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### COUNTRY REPORT OF THE UKRAINIAN NATIONAL BAR ASSOCIATION

#### 1. UNBA'S ACTIVITIES REGARDING THE RATIFICATION BY UKRAINE OF THE COUNCIL OF EUROPE CONVENTION FOR THE PROTECTION OF THE PROFESSION OF LAWYER

The Ukrainian National Bar Association (UNBA) continues to collaborate with Parliament and all relevant ministries on the signing and ratification process.

The Parliament is determined to ratify the Convention and is now awaiting information from the Ministry of Foreign Affairs and the Ministry of Justice regarding the status of the official translation and the subsequent procedural steps, from signing to submitting the document to the Verkhovna Rada for consideration.

UNBA regularly takes part in the working meetings of the Verkhovna Rada Committee on Legal Policy. During the last meeting of the Verkhovna Rada Committee on Legal Policy held on 12 January 2026 MPs analyzed information from the Ministry of Justice on the progress of the process of signing and ratifying the Council of Europe Convention on the Protection of the Legal Profession.

The Ministry of Justice conducts a preliminary legal analysis of the compliance of national legislation with the provisions of the Convention and the identification of possible declarations and reservations. The Ministry of Justice mistakenly links the issue of signing the Convention with reforms planned in connection with Ukraine's European integration process and the implementation of the Roadmap on the Rule of Law, which was approved in May 2025 by the Cabinet of Ministers of Ukraine, and states that the reform of the Bar must precede accession to the Convention.

The Ukrainian National Bar Association maintains that the implementation of the Roadmap and the signing of the Convention are completely unrelated processes.

The Ministry of Foreign Affairs is having issues on the translation of the key term 'lawyer' in the international treaty. Some have suggested translating this term as 'legal professional' and not an "advocate" in order to extend the protection guaranteed by the Convention beyond persons with professional qualifications as advocates.

The UNBA's position remains unchanged: the term 'lawyer' should be translated as 'advocate' for the purposes of the Convention. To extend the interpretation of the term to include other legal professionals who do not undergo the admission procedure (with the exception of individuals who are already directly protected by the Convention's provisions) would contradict the Convention's text and render it ineffective as a means of protecting a regulated profession.

## **2. UNBA BROUGHT THE REGULATIONS ON THE ACTIVITIES OF FOREIGN LAWYERS IN UKRAINE INTO LINE WITH EUROPEAN DIRECTIVES**

On 17 October 2025, the Bar Council of Ukraine approved Decision No. 100, 'On the approval of the Regulations on the peculiarities of the activities of a foreign lawyer on the territory of Ukraine'.

The BCU decided that this document was a necessary measure for the Ukrainian National Bar Association to fulfil the objectives of the Roadmap on the Rule of Law, which was approved by Order No. 475-r of the Cabinet of Ministers of Ukraine on 14 May 2025, titled 'Certain Issues of Ensuring the Negotiation Process on Ukraine's Accession to the European Union under Cluster 1: Fundamentals of the EU Accession Process'.

The adopted Regulations have been developed taking into account the provisions of Council Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services and Directive 98/5/ EC of the European Parliament and of the Council of 16 February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained.

While drafting the provisions, particular focus was also given to the CCBE's 2021 Guidelines for Bars and Law societies on free movement of lawyers within the European Union and to the overview table of national regulations of EU countries, compiled by the CCBE, which provides access to key information on national/local rules (and their relevant references) applicable to lawyers who wish to provide services or establish themselves in another EU country.

## **3. INCREASE IN THE NUMBER OF CASES WHERE ADVOCATES ARE IDENTIFIED WITH THEIR CLIENTS IN UKRAINE**

Advocates in Ukraine are increasingly being held hostage to political processes, with them being identified with their clients. Such actions undermine the independence of the profession and create an atmosphere of intimidation, as a result of which Ukrainian citizens are deprived of their right to defense.

The UNBA Committee for the protection of advocates' rights and guarantees of practice of law prepared and published on August 28, 2025, a [report](#) on the identification of advocates with their clients in Ukraine during the period of martial law.

The document contains statistics on advocates' appeals for 2022 - the first half of 2025. It shows a steady increase in the number of violations: while in 2022 there were 13 cases of advocates being identified with their clients, in 2023 there were already 21, in 2024 there were 28, and in the first half of 2025 alone, the number reached 32.

Specific examples of violations are given, including physical obstruction of court proceedings, the serving of summonses and detention of advocates, the opening of criminal proceedings, media campaigns to

discredit advocates, public insults, and threats. They highlight the dangers of the profession and signal systemic risks to the rule of law. During wartime, this increases the vulnerability of advocacy, undermines trust in the judicial system, and creates conditions for violations of international human rights standards.

To overcome this problem, the relevant Committee of the UNBA has proposed a number of steps: conducting independent official investigations to bring those responsible to justice, amending legislation, strengthening cooperation with law enforcement agencies, informing international institutions, and conducting educational campaigns for the media and law enforcement agencies.

On July 16, 2025, the Verkhovna Rada adopted the Law “On amendments to the Code of Ukraine on administrative offenses and the Criminal Code of Ukraine to ensure compliance with the guarantees of practice of law”, which introduces administrative liability (Article 185-16 of the Code of Ukraine on administrative offenses) for violating the prohibition on identifying an advocate with a client. The law is awaiting the signature of the President of Ukraine.

UNBA is appealing to international partners for support to ensure that this Law is adopted in Ukraine.

#### **4. UNBA ESTABLISHED A WORKING GROUP ON THE IMPLEMENTATION OF THE ROADMAP ON THE RULE OF LAW IN THE PART CONCERNING THE BAR REFORM**

Ukraine is currently advancing the legislative reforms required for EU accession. In this context, the Cabinet of Ministers of Ukraine approved the Rule of Law Roadmap by Order No. 475-r of 14 May 2025 (“Certain issues of ensuring the negotiation process on Ukraine’s accession to the European Union under Cluster 1 ‘Fundamentals of the EU accession process’”).

Pursuant to that Order, the Ukrainian National Bar Association has been designated as a co-implementer of the Roadmap measures relating to the legal profession, which are to be completed by Q4 2026.

Under Article 5 of the Law of Ukraine “On the Bar and the Practice of Law,” the Bar is independent of state authorities and local self-government bodies, while the State is obliged to ensure the conditions and guarantees for the practice of law. In accordance with Article 45 of the same Law, the UNBA represents the Ukrainian Bar in relations with public authorities and international organisations, safeguards professional rights and guarantees, and performs other functions provided for by law. Today, the UNBA unites more than 72,000 advocates across Ukraine.

To ensure effective implementation of the Roadmap measures concerning the Bar, the Bar Council of Ukraine, by Decision No. 125 of 12 December 2025 (“On Consideration of the Roadmap on the Rule of Law”), established a Working Group on the implementation of the Roadmap on the Rule of Law in the part concerning the Bar Reform within the UNBA and approved the Programme for the implementation of the Roadmap as the key framework document guiding the Working Group’s activities. The personal composition of the Working Group was approved by Decree No. 247 of 23 December 2025. The working group includes representatives of Parliament of Ukraine, bodies of Bar self-government and international experts representing Bar associations from various countries.

In line with the Programme, the Working Group prepares consolidated proposals aimed at improving legislation on the Bar and the practice of law and relevant acts of bar self-government. Its mandate includes, *inter alia*: improving the functioning of self-governance bodies and disciplinary procedures; strengthening

transparency, accountability, and institutional effectiveness; developing mechanisms for access to the profession and professional development; introducing modern digital solutions; improving independent internal financial control and audit; reinforcing guarantees for the practice of law; and aligning the profession with EU and Council of Europe standards, including support for the implementation in Ukraine of the Council of Europe Convention on the Protection of the Profession of Lawyer.

## **5. UKRAINE'S NATIONAL AGENCY ON CORRUPTION PREVENTION ENCROACHES ON THE INDEPENDENCE OF THE BAR**

The National Agency on Corruption Prevention (NACP) has published a draft Anti-Corruption Strategy for 2026-2030. For the first time, the draft contains a separate thematic block entitled “Bar and legal aid.” In the materials presented by NACP in this block, the Bar is portrayed as an object of state anti-corruption policy and “external improvement”, including through proposals that directly affect self-governance, admission, and disciplinary mechanisms of advocates.

UNBA fully supports anti-corruption policies and continuously strengthens integrity and accountability within the profession. However, in a European rule-of-law system, anti-corruption measures cannot be advanced at the expense of weakening independent institutions of legal defense. The Bar is not a branch of public administration and cannot be treated as a “managed sector” of the executive.

### **Key concerns**

1. Executive interference: positioning the Bar as an object of executive “policy oversight” contradicts the constitutional status of the Bar as an independent institution and undermines professional self-governance.
2. Misuse of EU-integration narratives: during the public discussion of 30 December 2025, NACP representatives publicly argued that the Rule-of-Law Roadmap allegedly obliges the state to “interfere” in the activities of a list of institutions, including the Bar. UNBA considers this a legally incorrect and manipulative interpretation.
3. Risk to effective defense and attorney-client privilege: any state-driven redesign of disciplinary or governance frameworks inevitably creates a chilling effect and damages public trust, including trust in attorney-client privilege.
4. Reputational and accession risk: any signs of expanding executive influence over the Bar may be reflected in EU and Council of Europe assessments and will negatively affect Ukraine’s rule-of-law trajectory.

UNBA requested the CCBE, the President of Ukraine, the Verkhovna Rada of Ukraine and Cabinet of Ministers of Ukraine to protect the independence of the Bar and to support Ukraine’s rule-of-law commitments by requesting the NACP to:

- refrain from any actions or initiatives that qualify the Bar as an object of executive control or “supervision” under anti-corruption policy;
- ensure that the draft Anti-Corruption Strategy 2026-2030 (and any implementing act) does not contain provisions that undermine the independence, self-governance, or confidentiality foundations of the Bar, including by removing or fundamentally revising Section 2.3 (“Bar and legal aid”); and
- conduct genuine consultations with UNBA (as the statutory representative of the Bar) before adopting any policy proposals affecting the Bar.