

# Ukraine Dialogues: Victim and people-centered justice during war

## *Dialogue 2: Prioritizing People's Justice Needs in Times of War*

### Concept Note

5 April 2024

8:30 – 11:00 New York / 15:30 – 18:00 Kyiv

[Online]



*“Addressing this widening justice gap in a people-centered manner calls for two interconnected actions: first, the need to approach the question of justice holistically (...) but also, ensuring that **the justice response in times of war helps lay the groundwork for an inclusive, effective and accountable justice system after the war.**”*

- Ilze Brands Kehris, Assistant Secretary-general for Human Rights at  
*People-Centered Justice in Wartime: A Multistakeholder Dialogue in Ukraine on March 8<sup>th</sup>, 2023*

### Background

The ongoing war in Ukraine is a test for rule of law and justice at both the international and the national level. How the international community and the government of Ukraine respond to it will determine the kind of society we want to live in and support, in more ways than one.

The list of victims' and people's justice needs in wartime Ukraine is endless. Pre-war justice problems have become more complex while new problems continue to emerge. According to the [Legal Development Network](#), legal issues related to documentation, internal displacement, housing, land, employment, and occupied territories continue to percolate through strained legal support systems. Those with pre-existing vulnerabilities, such as people with disabilities, are experiencing more difficult justice journeys than ever before. Gender-based violence cases (at least those which are unrelated to the conflict) have been sidelined. State funded legal aid in Ukraine has been reduced alongside the number of judges. Many court proceedings have been postponed. Understandably, international support is primarily focused on humanitarian needs and military aid. Those supporting justice are focusing on criminal accountability and impunity. Meanwhile across both aid and reconstruction efforts, people-centered and victim-centered justice needs have been largely overlooked.

It is in this context that [Pathfinders for Peaceful, Just, and Inclusive Societies](#) at [NYU Center on International Cooperation](#), in partnership with the [International Center for Transitional Justice \(ICTJ\)](#) are

holding a series of Chatham-house-rules dialogues to ensure people-centered and victim-centered approaches are explored in the context of emergency response, recovery, and sustainable development in Ukraine. While there are a number of global discussions and strategies on the challenges that Ukraine is facing, this dialogue series is the first time that people-centered and victim-centered approaches to access to justice will be explored. This dialogue series is a key step to identifying and addressing peoples' everyday justice problems amidst the war and utilizing justice as a key tool in emergency response, resilience, and recovery in times of war. Ultimately, the dialogues intend to provide a platform to engage strategically and meaningfully with countries on the lessons of maintaining people-centered justice in times of war. This is crucial both to the stability of support for Ukraine and to ensure that Ukraine moves forward by laying the foundations of a plural, open, just and democratic society.

## **Dialogue 2: War related justice and people's daily justice needs**

Between January 24, 2022 and October 31, 2023, donor governments committed a combined EUR 241.5 billion in support to Ukraine [[Kiel Institute](#)]. Overall, the scale of destruction has required extensive emergency response for which, notably, [UN OCHA's 2022 flash appeal](#) reflects food security as a funding priority. As the war continues, the international focus on emergency response efforts has been paired with a lens towards reconstruction and recovery. A [2023 joint assessment](#) by the government of Ukraine, the World Bank, the European Commission, and the United Nations estimates that Ukraine requires EUR 383 billion to address reconstruction and recovery. Resourcing the [strained](#) legal system and ensuring people are able to address their daily justice needs will also be critical to this effort.

We are at a critical juncture. Decisions today about where to invest in emergency assistance and reconstruction will impact people's resilience to war, and their recovery from it. To date, this support has understandably focused mainly on military and humanitarian aid. Within the justice sector, primary attention is being given to criminal accountability of perpetrators. This is in line with the immediate needs and demands of Ukrainians. At the same time, this support should pay attention to victims' and people's daily justice needs and problems: those justice challenges that require redress to ensure resilience and build social cohesion in times of war. To build the resilience of Ukrainian people during the war, and to lay the foundation for a plural, just, and democratic society thereafter—grounded in trust between people and the state—it is important to prioritize the justice needs of the victims and people.

While there have been global discussions on rebuilding Ukraine, they tend to overlook the need to balance people's daily justice needs and transitional justice needs with the other requirements of recovery and reconstruction. Yet, people's daily justice needs have not disappeared with the war—issues with respect to employment, land rights, divorce, and child custody, among others, are prevalent. These issues co-exist with other complex justice problems caused by the war. Some people face challenges with conscription-based cases and their appeals, others have missing family members or are confronted with new disabilities, and a growing number require mental health services and psychosocial support. People need legal information and support to access their rights and basic services.



Figure 1: Key Justice Issues Faced by Ukrainians, as presented by Legal Development Network (LDN) March 8, 2023<sup>1</sup>

People-centered and victim-centered justice focuses on the legal needs of the people, empowering and accompanying them in their quest for truth, reparation and justice. Such an approach supports society to rebuild its social fabric and contributes to inclusive recovery where people feel that their individual and collective challenges are heard and addressed. This contributes to strengthening the rule of law and trust in between people and the government.

Balancing different needs and priorities across response and recovery efforts during an ongoing conflict is extremely challenging, especially in the face of constrained resources and a constantly changing landscape. Unfortunately, despite its unique context, Ukraine is not the first country to have faced such challenges. While geopolitical contexts and drivers of conflict have varied, many countries around the world have been forced to balance issues overlaying emergency response, recovery, and sustainable development in the face of conflict.

Other countries, such as Kosovo or Colombia have also undergone a process of justice and reconciliation, which may offer lessons to Ukraine. Ukraine can enter into a dialogue with experts and practitioners from these and other countries on good practices and pitfalls to avoid. Whether it be daily justice needs, reconstruction efforts, or responding to displacement, national and international actors can use lessons from other contexts, coupled with their lived experiences in Ukraine, to make informed interventions. In doing so, Ukraine can institute proactive measures to facilitate recovery and prevent compounding challenges in the future.

This online dialogue on prioritizing people’s justice needs in times of war is intended to create a platform for a peer exchange on the ways in which justice fits into the emergency response and reconstruction landscape in order to address people’s needs.

Specifically, the dialogue will aim to address the following questions:

<sup>1</sup> NB: This is not a comprehensive list of issues.

### **Priorities of Emergency Response and Reconstruction in Ukraine**

1. What are the current priorities of emergency response, recovery, and reconstruction efforts in Ukraine?

### **Access to Justice in Ukraine**

2. What is the current state of the legal system in Ukraine, including peoples' most pressing justice needs and ways to respond to these during war?
3. Are existing justice efforts people-centered? What needs, if any, are unaddressed?

### **Access to Justice as Integral to Emergency Response and Reconstruction in Ukraine**

4. Which justice interventions need to be made today to support inclusive and comprehensive reconstruction that rebuilds access to justice, trust, and social cohesion?
5. How can we integrate emergency response and recovery efforts across justice and development priorities?
6. What lessons can be learned from countries who have undergone parallel processes?

### **Background Material**

- People-Centered Justice in wartime: A Multistakeholder Dialogue on Ukraine Summary Report (Attached)
- People-Centered Justice in wartime: A Multistakeholder Dialogue on Ukraine Video Recording
- 2022 Legal Needs Assessment Survey and Analytical Report (Attached)

### **About the Event Hosts**

Pathfinders for Peaceful, Just and Inclusive Societies is hosted at New York University's Center on International Cooperation. The [Pathfinders for Justice](#) program builds on the [Justice for All report](#) and works to promote and support people-centered justice at the national, regional and global level in pursuit of equal access to justice for all (SDG16.3).

The [International Center for Transitional Justice](#) (ICTJ) works across society and borders to challenge the causes and address the consequences of massive human rights violations. It recently published the briefing paper, "[Reflections on Victim-Centered Accountability in Ukraine](#)," which examines actions taken or under consideration to investigate and prosecute war crimes and other human rights violations in Ukraine, and explores the tools that can be applied to deliver justice and reparation to victims and lay the foundation for a more inclusive and democratic country.

## Agenda [2.5 Hours]

Online; *English to Ukrainian live interpretation available*

### [2 Minutes] Welcome

- **Sarah Cliffe**, Executive Director, NYU Center on International Cooperation

### [8 Minutes] Opening Remarks and Setting the Context

- **Iryna Romanivna Mudra**, Deputy Minister of Justice and Chair of the Task Force on Reparations and Reconstruction, Ukraine

### [5 Minutes] Introducing the Dialogue: People- and Victim-Centered Justice in Times of War

- **Sarah Cliffe**, Executive Director, NYU Center on International Cooperation

### [18 Minutes] Panel 1: Priorities of Emergency Response and Reconstruction in Ukraine

*Moderator: Hanny Megally*, Deputy Director and Senior Fellow, NYU Center on International Cooperation

*Panel 1 is intended to provide context about the ways in which Ukraine and the international community have supported emergency response and reconstruction efforts in Ukraine. Speakers will overview national and international priorities, successes, and challenges in both immediate humanitarian assistance as well as medium- and long-term development goals.*

1. *What are the current priorities of emergency response, recovery, and reconstruction efforts in Ukraine?*
2. *What is working?*
3. *Are these efforts people-centered? What needs, if any, are still unaddressed?*

- [7 Minutes] **Oleksandra Azarkhina**, Deputy Minister for Communities, Territories and Infrastructure Development, Ukraine
- [7 Minutes] **Mykhailyna Skoryk**, President, Institute for Sustainable Development of Communities

### [32 Minutes] Panel 2: Access to Justice in Ukraine

*Moderator: Swati Mehta*, Program Director, Pathfinders for Justice, NYU Center on International Cooperation

*Panel 2 is intended to cover the current state of access to justice in Ukraine. Following the first panel, these panelists will be able to identify how emergency response and reconstruction efforts may or may not address people's daily justice needs, and how access to justice has been incorporated into existing efforts. They will also be able to identify how justice problems, or solutions, can further support immediate humanitarian assistance, as well as medium- and long-term development goals.*

1. *What is the current state of justice in Ukraine? What are the biggest daily justice challenges facing Ukrainians today?*
2. *What are the key challenges, objectives, and opportunities for the justice sector?*
3. *Which justice interventions need to be made today to support inclusive and comprehensive reconstruction that rebuilds access to justice, trust, and social cohesion?*
4. *How can we integrate emergency response and recovery efforts across justice and development priorities?*

- [7 Minutes] **Oleksandr Baranov**, Director, Coordination Centre on Legal Aid Provision
- [7 Minutes] **Tetiana Pechonchyk**, Head of ZMINA Human Rights Center
- [7 Minutes] **William D. Meyer**, Past Chair, International Legal Assistance Consortium
- [7 Minutes] **Tomas Verteletskyy**, MEL Advisor, Chemonics International, USAID Justice for All Activity

### 10 MINUTE BREAK

#### **[25 Minutes] Panel 3: Learning from Other Contexts**

**Moderator: Roger Duthie**, Senior Expert – Research, ICTJ

*Panel 3 is intended to provide a platform to look to other national contexts and understand how access to justice was addressed during times of conflict/war. Unpacking the challenges and successes of efforts in these contexts, discussants will identify the degree to which efforts around access to justice can be integrated with broader emergency response and reconstruction efforts. Having heard the first two panels, discussants on panel 3 will be able to situate their expertise in the context of Ukraine.*

1. *What lessons can we learn from other contexts, to inform the international response and efforts of reconstruction in Ukraine today?*
  2. *Drawing on your experience in other contexts, looking forward, what interventions need to be made during times of war and conflict to support inclusive and comprehensive reconstruction that rebuilds access to justice, trust, and social cohesion?*
- [7 Minutes] **H.E. Sergio Jaramillo Caro**, Senior Advisor, European Institute of Peace; Fmr. Colombia Ambassador to the EU and Belgium (2017-2018); Fmr. Colombia High Commissioner for Peace (2012-2016); Fmr. National Security Advisor to the President of Colombia (2010-2012)
  - [7 Minutes] **Javier Ciurlizza**, Director, Andean Region, The Ford Foundation; Fmr. Executive Secretary of the Truth and Reconciliation Commission for Peru; Fmr. Chief of Cabinet to the Peruvian Ministry of Justice
  - [7 Minutes] **Anna Myriam Rocatello**, Deputy Executive Director and Director of Programs, ICTJ

#### **[35 Minutes] Guided Discussion and Audience Q & A**

**Moderator: Swati Mehta**, Program Director, Pathfinders for Justice, NYU Center on International Cooperation

1. *After listening to today's discussion, what are the key ways in which the Ukrainian policymakers and the international community can help to ensure peoples' justice needs are being met? What support is needed at the national level to pursue these actions?*
2. *How do we bridge silos to integrate emergency response and reconstruction efforts? How can we ensure peoples' most pressing needs are being met?*

#### **[5 Minutes] Concluding Remarks**

- **Sarah Cliffe**, Executive Director, NYU Center on International Cooperation

#### **[5 Minutes] Next Steps in the Ukraine Dialogue Series**

- **Anna Myriam Rocatello**, Deputy Executive Director and Director of Programs, ICTJ