

**Dear friends! Dear colleagues!**

**Thank you for the invitation! I'm very happy to be here today.**

So, the main part of my report will be in English.

### **Introduction**

Despite the existence of numerous European and international standards, which define attorneys' professional rights and guarantees, those standards implementation in the legislation of Ukraine, certain achievements in the protection of human rights and practice of law in Ukraine since 2012, the practice of the last three years has witnessed that such achievements have not, apparently, satisfied some officials of law enforcement authorities and, from mid-2013, attorneys appeared to get under the increasing pressure and pursuit in their work on the part of those officials.

### **Main part**

The Committee on Protection of Advocates' Professional Rights and Guarantees is a structural unit of the Ukrainian National Bar Association, established in February, 2013, and is a part of the advocates' self-government bodies. The Committee aims to protect the professional, social and other rights of the advocates, to ensure the guarantees to practice of law, and to ensure the necessary conditions for effective and quality execution by the advocates of their professional duties. During 2016 the Committee started to bring the Committee's work in line with the Regulation simultaneously on several fronts:

- Interaction with public authorities, law enforcement agencies, prosecutor's office and courts, international organizations and public associations for the proper response to violations of advocates' professional rights and guarantees, to prevent such violations, and to restore the rights by the abovementioned bodies, organizations and institutions in any other forms not prohibited by law.

- Collecting, analysis and generalization of practices on protection of the advocates' professional rights and guarantees.

- Participation in forming and implementing of state policy in the field of protection of advocates' rights and interests, ensuring guarantees to practice law.
- Development and systematic improvement of measures necessary for rapid response to violations of the legal rights and interests of the advocates and their guarantees to practice law.
- Representation of the advocates' interests with law enforcement agencies, public authorities, enterprises, institutions and organizations of different ownership, courts, public associations.
- Analysis of the effective legislation observance in law enforcement agencies actions during the investigations against the advocate.
- Participation in the development and implementation of a system of measures taken in conjunction with law enforcement agencies to protect life, health, honor, dignity, property of the advocates and members of their families from criminal offenses and other unlawful actions.
- Ensuring the development of international cooperation in the field of the protection of the advocates' rights to prevent and counteract against the offenses related to the practice of law, participation in making of contracts with the self-government bodies of other states in the manner established by law.

At the beginning of 2016 the Committee has for the first time prepared the Report on violations of the advocates' rights and guarantees to practice law, which analyzed and summarized the statistics of violations of professional rights starting from 2013, with indicators of the number of murders and assassination attempts against the advocates, criminal prosecution, physical harassment, threats, destruction of property, searches, secret investigative actions and interrogations of the advocates in cases where the advocate acted as a defender. The Report was published in two languages: Ukrainian and English, and forwarded to all law enforcement agencies, the Prosecutor General of Ukraine, the President of Ukraine and European organizations for protection of human rights. A number of working meetings was held with the representatives of the State Judicial Administration.

The representatives of the Committee became members of the working group of the Verkhovna Rada Committee on Legal Policy and Justice to discuss the necessary amendments to the criminal procedural legislation of Ukraine and the Law of Ukraine “On the Bar and Practice of Law”.

The Committee representatives repeatedly participated in round tables organized at the initiative of the Prosecutor General’s Office of Ukraine, raising the issues of violations of the advocates’ rights, even though the state actually refuses to respond to such violations, properly, the Committee takes a principled stand on this issue and strives to change the situation by all legal means. The positive result was a reconsideration by the Prosecutor General’s Office of Ukraine of Ukrainian National Bar Association’s appeals in the interests of the advocates.

In addition, the Committee, together with the Committee on Protection of Human Rights, organized round tables on the “Right of detained persons to timely and competent legal aid” in April, 2014, and “Procedure for conducting searches” in October, 2016. The holding of these events aroused lively interest of not only the bar representatives, but also of the law enforcement authorities and judges, who took an active part in discussing these issues and made it possible for all parties to criminal proceedings to hear each other.

In November 2016, the Committee set up a **round-the-clock operation of hotline** and **“hot button”** as the mobile application for prompt notification by the advocates to the Committee’s duty personnel about violation of their professional rights. As a result of cooperation with the regional bar councils, at each regional bar council was identified a responsible person, who would receive an information on the commission of various offenses against the advocates for taking further actions on the basis of territorial jurisdiction in all Ukrainian cities.

The corresponding statistics of violations is collected.

In September, 2016, the Chair of the Committee held a working meeting with the Special Representative of the Secretary General of the Council of Europe, during which she again emphasized the problem of violations of the advocates’ rights, which gains catastrophic point in the state. In addition, the Committee

representatives were included in the working group at the Committee on Human Rights of the Verkhovna Rada of Ukraine to discuss changes to the Criminal Procedural Code of Ukraine. The Committee presented a negative assessment of this draft law, as for the one limiting the right of person to defense and encompassing real threats to the constitutional rights and freedoms of citizens.

### **Conclusions**

Violations of attorneys' rights in Ukraine in the period between mid-2013 and early 2016 have reached a critical and threatening point, which demonstrates the absence of the rule of law in Ukraine. The risks of, and the threats to attorneys due to their professional activities are becoming more common. One can say that today legal profession in Ukraine is a profession dangerous for life.

Violations of attorneys' rights directly lead to violations of human rights, as the citizens become essentially unprotected from the state. It appears that the main reason and source of violations of attorneys' professional rights is the law enforcement system of the state, which characterizes Ukraine as having the features of a police state.

The Prosecutor-General's Office of Ukraine does not take any measures to bring guilty to liability, thereby creating the basis and incentives for such violations. Those guilty of violations of attorneys' professional rights and guarantees must inevitably be held liable.

Ukraine needs an urgent radical reform of the law enforcement system and the prosecution office.

**Dear friends!**

**Thank you for your attantion!**