



Ukrainian Bar Association Resolution

2025, November 10

The irreversibility of Ukraine's European course is enshrined in the Constitution. The Ukrainian people have been defending their right to be part of the European community for the past 20 years.

In June 2022, Ukraine officially obtained the status of a candidate for EU membership. This status imposes a number of obligations on the state to reform certain areas and bring them into compliance with EU standards. These obligations are set out in the EU Negotiating Framework, approved by the EU Council Decision of 21 June 2024.

To implement it, the **Rule of Law Roadmap** was developed and approved by the Resolution of the Cabinet of Ministers of Ukraine No. 475-p of 14 May 2025 (hereinafter — the "Roadmap"). The Roadmap defines directions for reforming justice, legal education, anti-corruption efforts, and other components of the judicial sphere. A separate area identified is **the reform of the Bar**.

The **Ukrainian Bar Association (hereinafter — the "Association", "UBA")** is a professional community uniting over 8,000 lawyers of different professions and specializations. The Association considers it necessary to express its expert position regarding the implementation of the directions for reforming the Bar, as provided in the Roadmap.

The Association believes that the reform of the Bar, envisaged by the Roadmap, should be implemented in parallel with strengthening the role of an attorney within the justice system by means of:

1. Expanding the professional rights and procedural instruments of attorneys, as such expansion primarily ensures the rights and freedoms of clients.
2. Establishing sufficient guarantees for the independence of the profession of an attorney.
3. Ratifying the **Council of Europe Convention for the Protection of the Profession of Lawyer**.

1. Concerning the directions of Bar reform according to the Roadmap

Pursuant to the section "The Bar" of Chapter I "Justice" of the Roadmap, and with the aim of fulfilling the state's European integration obligations, the Association emphasizes the necessity of the following changes:

1.1. Reforming Bar self-governing bodies

Objective: Strengthening transparency, accountability, and independence of Bar self-governing bodies.

Key proposals:

- Ensuring regular congresses/conferences (at least once a year);

GENERAL PARTNERS

AEQUO  ASTERS  AVELLUM  INTEGRITES

INTERNATIONAL PARTNERS

 GreenbergTraurig  Linklaters

 LCF  MORIS  SAYENKO
KHARENKO  Sokolovskiy
and Partners  2QB

PARTNER

 SLS LAW FIRM
GROUP

- Possibility to hold a congress/conference online (if offline format is impossible);
- Simple and realistic procedure for convening extraordinary congresses/conferences;
- Participation of all attorneys of the region in conferences (not through delegates);
- Participation in congresses by delegates elected at conferences, and by members of national self-governing bodies ex officio (without voting rights unless elected delegates);
- Timely, full, and public notification of the agenda and issues of the congress/conference, with no possibility to amend the agenda;
- Separation of disciplinary and qualification functions into distinct bodies;
- Fair proportional representation quotas for all regions at the congress;
- Prohibition of co-option of members of Bar self-governing bodies.

1.2. Establishing clear and open competitive procedures for electing to leadership positions in Bar self-governing bodies

Objective: Strengthening the independence of the Bar and preventing influence from other bodies or structures.

Key proposals:

- Elections of national-level leadership at the Congress of Attorneys of Ukraine by secret and ranked voting;
- Possibility of online elections (for instance, via the attorney's electronic account) of regional-level leadership and/or delegates to the Congress, with participation of all attorneys of the region;
- Voting rights only for attorneys whose professional activity is not suspended (suspended attorneys do not participate in self-governance).

1.3. Mandatory regular elections to Bar self-governing bodies and introduction of a rotation principle

Objective: Ensuring constant renewal of Bar leadership and introducing new ideas and management approaches.

Key proposals:

- Regular, periodic, and unconditional elections (regardless of circumstances);
- Prohibition on holding the same leadership position for more than two consecutive terms;
- Limiting the term of office in Bar self-governing bodies to 1–3 years;
- Real opportunity for regional self-governing bodies to initiate elections both at regional and national levels.

1.4. Enhancing transparency and accountability of Bar self-governing bodies

Key proposals:

- Periodic publication of detailed activity reports by self-governing bodies;
- All bodies act solely on the basis of approved budgets; budgets are approved by councils of the respective level;

GENERAL PARTNERS

AEQUO  ASTERS  AVELLUM  INTEGRITES

LCF  MORIS  SAYENKO KHARENKO  Sokolovskyi and Partners  2QB

INTERNATIONAL PARTNERS

 GreenbergTraurig  Linklaters

PARTNER

 SLS GROUP

- Mandatory financial reporting — annual publication of full and detailed financial reports, preliminarily audited by an independent auditor;
- Independent auditor appointed by the audit commission on a competitive basis.

1.5. Improving access to the profession of an attorney

Objective: Ensuring free and equal access to the profession and an impartial and objective qualification exam to admit only highly qualified candidates.

Key proposals:

- A single centralized, digitized, anonymous national exam conducted by the High Qualification Commission of the Bar at least once every three months;
- The practical part of the exam must adhere to principles of anonymity, impartiality, and maximum digitalization to prevent manipulation (requires further professional discussion);
- Increasing qualification requirements for candidates seeking the right to practice law;
- Improving the system of traineeship by incorporating best practices of EU countries;
- Regulating access to the profession for individuals bound by other professional oaths (judges, prosecutors, etc.).

1.6. Enhancing the system of continuing professional development (CPD) for attorneys

Objective: Ensuring continuous learning and broad access to educational programs and courses.

Key proposals:

- Providing a wide range of CPD programs and service providers;
- Competitive selection of providers to prevent monopoly in CPD organization;
- Emphasizing the priority of professional ethics;
- Transparent and effective control system for compliance with CPD requirements;
- Allowing partial self-directed professional development through scholarly or professional publications, participation in professional events, etc., without monopolized verification of such activities.

1.7. Transparent and effective disciplinary procedures

Objective: Strengthening attorneys' independence, ensuring high ethical standards, and preventing their excessive or disproportionate sanctions and persecution.


Key proposals:

- Separation of disciplinary and qualification functions between distinct commissions — qualification and disciplinary;
- To prevent pressure on attorneys, defining an exclusive list of persons entitled to file disciplinary complaints — namely, clients, parties involved in a case together with the attorney, or the court (the list subject to further discussion);
- Expanding the range of disciplinary measures — introducing alternatives to disbarment, establishing a diversified system of measures aimed at influencing conduct rather than restricting clients' right to defence;

GENERAL PARTNERS

AEQUO  ASTERS  AVELLUM  INTEGRITES

INTERNATIONAL PARTNERS

 GreenbergTraurig  Linklaters

 LCF  MORIS  SAYENKO KHARENKO  Sokolovskiy and Partners  2QB

PARTNER

 SLS GROUP

- Suspension of disciplinary decisions against an attorney during the appeal process;
- Establishing a public electronic register of disciplinary decisions to ensure transparency and predictability of proceedings.

Additionally, the Association, in line with the Roadmap, stresses the need to align the **Rules of Professional Ethics** for attorneys and members of self-governing bodies with the best European practices.

2. On expanding professional rights and procedural instruments of attorneys

As noted, any reform of the Bar must be accompanied by a real strengthening of an attorney's role in the justice system, which can be achieved through expanding their rights and a "toolkit." The Association emphasizes the need for systemic legislative amendments, including to procedural law, to ensure:

2.1. Unhindered access of attorneys to their clients, participation in all procedural actions concerning clients, and the ability to freely record such actions.

2.2. Broader opportunities for evidence gathering — including the right to collect evidence by any lawful means, access to state registers (within limits related to legal aid), the right to interview persons with their consent, and to appoint expert examinations in factual proceedings.

2.3. Strengthening the role of an attorney's requests — including by establishing an effective mechanism for holding accountable those who fail to provide requested information.

2.4. Strengthening the role of attorney's assistants — by granting them the right to attend hearings and participate in specific procedural or investigative actions with the attorney, and to carry out the attorney's assignments other than direct representation of the client (for instance, reviewing case materials or documenting searches).

3. On ensuring professional guarantees of attorney's independence

To secure real independence of attorneys, the Association proposes strengthening professional guarantees by:

- An absolute prohibition on collecting information about communications between an attorney and client, and an obligation to destroy such data if recorded;
- Prohibition on using evidence obtained during criminal proceedings against an attorney in proceedings against the client;
- Recognition of inadmissibility of evidence obtained in violation of professional guarantees of the profession of an attorney;
- Establishment of effective liability for interference with an attorney's professional activity or associating an attorney with the client;
- Allowing open or covert investigative actions against an attorney that require judicial authorization only based on a ruling of an investigative judge of a court of appeal (including the Anti-Corruption Court of Appeal).



The **Ukrainian Bar Association** declares its readiness to participate in discussions and the development of the amendments in the field of the Bar envisaged by the Roadmap.

GENERAL PARTNERS

AEQUO  ASTERS  AVELLUM  INTEGRITES

LCF  MORIS  SAYENKO KHARENKO  Sokolovskiy and Partners  2QB

INTERNATIONAL PARTNERS

 GreenbergTraurig  Linklaters

PARTNER

 SLS GROUP


For the effective progress of Ukraine's European integration, the Association draws the attention of the Government and European partners to the importance and critical need to consider the position of the legal community regarding comprehensive and systemic reforms in the justice sector, particularly in the Bar.

GENERAL PARTNERS

AEQUO  ASTERS **AVELLUM**  INTEGRITES

LCF  MORIS  SAYENKO
KHARENKO Sokolovskyi  2QB¹
and Partners

INTERNATIONAL PARTNERS

 GreenbergTraurig **Linklaters**

PARTNER

 SLS LAW FIRM
GROUP