

## **Speech of the UNBA President before the CCBE Standing Committee meeting on 1 April 2022**

Dear colleagues,

On behalf of the Legal Community of Ukraine, on behalf of more than 65,000 Ukrainian advocates and personally, I am grateful for the opportunity to appeal to the commonwealth of European advocates and lawyers and speak here at the meeting of the CCBE Standing Committee.

Today, the attention of the whole world is focused on Ukraine. Since 24 February, military operations have been ongoing in our country. Every day people die – both military and volunteers, doctors, civilians, and children.

Dozens of advocates joined the Armed Forces of Ukraine. Unfortunately, we already have lost at least three of our colleagues - from the Vinnytsia and Kharkiv regions.

In the first hours of the military aggression, we had a scheduled meeting of the Bar Council of Ukraine. Despite the sounds of explosions, we held it. Each regional representative was present, and I, as the President of the Bar Council of Ukraine, was in Kyiv as well.

On that day, we adopted a number of decisions, in particular recommending QDCBs not to consider it as a misconduct where advocates enlisted into military service had not suspended their right to practise, as required by law. Advocates have neither time nor the possibility to file for suspension of practice.

In the first hours of the military aggression, I called on all advocates to maintain trust and rely on state institutions, which jointly determine political, military and diplomatic steps to protect Ukraine and ensure the safety of its citizens.

It was also important to emphasise that advocates used credible sources of information and did not succumb to manipulation and hostile propaganda.

Realising these risks, on 24 February 24, the Bar Council of Ukraine decided to create a single information centre for advocates consolidating information about violations of their professional rights and providing accurate information on security risks.

The UNBA Committee for the Protection of Advocates' Professional Rights and Guarantees became such centre. Establishing similar information centres was recommended to regional Bar Councils.

As most of you know, the Ukrainian National Bar Association is the single professional organisation of advocates, with mandatory membership by law. We are entrusted with the constitutional function of protecting the rights of citizens, and rendering defence against criminal charges, which according to the Constitution of Ukraine, cannot be restricted even under martial law.

We understand this responsibility before the citizens of Ukraine, and we understand the responsibility before the entire professional community of Ukrainian advocates.

The self-governing organisation of the Bar should work continuously and efficiently so we immediately took the necessary steps to preserve the documentation in paper and electronic forms.

Currently, the Secretariat of the Ukrainian National Bar Association works remotely to ensure the full functioning of the UNBA and the Unified Register of Advocates of Ukraine.

The great resources of our organisation – financial, organisational, human, logistical – are now dedicated to helping citizens, advocates and their families. The UNBA, the Higher School of Advocacy, the Bar Council of Ukraine and the regional QDCBs wired EUR 152,000 (5 million UAH) for the needs of the Armed Forces of Ukraine.

We keep increasing our contribution to the victory, both through further donations and by individual designated charitable payments made by advocates.

At the same time, from the very start, we faced the fact that advocates that lost their homes as a result of shelling and explosions in Kyiv, the Kyiv region, Kharkiv, Mariupol, and other cities of Ukraine also need help. Our first step was to help two advocates whose apartments were destroyed as a result of a missile hitting a high-rise building in Kyiv.

Subsequently, we received alarming information about the growing needs of advocates and the scale of damages caused by the hostilities. For the purpose of transparency, we created UNBA Board of Trustees, which collectively decides on the distribution of charitable aid from the account of the UNBA Charitable Foundation.

We have developed special criteria for requesting aid depending on the nature of the needs - complete or partial loss of housing; single parents; advocates in need of life-saving medicine; senior advocates.

The greatest financial support is received by the families of advocates killed in action.

We try to promptly assist those who apply to the Board of Trustees, without unnecessary bureaucracy, swiftly check the facts presented, directly communicate with the applicants, and transfer funds to them.

Each meeting is reflected on the UNBA website;

Thanks to international support, the fund received more than EUR 182,000 (6 million UAH). As of today, we have already distributed almost EUR 90,000 (3 million UAH), according to statements from more than 200 advocates submitted to the Board of Trustees. This work continues.

UNBA foreign offices abroad provide free legal advice to Ukrainians arriving in neighbouring countries.

These offices continuously communicate with the embassies and consulates of Ukraine, in accordance with the Memorandum of Cooperation between the UNBA and MFA of Ukraine.

The UNBA operates 40 of such representative offices in a selection of European countries and around the world.

Together with the heads of the Regional Bar Councils, we have organised a chain of assistance to the Western region for advocates and their families that left their homes due to the Russian invasion of Ukraine. Assistance with accommodation, provision of necessary materials and means will be provided in the course of their movement. In particular, the Bar Councils provide free legal assistance to displaced persons, military and volunteers, working pro bono round-the-clock.

Regional Bar Councils have opened their premises for advocates from other regions who are forced to carry out judicial representation and provide legal assistance away from their home and office. While on premises, advocates can use the internet and print out the necessary documents.

We make every effort to ensure the operation of the Bar's self-governing bodies, as well as advocacy as a whole, in such difficult conditions. We must preserve the profession, its mission, and ensure the right to the legal profession for those who have just joined the rank.

In Ukraine, the self-governing organisation of the Bar is vested with powers to regulate access to the profession and continue the legal education of advocates.

We are constantly improving the system of vocational training and modernising the procedure for access to the profession.

Thanks to time-tested solutions and the adaptability of these systems, for the period of martial law lasting until 24 April 2022, we have adopted a number of decisions on taking qualification exams, traineeships for future advocates, consideration of disciplinary complaints, as well as maintaining the confidentiality of personal data of Ukrainian advocates.

In particular, the personal data published online in the Unified Register of Advocates of Ukraine became closed for public access for the period of martial law. The data in the Register will remain restricted until the end of martial law.

A week ago, the Bar Council of Ukraine abolished the requirement for continuing the mandatory legal education for advocates during the martial law. The Higher School of Advocacy of the Ukrainian National Bar Association has also opened free access to courses in international humanitarian and migration law because these in-depth courses are in high demand for both advocates and citizens.

According to the law, the Bar also has exclusive powers to adopt rules of professional conduct and consider disciplinary complaints against advocates.

Disciplinary complaints are the competence of the regional Qualification and Disciplinary Commissions of the Bar and the Higher Qualification and Disciplinary Commission of the Bar. The composition of these bodies, including the HQDCB, is elected by the advocates themselves during regional conferences of advocates. With the latest decisions of the BCU, we have made it possible to file complaints online and hold meetings of disciplinary bodies and the HQDCB in videoconferencing mode, because the HQDCB will not be able to meet every month as required by law.

The Bar Council of Ukraine allowed the regional Bar Councils to independently issue certificates of the right to practise law during the martial law, so as not to complicate the final part of the procedure for access to the profession.

We have also relaxed traineeship conditions for persons forced to interrupt this process due to enlisting into the Armed Forces. After the end of the martial law in six months, these persons will be able to continue the internship, which is a mandatory requirement for obtaining a certificate giving the right to practise law. In addition, we have simplified the submission of documents for taking qualification exams in order not to block access to the legal profession given the inability to obtain official certificates and other documents required by law within reasonable time.

For the Ukrainian Bar, in these times, internal consolidation, reliable support from the Bar's self-governing bodies, which we try to extend to every advocate, as well as maintaining public trust to the Bar are extremely important.

The issue of human rights is now one of the most pressing issues on the agenda for our entire country, for thousands of our citizens.

The role of advocates in ensuring the entire range of human rights, the role in the protection of human rights cannot be exaggerated.

Our entire community now has a great responsibility to ensure that the parameters of the rule of law in our country do not deteriorate.

In times of war, the legislation of Ukraine changes to accommodate to the needs of the struggling country. The UNBA continues to give its expert opinions about draft laws submitted to the Parliament.

The justice system operates according to the rules of martial law. The territorial jurisdiction of courts was changed, the offices of the Supreme Court and law enforcement agencies moved away from Kyiv. Courts operate to review criminal cases, and increasingly embrace online procedures.

Unfortunately, advocates also faced the fact that compensation for work in the system of state-run free legal aid listed among unprotected items of budget expenditures. With this problem, we have already appealed to the Government so that the state does not write these funds into debt, but pays advocates working for citizens and fulfil their constitutional duties. This situation is different from region to region, but I can proudly say that even where the debt is not paid, advocates still work for free legal aid and provide legal advice.

Currently, we feel great support from our international partners. Professional support, legal assistance provided to our citizens and refugees abroad are critically important. We appreciate the humanitarian assistance rendered by the Bars of numerous countries and are extremely grateful to everyone who supports Ukrainian advocates at this challenging time.