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UKRAINIAN BAR
ASSOCIATION

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Statement of the Ukrainian Bar Association on the Violation of Lawyers' Professional Rights and Guarantees, and the Right to Legal Defence by Law Enforcement Agencies

In recent months, we have recorded an increase in cases of interference by law enforcement agencies in the professional activities of lawyers. Under the guise of investigating criminal offences, investigators obstruct the provision of legal assistance, undermine the right to defence, and interfere with attorney-client privilege.

In just the past two months alone, the following violations have been recorded:

- Lawyers were twice served with notices of suspicion as a result of providing legal assistance to their clients;
- A surveillance was conducted in the premises of a law firm, infringing on attorney-client confidentiality;
- A lawyer was detained in the very case in which he was acting as defence counsel;
- Searches were carried out at a lawyer's premises without a court order, in violation of procedural requirements and without prior involvement of a representative of the Bar Council;
- During a search, data carriers containing information protected by legal privilege were seized.

Law enforcement bodies are also increasingly engaging in media pressure against lawyers in the context of criminal proceedings. While we acknowledge the importance of informing the public about efforts to combat crime and corruption, we call for refraining from communications that undermine the right to defence and the presumption of innocence. Populist narratives in the media, official press releases, and social media posts often discredit the defence by equating lawyers with their clients.

Although we support the fight against crime and corruption, we are deeply concerned about the significant risks these actions pose to the right to defence and the overall administration of fair justice. This compels us to issue this public statement regarding the inadmissibility of interference in legal practice.

ГЕНЕРАЛЬНІ ПАРТНЕРИ

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GT GreenbergTraurig Linklaters

ПАРТНЕР

SJS LAW FIRM
GROUP

1. On the Established Professional Guarantees and Rights of Lawyers.

According to the Constitution of Ukraine, Article 1312, legal representation in court is carried out by the bar, which functions as the sole professional human rights protection institution in the state. The right to legal assistance is an inseparable component of the right to a fair trial, as enshrined in Article 6 of the European Convention on Human Rights.

In line with Article 16 of the Basic Principles on the Role of Lawyers (adopted by the Eighth United Nations Congress in 1990), governments must ensure that lawyers are able to perform their professional duties without intimidation, hindrance, or improper interference.

In March 2025, the Council of Europe adopted the Convention on the Protection of the Legal Profession, which Ukraine, as a member state, must comply with. The Convention highlights the risks of interference in the activities of lawyers and condemns any form of discrimination, threats, or persecution of lawyers for providing legal assistance.

Professional guarantees are also enshrined in the Law of Ukraine “On the Bar and Practice of Law” and the Criminal Procedure Code of Ukraine. These include:

- 1) A prohibition on equating a lawyer with their client;
- 2) A prohibition on seizing media containing attorney-client privilege;
- 3) Additional control by the prosecutor of the appropriate level during investigative actions against a lawyer;
- 4) The requirement for law enforcement to involve a representative of the Bar Council in advance of any search of a lawyer’s premises.

Moreover, Article 480 of the Criminal Procedure Code includes lawyers among the list of persons subject to a special procedure in criminal proceedings.

2. On the Importance of Respecting Lawyers’ Professional Rights and Guarantees.

We emphasize that lawyers’ professional rights and guarantees are not a form of immunity to shield unlawful activity or personal interests. Their sole purpose is to ensure that lawyers can effectively represent their clients, uphold human rights as an integral part of justice, and provide a safeguard against abuse of power. Only through proper respect for these rights and guarantees on the part of the state can each person fully exercise their fundamental right to legal assistance. In addition, this will ensure compliance with the fundamental principle of justice—the adversarial principle, thanks to which justice can be considered truly fair.

The inclusion of the institution of the bar within the “Justice” chapter of the Constitution of Ukraine underscores its critical and inseparable role in ensuring a fair trial.

3. On the Consequences of Interference with the Legal Profession.

Ukraine is currently a candidate for membership in the European Union. As part of this process, the European Commission conducts annual assessments of the country’s progress. These include monitoring Ukraine’s efforts to ensure the rule of law, judicial fairness, and the independence of the legal profession. Based on the results, a report is compiled on the reforms and transformations carried out on the path to EU membership in all areas of negotiations.

Violations by law enforcement of lawyers’ professional rights and guarantees may jeopardize Ukraine’s compliance with the EU accession plan, undermine international obligations, and ultimately hinder the EU membership negotiation process.

Considering the signs of systematic violation of professional rights and guarantees of lawyers, the actual nullification of the right to legal assistance and the right to defense, the Ukrainian Bar Association asserts that this situation poses a threat to the administration of justice and issues this statement.

We hereby:

1. Call on the heads of the NABU, SBI, SSU, ESBU, and the National Police of Ukraine to cease interference in the legal profession and to strictly adhere to the Constitution of Ukraine, international legal instruments, and national legislation concerning the professional rights and guarantees of lawyers.
2. Appeal to the media to respect the presumption of innocence and individuals' right to defence; to refrain from associating lawyers with their clients; and to uphold the highest standards of professional journalism. While we recognise the public interest in reports of alleged misconduct, such communications must comply with legal standards.
3. Call on the Office of the Prosecutor General to exercise appropriate procedural oversight over the actions of pre-trial investigation bodies, and to ensure the proper observance of lawyers' professional guarantees and individuals' right to defence.