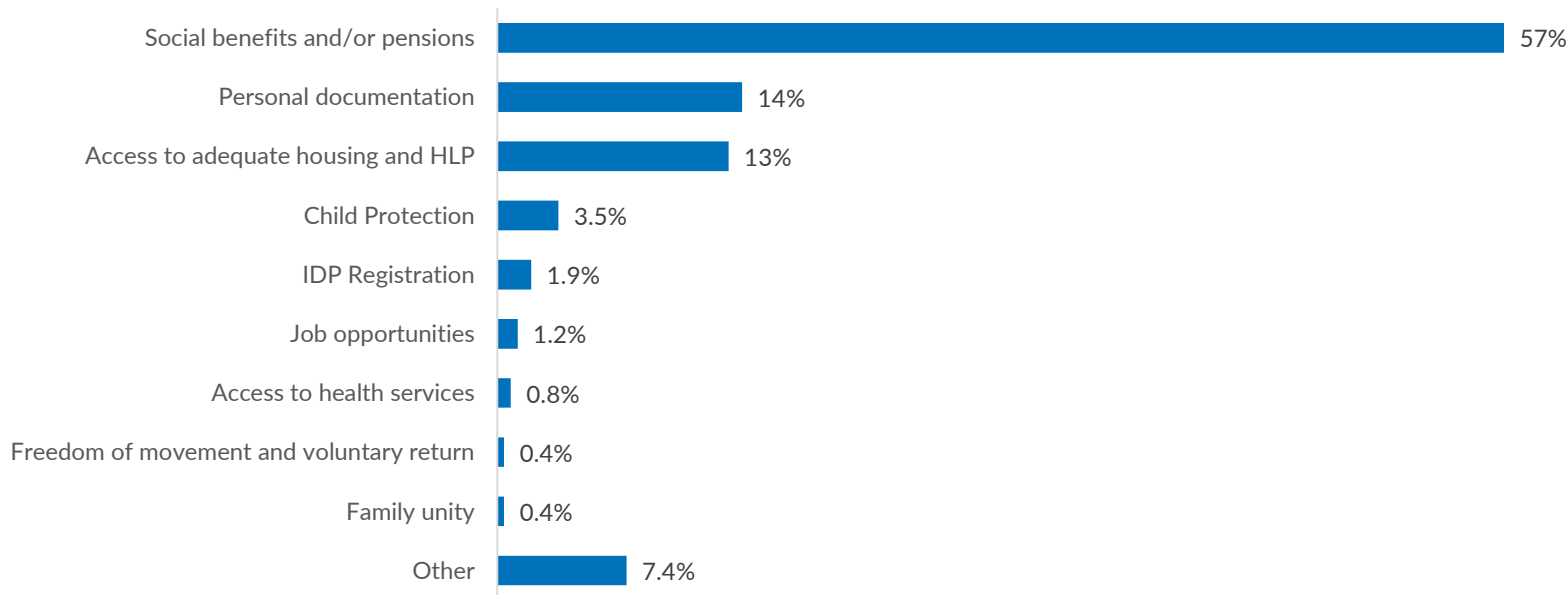
Awareness about the complaint mechanism (II)

- The following recommendations shall be shared:
 - Ensure availability of information on existing complaint mechanism within UNHCR and with partners through placement of posters, distributing leaflets to aid recipients/beneficiaries.
 - For legal aid recipients, information on complaint mechanism will be placed in the contract on provision of legal aid
 - Beneficiaries shall be specifically informed on the possibility of complaint during oral consultations
 - UNHCR also suggests that partners include information about the UNHCR hotline on the partners' websites.

**Satisfaction with
secondary legal assistance
provided by UNHCR partners**
[survey results]

Secondary LA: Last problem / legal issue of beneficiary when approaching UNHCR partner

SECONDARY LA: THE LAST PROBLEM / ISSUE



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[Profile of all beneficiaries](#)

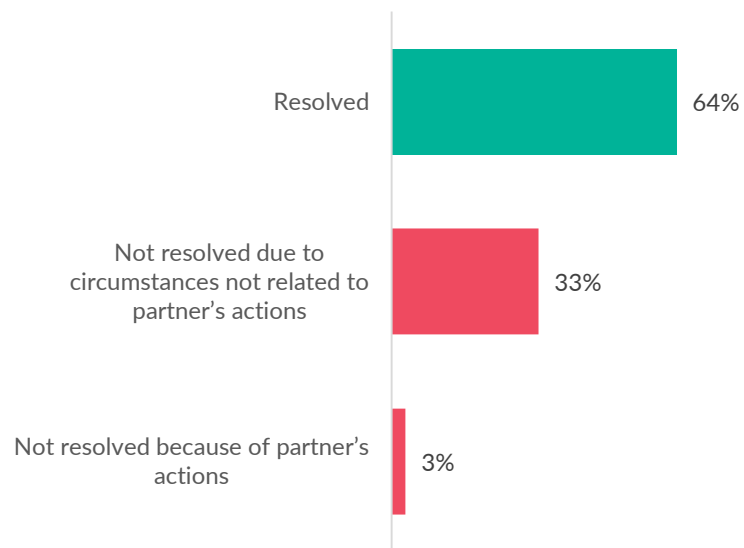
[Satisfaction of Primary LA](#)

[Satisfaction of Secondary LA](#)

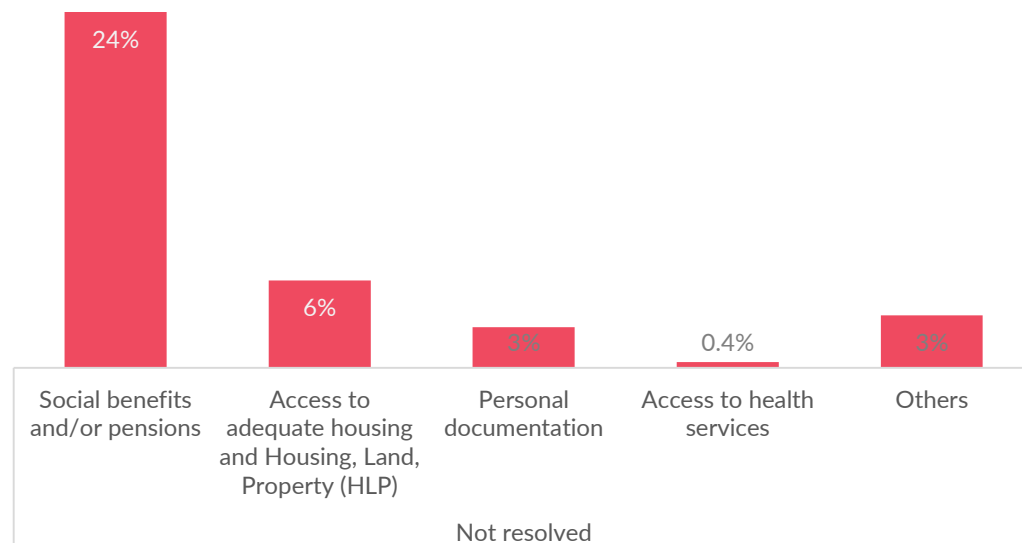
[Summary](#)

Secondary LA: Last problem / legal issue: was it resolved? If not, why?

RESOLUTION OF THE LAST LEGAL ISSUE



MAIN ISSUES THAT WERE NOT RESOLVED BY PARTNER



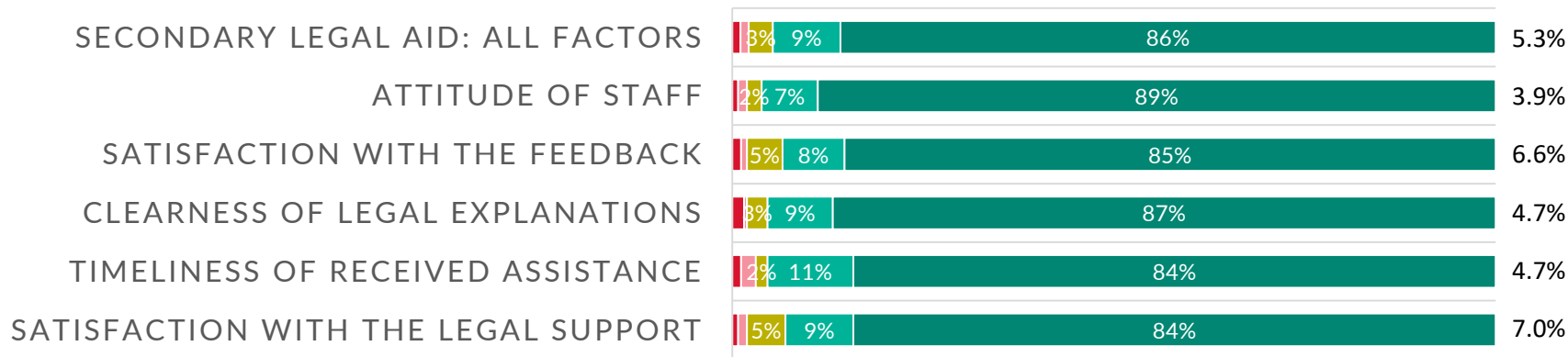
Satisfaction of Secondary LA

Overall there is a very high level of satisfaction for Secondary LA, slightly higher for the attitude of staff, and slightly lower for timeliness and other factors. The share of negative opinions (categories 1 and 2) is around 1% overall.

SECONDARY LA SATISFACTION

■ 1 ■ 2 ■ 3 ■ 4 ■ 5

1+2+3

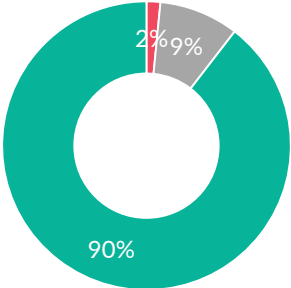


Recommendation of the services to others

In general, the majority of beneficiaries would recommend the partner's services to others. The percentage of those who wants something to be done differently is small for all partners and does not exceed 4%

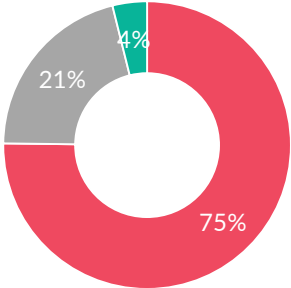
SECONDARY LA: WOULD THE BENEFICIARY RECOMMEND THE PARTNER'S SERVICES TO OTHERS

■ No ■ I don't know ■ Yes



SECONDARY LA: WOULD THE BENEFICIARY WANT SOMETHING TO BE DONE DIFFERENTLY IN HOW ASSISTANCE WAS PROVIDED

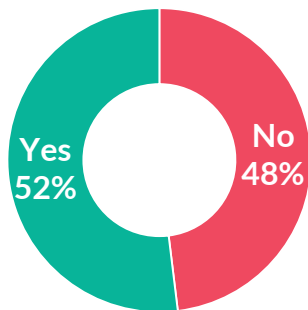
■ No ■ I don't know ■ Yes



Awareness about the complaint mechanism

Similarly to the primary LA, almost half of the beneficiaries lack awareness of the UNHCR complaint mechanisms.

SECONDARY LA: DOES BENEFICIARY KNOW ABOUT THE POSSIBILITY TO FILE A COMPLAINT IF DISSATISFIED WITH THE ACTIONS OF PARTNER



SECONDARY LA: DOES BENEFICIARY KNOW ABOUT THE POSSIBILITY TO COMPLAIN BY CALLING TO UNHCR HOTLINE



Summary and lessons learnt

Summary and lessons learnt

- Overall, the surveyed beneficiaries are satisfied with the UNHCR legal assistance services, with a higher satisfaction level for secondary LA compared to primary LA
- The trends identified for the provision of primary legal assistance and the level of satisfaction of beneficiaries are similar for the provision of secondary legal assistance.
- For this exercise, it is necessary to remember that it is the level of satisfaction of beneficiaries which is captured, based on their perception. It is particularly important for secondary legal aid which is more complex and requires a higher level of expertise.
- Cases not resolved cases: For primary legal aid, a rather large number of cases were considered as “not resolved”, which reflects the state of the current legislation and/or practice in Ukraine and the lack of proper regulation on different issues. For secondary legal aid, this is also valid. In addition, in Ukraine, there is a systemic problem of non-enforcement of court decisions where the debtor is the State or state-owned enterprises. This is the case for “pension cases” that are not resolved due to external circumstances, i.e. even when there is a positive court decision, it was not executed due to the lack of budgetary funding. This can result in frustration of the beneficiaries. Comparatively, R2P handled more “pension cases” than the other partners.
- Beneficiaries of both primary and secondary LA are mostly not aware of the possibility to complain by calling to UNHCR hotline and this will be urgently addressed by UNHCR. UNHCR and partners must ensure that information on the complaint mechanism is properly disseminated and that beneficiaries are made aware of the mechanism.