
Le Président
The President

H.E. Mr. Petro Poroshenko
President of Ukraine
11 Bankova Street
Kyiv, 01220
Ukraine

Brussels, 23 December, 2016

Your Excellency,

I am writing to you on behalf of the Council of Bar and Law Societies of Europe (CCBE), which represents the bars and law societies of 45 countries, and through them more than 1 million European Lawyers.

The regulation of the legal profession, the democratic values and the defence of the rule of law are priority causes on which CCBE focuses its efforts. Our organisation has recently been informed of instances where lawyers' rights in Ukraine are infringed upon, and where the integrity of the legal profession is discredited. We wish to address these concerns with you on behalf of the Ukrainian National Bar Association, who became our observer member in December 2016.

We have received reports that on the 15th and the 21st of December, a draft bill was recommended by the Council for Judicial Reform which has implications on the laws regulating the legal profession. It is our understanding that the bill was drafted without any consultation with the Ukrainian National Bar Association, and presented without any representatives of a lawyers' interest group. On the 21st of December, the bill № 5132 amending the Criminal and Tax Codes of Ukraine was approved. The review of this bill in Parliament led to amendments to the Law of Ukraine 'On the Bar and Practice of Law', limiting the discretion of lawyers' self-governance to set the sum and procedure of payment of yearly membership fees and traineeship fees.

While we understand that the bill has been recommended in an effort to adapt national codes to EU Law, the CCBE feels strongly that instances in which legislative proposals are passed and approved by the legislature without consultation of lawyers' self-government are detrimental to democracy. We wish to note that the independence of the profession and self-administration have been recognised by both the Council of Europe Recommendations on the Freedom of Exercise of the Profession of Lawyer of 25 October 2000 and the United Nations Basic Principles on the Role of Lawyers of 14 December 1990. Furthermore, the CCBE's own Charter of Core Principles of the European Legal Profession and Code of Conduct for European Lawyers equally list independence and self-administration amongst the core principles.

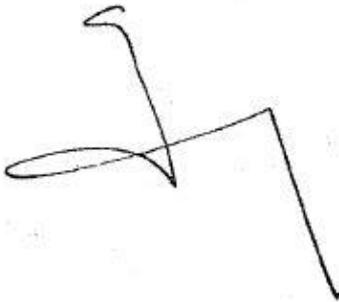
In this context, the CCBE supports the Ukrainian Bar Association in its call for Your Excellency to veto the amendments to the Law of Ukraine 'On the Bar and Practice of Law', passed on the 21st December 2016, and to refrain from introducing any amendments to the said law without prior consultations with the Ukrainian National Bar Association.

Furthermore, the CCBE is deeply concerned with other reports regarding the deterioration of lawyers' image in national media, and in public declarations made by authorities. Insults and defamatory declarations made by the Prosecutor General towards certain lawyers on national television, and during a Parliamentary Committee session last month, have been distressing for members of the

Ukrainian National Bar Association, as well as for all legal professionals. We are convinced that such behaviour should be condemned, as it discredits the role and the importance of legal defenders in a society. A lawyer should never be identified with his or her client and so become liable for actions committed by their client, as is recommended by the Principle 18 of United Nations Basic Principles on the Role of Lawyers of 14 December 1990.

The CCBE has and will continue to follow the situation of the legal profession in Ukraine closely and, as an international professional association, we are always available for consultation and assistance in providing expertise.

Yours sincerely,

A handwritten signature in black ink, consisting of a stylized, cursive 'M' followed by a vertical line that curves to the right at the bottom.

Michel Benichou
CCBE President

A copy of this letter is sent to the Ukrainian National Bar Association