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ANALYTICAL REPORT

The Ukrainian National Bar Association in the Context of the Rule of Law and European Integration

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Appendix: Results of the sociological study “Institution of the Bar in Ukraine under wartime conditions” (Armada Network / WHS LLC (Wooden Horse Strategies), 2025)

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MAIN FINDINGS OF THE REPORT

The results of Armada's sociological study "The Institution of the Bar in Ukraine under Wartime Conditions" (Appendix A) are consistent with the key analytical findings of this report and further confirm them.

The analysis of the empirical data obtained in the course of the survey does not reveal any signs of delegitimization of the Ukrainian National Bar Association. On the contrary, the results of the survey show that the institutional stability of the Bar and the high level of professional trust are maintained even under martial law.

These indicators are especially significant given the extreme context of the full-scale armed aggression of the Russian Federation against Ukraine, which creates increased risks for the functioning of legal institutions in general. In this sense, the findings confirm the ability of the Bar to fulfill its institutional and professional functions in the face of a systemic crisis.

The survey results show that the demand from the public and the professional community is not focused on a radical transformation of the Bar self-government bodies, but on their gradual, evolutionary improvement.

In particular, the respondents emphasize the need to optimize procedures, primarily in terms of digitalization of processes, strengthening internal accountability and improving institutional communication.

In this context, the empirical data directly support the conclusion that the effective implementation of the Roadmap on the Rule of Law for the Reform of the Bar should be based on the modernization of the existing institutional model, rather than its complete or nihilistic dismantling. This approach is consistent with both the expressed expectations of the professional community and the principles of institutional sustainability.

The Rule of Law Roadmap, approved by the Government of Ukraine (Decree No. 475-r of May 14, 2025) as part of the negotiation process on Ukraine's accession to the European Union, defines the strategic directions for reforming the Bar as an independent and self-governing legal profession.

By its very nature, this document is framework and programmatic: it formulates general goals, principles and guidelines for reforms, while not imposing specific institutional models of Bar self-government. Accordingly, the Roadmap leaves room for national discretion in choosing implementation mechanisms, provided that the basic standards of independence and professional autonomy of the Bar are respected.

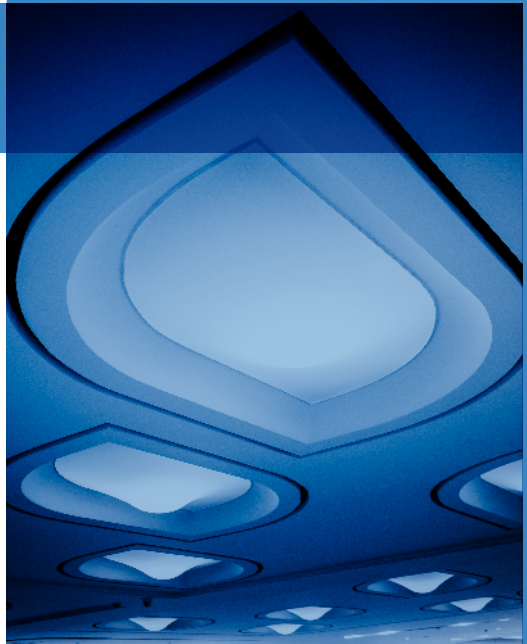
This report provides a comprehensive analysis of the Roadmap on the Reform of the Bar as a key programmatic document of Ukraine's European integration process, as well as institutional decisions of the Ukrainian Bar on its implementation.

Particular attention is paid to the practice of so-called "shadow reporting," which in some cases goes beyond the mandate of the Roadmap and actually replaces its defined goals with its own institutional projects.

The analysis shows that a significant number of recommendations disseminated in the format of shadow reports have no direct regulatory or conceptual basis in the Roadmap or in the standards of the European Union or the Council of Europe. Instead, such recommendations are often focused on the elimination or radical reformatting of the legal profession, which poses significant risks to the independence of the profession, the institutional stability of the justice system, and legal security under martial law.

The report proves that reforming the Bar is both possible and necessary. At the same time, such reform should be carried out within the framework of the current legal model with strict adherence to the principles of self-government, proportionality, institutional prudence and compliance with European standards.

In this context, the Bar Council of Ukraine has approved the Roadmap Implementation Program, demonstrating its institutional capacity not only to respond to reform initiatives but also to take responsibility for their implementation. This approach shows that the Bar is a subject of reform, not a passive object.



INTRODUCTION

The Roadmap, the Bar and Responsibility for implementation

This analytical report was prepared at the initiative and coordination of Armada Network in cooperation with Ukrainian and international stakeholders involved in the process of reforming legal institutions in the context of Ukraine's European integration.

The master author of the report is Gregg Harper, Former Congressman, United States House of Representatives, who has many years of experience in public policy making, particularly in the areas of rule of law, institutional capacity, and democratic governance.

This report was prepared and presented in the context of the ongoing full-scale armed aggression of the Russian Federation against Ukraine, the legal regime of martial law, as well as the parallel negotiation process on Ukraine's accession to the European Union, in particular within Cluster 1 "Fundamentals."

During this period, the public and professional discussion of the implementation of the Roadmap in relation to the Bar is often accompanied by information pressure, simplification of legal approaches and substitution of concepts, which makes it difficult to make a balanced assessment of reform proposals. For this reason, the report combines legal analysis with empirical data and a systematic assessment of risks to institutional stability and the functioning of the rule of law.

The appendix to the report presents the results of the sociological survey "The Institution of the Bar in Ukraine under Wartime conditions" initiated by Armada Network and conducted by Wooden Horse Strategies LLC.

Armada Network has been operating in Ukraine for over a decade, working at the intersection of humanitarian aid, institutional resilience and the promotion of the rule of law. The organization has direct practical experience working in frontline and de-occupied communities, which provides an empirical basis for assessing the functioning of legal institutions in armed conflict.

The accumulated experience shows that access to independent judicial proceedings and professional legal services is a critical factor in the resilience and actual survival of communities during martial law. In this context, the effective functioning of the Bar is not only an element of the legal system, but also a key component of public security and recovery.

In this context, the Bar appears not only as a professional community, but also as one of the key elements of the institutional stability of the state. That is why any reforms related to the Bar and the Bar self-government system should be assessed not only in terms of formal compliance with international standards, but also in terms of their potential impact on the security, functional capacity and long-term stability of the justice system.

The Roadmap on the Rule of Law creates a regulatory and political framework for relevant reforms. At the same time, it is being misinterpreted, and so-called "shadow reports" are being used as quasi-binding sources of policy-making.

Such approaches pose a risk of substituting certain reform goals and delegitimizing independent institutions, in particular those designed to ensure the sustainability of the legal system under martial law and the transformation period.

Sociological data show that the Ukrainian Bar is perceived as a legitimate and professional institution by all key stakeholder groups, including citizens, judges, prosecutors, and advocates (professional title of a lawyer in Ukraine) themselves.

In particular, the majority of citizens assess the Bar as a professional legal community, while the vast majority of representatives of the justice system express trust in the Bar and recognize its adherence to ethical standards, including under martial law. These results indicate that the Bar maintains a high level of institutional legitimacy even under conditions of increased systemic stress.

These results are of fundamental importance for the proper interpretation of the Roadmap. In particular, the reform of the Bar cannot be based on assumptions about its institutional failure or on theories about the "crisis" of the Bar, as such statements are not empirically supported.

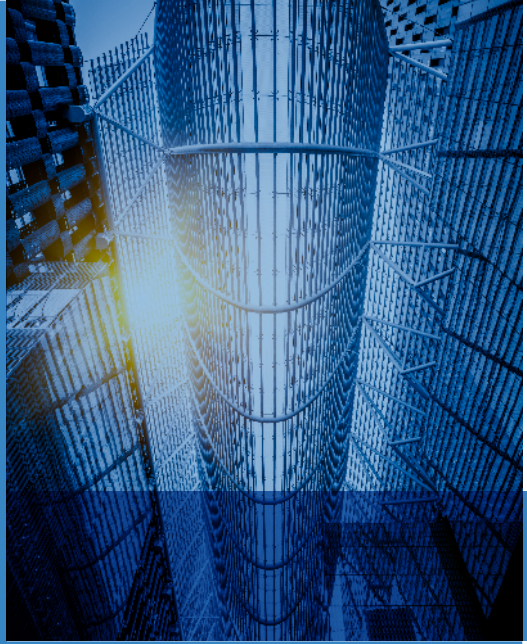
Accordingly, any recommendations based on the concepts of delegitimization or the so-called "reset" of the Bar self-government system go beyond both the mandate of the Roadmap and the actual state of the profession as established by sociological and analytical studies

CHAPTER 1

Legal Nature of the Roadmap on the Rule of Law

The Roadmap on the Rule of Law in the part concerning the Bar is a policy framework adopted in the context of Ukraine's European integration process. It is not a law, directive or other binding legal act and, accordingly, does not establish direct legal obligations regarding a specific institutional model of Bar self-government.

Instead, the Roadmap defines the strategic goals, key benchmarks and time parameters of the reforms, leaving the state and professional institutions room to choose the forms and mechanisms for their implementation. This approach is in line with the nature of European integration instruments, which are aimed at achieving results rather than strictly regulating the internal organization of independent professional institutions.



The provisions of the Roadmap in the part concerning the Bar are aimed at achieving the following key goals:

- bringing the legislation on the Bar in line with the standards of the European Union and the Council of Europe;
- increasing the level of transparency and accountability of the Bar self-government bodies;
- improving the conditions of access to the profession, disciplinary procedures and the system of continuous professional development;
- implementation of EU directives regulating the cross-border activities of advocates.

At the same time, the Roadmap does not contain any provisions that would provide for the dismantling of the current model of Bar self-government, does not set requirements for the subordination of Bar self-government bodies to public authorities and does not impose any specific organizational architecture on the professional community.

CHAPTER 2

The Roadmap and the Bar: Content of Requirements and Limits of Interpretation

The Roadmap envisages the preparation and adoption of amendments to the legislation on the Bar in the medium term, with a target date of December 2026. Such a time horizon indicates the gradual, evolutionary nature of the envisaged reforms, which does not correspond to the approach of radical or immediate transformation of the institutional model.

In its content, the Roadmap is focused on reforming and improving the functioning of the Bar self-government bodies, in particular by updating electoral procedures, developing digital management and communication tools, and modernizing disciplinary mechanisms. Taken together, these areas are aimed at increasing the transparency, efficiency and institutional capacity of the Bar without violating the principle of its independence.

At the same time, none of the above provisions creates grounds for any non-state actors - including NGOs, expert networks or other groups of influence - to position their own proposals as the only possible model of Bar self-government or to impose them on the professional community.

Likewise, these provisions cannot be interpreted as a permission to question the constitutionally guaranteed independence of the Bar or as a basis for decisions that actually narrow the self-governing status of the profession under the pretext of implementing the Roadmap.

The limits of the permissible interpretation of the Roadmap are determined by its framework nature as a political program document and are consistent with the pan-European approach, according to which the Bar is recognized as an independent, self-governing legal profession protected from external institutional interference.

A comparative analysis of the requirements for qualification examinations for access to the legal profession in the EU member states shows that there is no single mandatory standard for the format of such examinations or their reduction to exclusively procedural assessment mechanisms. Similarly, in EU practice, there is no universal model of the exam that would be applied in all member states.

In no country in the European Union is the qualification exam limited to testing only procedural skills and is not conducted in a single standardized form. Instead, European practice is characterized by a significant variety of models that range from predominantly practice-oriented and procedural in structure (e.g., Italy, Poland, Germany, Slovenia) to mixed models that combine testing, written practical tasks and oral components (e.g., France and Spain).

In all of the jurisdictions reviewed, the qualification exam is comprehensive and simultaneously aimed at assessing the candidate's knowledge of substantive law, procedural rules, standards of rules of professional conduct, and general legal competence.

Similarly, European practice does not establish a mandatory requirement for qualification exams to be conducted exclusively in electronic format. Along with jurisdictions where the exam is fully or partially conducted using computer technology (in particular, Spain), most EU member states retain a paper-based or mixed format of the exam, combining it with the use of digital tools within the framework of controlled examination procedures.

In this context, the use of digital technologies is seen as an auxiliary tool to increase the objectivity, transparency and standardization of procedures, but not as an end in itself and not as a prerequisite for access to the legal profession.

In this context, the provision of the Roadmap on the introduction of a "single standardized digital qualification exam" in Ukraine is subject to interpretation in light of the principle of proportionality, as well as the actual conditions of martial law. Ukraine is in a situation of ongoing armed aggression and is subject to systematic attacks on its energy and digital infrastructure, faces increased risks of cyber interference, and has a significant number of frontline and de-occupied territories.

In such circumstances, the strict implementation of an exclusively digital model without proper backup and alternative procedures may lead to the opposite result, turning a tool for ensuring equal access to the profession into an additional structural barrier for candidates, in particular from the regions most affected by the war.

Accordingly, the correct implementation of the Roadmap in this part should be based not on the mechanical reproduction of individual digital solutions, but on the introduction of a standardized professional assessment using digital technologies, while maintaining mixed and backup exam formats.

This approach is in line with the established practice of the European Union member states, helps reduce corruption risks, and is consistent with objective security and infrastructure restrictions caused by martial law.

The nature of the legal profession itself requires a separate analytical consideration, as it cannot be reduced to algorithmic or purely technical skills. The professional activity of an advocate involves constant independent legal research, interpretation of legal norms, formation of legal positions and construction of arguments in cases based on unique human circumstances and not subject to complete standardization.

Unlike many other legal functions, practice of law is not only about applying the law, but also about persuasion - through argumentation, logic, language, and the ability to build trust. It is these competencies that form the core of the profession and cannot be adequately assessed solely through formalized or test models.

The professional activity of an advocate requires developed communication and analytical skills, as well as the ability to work with people in conditions of conflict, stress or vulnerability. This requires not only a thorough knowledge of the law, but also competencies in psychology, rules of professional conduct, rhetoric, and, more broadly, general humanities training. It is these qualities that largely determine the effectiveness of human rights protection and cannot be fully assessed solely through digital or automated assessment tools.

In this context, the full formalization of qualification procedures without preserving elements of direct professional assessment may lead to a distorted perception of the competence of an advocate and narrowing the understanding of the profession to a set of standardized knowledge and skills.

The European standards are based on the initial assumption that the legal profession has a humanitarian character and is primarily focused on working with people, not just with regulatory arrays or technological solutions.

In this regard, the correct implementation of the Roadmap should include a combination of digital tools with forms of assessment that allow to test the candidate's ability to make oral arguments, professional communication, and exercise independent legal judgment.

This approach is consistent with the Council of Europe standards and international documents in the field of the legal profession, in particular the United Nations Basic Principles on the Role of Lawyers, as well as the recommendations of the Committee of Ministers of the Council of Europe. These documents view lawyers primarily as independent defenders of human rights, whose professional competence is not limited to knowledge of the law.

Instead, these standards assume that the activities of a lawyer involve the ability to communicate in a personal professional manner, form independent legal judgments, make oral arguments and protect human dignity, which are integral elements of the effective exercise of the right to defense.

CHAPTER 3

Institutional Steps of the Bar Council of Ukraine to Implement the Roadmap

The Decision of the Bar Council of Ukraine, No. 125 of December 12, 2025, should be seen as a direct institutional response of the Bar to the Roadmap on the Rule of Law. It demonstrates the readiness of the Bar to act as a responsible participant in the reform process within its own mandate and in compliance with the principle of self-government of the profession.

This decision can be regarded as institutional actions in support of the Government of Ukraine's Decree No. 475-r of May 14, 2025, taking into account the tasks and deadlines set out therein for the preparation and adoption of a draft law aimed at improving the legal regulation of the Bar by the fourth quarter of 2026. In this sense, the Bar is a subject of the Roadmap implementation, not its formal addressee.

The Bar's decision directly integrates the Council of Europe Convention on the Protection of the Profession of Lawyer, adopted by the Committee of Ministers in March 2025, as a key benchmark for further reforms. In this context, it emphasizes the main elements enshrined in the Convention, including the independence and self-governance of Bar associations, professional rights of advocates, standards of disciplinary proceedings, and special measures of protection against attacks and unlawful interference.

Of particular importance is the international monitoring mechanism provided for by the Convention, which includes an expert group (GRAVO) and the Committee of Parties. The existence of such a mechanism forms an external framework of trust and provides the European Union with a tool for independent assessment of compliance with the guarantees of the legal profession in the candidate state.

The preamble to the decision also states a circumstance important for understanding the actual pace of the reform: despite the public announcement made by the Ministry of Justice in May 2025 of the creation of a working group with the participation of Bar self-government bodies to prepare amendments to the legislation, at the time of the decision, such a working group was not actually functioning.

At the same time, the Bar's governing body in the preamble to the decision and in the Roadmap Implementation Program directly points to the steps already taken to develop and modernize the Bar, which are directly related to the European integration agenda. These steps are seen as part of a broader process of approximating national regulation to EU standards in the field of practice of law.

First, the Bar focuses on targeted legal work on adaptation to the EU acquis. In particular, this refers to the adoption of the Bar Council of Ukraine's decision No. 100 of October 17, 2025, on the peculiarities of the activities of foreign lawyers in Ukraine. This decision was drafted taking into account the provisions of the European Union directives regulating the freedom to provide legal services and the right to practice law permanently in another Member State.

This example clearly demonstrates that the implementation of EU directives in the field of the Bar is not limited to declarative intentions, but already has specific institutional results implemented within the mandate of professional self-government.

Secondly, the decision of the Bar's governing body states that within the framework of the current legislation, the professional self-government has already made a number of changes aimed at increasing the transparency and predictability of disciplinary procedures.

In particular, the provisions governing the activities of the disciplinary bodies of the Bar have been updated, and clarifications on the application of disciplinary legislation in practice have been adopted.

These steps are essential, as they refute the allegations that there are no reforms in the disciplinary system and demonstrate that its development is evolutionary within a self-governing model, without interference with the independence of the profession.

Thirdly, the preamble to the decision and the Roadmap Implementation Program enshrine a systematic approach to the development of the continuous professional development of advocates. In this context, the Bar's governing body refers to the creation of a specialized institution as an institutional framework for professional development and the introduction of mandatory annual training for each advocate.

The program sees these mechanisms as a consistent development of the professional training system, in particular through expanding access to training, using digital formats, and introducing inclusivity requirements, including reasonable accommodation for persons with disabilities. This approach is in line with European standards of professional development and emphasizes the Bar's focus on long-term improvement of the quality of legal services.

Fourthly, the Roadmap Implementation Program confirms the existence of an internal independent system of financial control and audit within the Bar, which operates through regional audit bodies and a central audit mechanism of professional self-government. This system ensures regular financial oversight and internal accountability within the self-governing model.

This is of fundamental importance for the correct interpretation of transparency requirements. The Roadmap does not envisage external subordination of the Bar or the transfer of financial control to state authorities, but instead allows and encourages the strengthening of internal accountability mechanisms compatible with the principle of independence of the Bar.

In this context, the organizational and legal structure of the modern Ukrainian Bar requires special attention: the presence of a significant number of separate legal entities within the self-governing system creates risks of fragmentation of financial management, accumulation of balances and reduced institutional manageability. A more effective model is the functioning of a single legal entity with clearly defined centralized financial responsibility, within which other structural elements can operate as branches or separate divisions.

This approach increases transparency, simplifies financial control, and reduces systemic risks without undermining the principles of self-governance.

A separate factor that may affect the uneven distribution of advocates between regions is the financial model of Bar self-government. Since the main source of funding is mandatory fees from advocates, some regions may have institutional incentives to take a more lenient approach to access to the profession. Such an approach, aimed at quantitatively increasing the number of advocates in the region, is potentially related to the desire to increase the financial base of the relevant self-government bodies. From the perspective of good governance, such incentives pose a risk of uneven application of the standards of access to the profession and require systematic attention from the entire legal community.

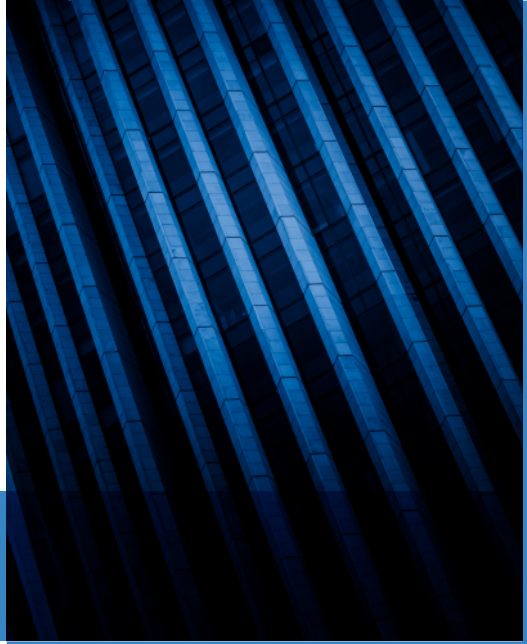
Separately, the Program defines the mechanism for implementing the Roadmap as a set of interrelated organizational, methodological and regulatory measures. These measures are aimed at enhancing transparency and internal accountability, developing and implementing modern digital tools, and strengthening the institutional independence of the Bar.

In a broader sense, this mechanism is aimed at bringing the Bar in line with the standards of the European Union and the Council of Europe, as well as at promoting the practical implementation of the Council of Europe Convention on the Protection of the Profession of Lawyer within the framework of the national self-governing model.Thus, the relevant decision of the Bar not only confirms its readiness to implement the Roadmap, but also records the institutional results already achieved. This includes practical steps to implement EU directives, improve disciplinary procedures, introduce systematic continuous professional training, and functioning of internal financial control mechanisms.

Taken together, these measures create an appropriate institutional framework for further reform, which should be implemented gradually, within the mandate of the Roadmap and without substituting its goals with a radical overhaul of the professional self-government system. Constructive proposals for proper implementation, in particular in terms of access to the profession through testing and a qualification exam, are set out in Chapter 7 and comply with the principle of proportionality, as well as with objective restrictions caused by martial law.

The survey results of the general population confirm that the Ukrainian National Bar Association is perceived as an institutionally stable and influential professional organization capable of acting as a partner in the reform process. This assessment is shared not only by citizens, but also by representatives of the legal, judicial and law enforcement professions, which is key to maintaining the institutional stability of the justice system.

In this context, the Ukrainian National Bar Association appears not as an object of external reform influence, but as a full-fledged subject of the Roadmap implementation. This status is in line with the European model of self-governing legal professions and confirms the expediency of a gradual, evolutionary approach to change, as opposed to directive or administratively imposed decisions.



CHAPTER 4

Shadow Reporting and the Limits of its Use: Risks of Substituting the Mandate of the Roadmap

Decision of the Bar Council of Ukraine No. 125, based, inter alia, on the generalized reports of the UNBA Committee on the Protection of the Advocates' Rights and Guarantees of the Practice of Law in 2022 - the first half of 2025, records a significant increase in violations of professional guarantees of advocates. Such violations include, in particular, the denial of access to clients, physical and psychological pressure, attempts to identify advocates with their clients, and the use of mobilization procedures as a tool of pressure, including by the authorities responsible for military registration and mobilization.

In the logic of the Roadmap, these circumstances cannot be seen as an internal or "corporate" problem of the Bar. On the contrary, they are an indicator of the state's ability to ensure the right to professional legal services and the proper functioning of the justice system under martial law. Any assessment of the Bar reform that ignores this security and human rights dimension is methodologically incomplete and distorts the meaning of the Roadmap requirements.

Electronic voting as a "universal answer": a disproportionate risk to the legitimacy of self-government in wartime

A separate manifestation of the substitution of the Roadmap framework by institutional redesign is the insistence, within the framework of shadow reporting, on the introduction of electronic voting as a basic solution for elections and conferences of Bar self-government bodies. Such proposals are usually presented as a tool to increase transparency and democratic participation.

At the same time, in the context of martial law in Ukraine, the use of exclusively digital electoral procedures creates significant risks of achieving the opposite effect - a decrease in the credibility and legitimacy of the electoral process due to the vulnerability of the digital environment, the threat of cyber interference and limited access to a stable infrastructure.

In this context, the mechanical promotion of electronic voting as a universal solution does not comply with the principle of proportionality and requires a much more cautious assessment.

The digital environment, by its very nature, provides neither absolute freedom nor guaranteed continuous access. Internet and telecommunications infrastructure may be temporarily restricted by the state for security reasons, disabled by hostilities, or subject to targeted hostile influences, including cyberattacks, blocking of servers and communication channels, compromise of accounts, interference with software supply chains, or large-scale disinformation campaigns.

In any of these scenarios, the legitimacy of the e-voting results is jeopardized, regardless of whether formal violations are established. A reasonable suspicion of interference is enough to undermine trust in the procedure and turn the electoral process into a subject of mutual contestation and delegitimizing narratives. In this sense, the key risk is not only technical vulnerability, but the inability to restore public trust once it is lost.

The key challenge to introducing e-voting in Ukraine is the structural conflict between digital accessibility and digital security. In a military and security crisis, security inevitably takes precedence, which means that access to digital services can be temporarily suspended or restricted without warning.

In such circumstances, e-voting loses its quality as a guaranteed tool for participation and equality, as its functioning becomes dependent on external security decisions and technical factors that are beyond the control of the Bar.

This calls into question the ability of digital procedures to ensure the stable legitimacy of self-governing decisions in a crisis environment.

The proper implementation of the Roadmap in terms of the use of digital solutions does not imply the transfer of electoral legitimacy to an exclusively digital format. Instead, it calls for a proportionate and context-sensitive approach in which digital tools are used as supportive mechanisms rather than as the sole basis for legitimacy.

In particular, digital solutions can be appropriately used to register participants, verify credentials, openly publish materials, record procedures and audit processes. At the same time, the voting itself should be conducted in a format that ensures the maximum level of trust, stability and reproducibility of the results.

For Ukraine, under martial law, this means at least a hybrid model, in which the face-to-face format is the basic one, and digital modules perform a supporting function; mandatory backup procedures; and gradual testing of new solutions in pilot mode only after reaching a level of technological reliability that is perceived as unquestionable by the professional community and society.

Ultimately, the requirement to introduce electronic voting as a mandatory standard goes beyond purely technical improvement of procedures and becomes a high-risk institutional intervention. In the context of martial law and heightened security threats, such an approach could lead to a decrease in trust in self-government bodies, create long-term institutional instability, and increase the vulnerability of independent legal institutions to external influence.

In this context, such recommendations should be evaluated in terms of their impact on legitimacy, stability and legal certainty, and not solely on the basis of formal compliance with digital trends. For the European Union, this means that the promotion of e-voting as a universal standard in times of war may not be seen as an indicator of progress, but as a potential step backwards in ensuring institutional stability and the rule of law.

Opinion on the unacceptability of the “preliminary competition” model for the Bar

The model proposed in the shadow report, in which the competition commission pre-selects candidates, and conferences and congresses are limited to choosing from a pre-formed list, is conceptually problematic from the point of view of the principles of self-government. This approach creates a risk of replacing the direct expression of the will of delegates with a procedural filter that has no independent democratic mandate.

By its institutional logic, this model moves the real center of formation of the elected body from the representative assembly to the competition commission, while the formal subject of election is actually reduced to the function of ratification of the results of the preliminary selection. As a result, the electoral procedure loses its key feature of ensuring full and independent self-governing choice by the professional community.

The experience of applying similar mechanisms in the procedures for the formation of the High Council of Justice and prosecutorial self-government bodies shows that the preliminary so-called "integrity" filter does not guarantee the proper quality of the personnel and does not eliminate the risks of including persons with dubious reputation. Practice has shown that the existence of such a selection stage does not automatically increase institutional trust or the professional quality of the formed bodies.

At the same time, the introduction of preliminary filtering creates an institutional inversion of responsibility: public and political responsibility is formally assigned to the entities that make the final selection, while the decisive influence on the composition of the body is concentrated in the hands of the preliminary selection body. Such a body usually does not have a direct democratic mandate and is not subject to procedural guarantees commensurate with the consequences of its decisions to exclude candidates from the subsequent election process.

This model is even more unacceptable for the Bar self-government, since the Bar is by its nature an independent, self-governing profession, not an element of the state or quasi-state hierarchy.

Any preliminary selection of candidates by an external or mixed commission actually creates a channel of external influence on the formation of the Bar self-government bodies, which directly contradicts the very idea of professional autonomy and the principle of accountability within the profession, not outside it.

Under such conditions, the so-called "competition" with preliminary selection does not strengthen the legitimacy of elected bodies, but rather narrows the real right of delegates to make a free choice, makes the process of forming bodies controlled by controlling access to the list of candidates and, as a result, undermines the credibility of the election procedures themselves.

Therefore, it is unacceptable to replace the modernization of the Bar self-government procedures with the mechanism of the so-called "controlled access" to the election as part of the Roadmap implementation.

Instead, the modernization of the Bar self-government procedures should be based on the principle of freedom of choice of delegates.

This principle is ensured by transparent and uniform rules for nominating candidates, openness and completeness of information about them, standards of integrity and conflict of interest, procedural guarantees for consideration of objections, as well as effective mechanisms of internal control and accountability - without limiting access to election through preliminary selection.

In the context of the Bar self-government, the standard of integrity should be interpreted in a narrow, legally defined sense and be based primarily on the absence of established disciplinary or other professional violations and penalties. Integrity in self-governing professional institutions cannot be substituted by evaluation criteria, subjective "reputational" judgments, or preliminary administrative selection of candidates that have no clear legal basis.

From our point of view, the issue of professional regulation of the legal professions and continuous professional development is a key condition for ensuring the quality of legal services and the realization of the constitutional function of the Bar. An advocate who has not improved his or her professional level for three or more years objectively loses the ability to provide legal services at a level that meets modern professional standards.

In such a case, it is not a matter of disciplinary violation, but of the risk of a decline in professional competence, which directly affects the implementation of the constitutional guarantee of everyone's right to professional legal services. In view of this, within the framework of the self-governing model of the Bar, it is advisable to provide for a mechanism for restoring professional competence: if an advocate has not undergone professional development for three or more years, a requirement for reassessment of professional readiness in the form of an exam without an internship should be applied.

This approach is consistent with international practice of self-regulation of the legal profession, within which continuous education is viewed not as a formality or a punitive tool, but as a mechanism for protecting the public interest, trust in the profession, and a guarantee of the proper quality of legal services.

Accordingly, the modernization of the Bar self-government procedures should be based on the principle of freedom of choice, according to which delegates independently determine their elected representatives within the framework of an open and competitive election procedure.

The implementation of this principle is ensured through transparent and equal rules for the nomination of candidates, openness and completeness of information about them, clearly defined standards of integrity and conflict of interest, proper procedural guarantees for consideration of objections, as well as effective internal control and accountability mechanisms.

Under this approach, integrity is not a tool to restrict access to elected office, but a minimum and objective threshold for admission, after which the final decision belongs to the professional community. It is this model - election without preliminary filtering by extra-legal criteria - that is consistent with the approaches used in self-governing legal professions in countries with established rule of law standards.

Digital voting without deliberation: the risk of formalizing the expression of will

It should be emphasized that voting without prior discussion is not a full-fledged tool of democratic choice. In self-governing institutions, the expression of will by delegates and members of bodies traditionally combines deliberation - discussion, comparison of arguments and alternative proposals - and voting as the final stage of decision-making.

Transferring this process to a purely digital format, in which no real meetings are held, issues are not discussed, and delegates vote remotely without the opportunity to publicly exchange positions and respond to alternatives, leads to the formalization of choice and devaluation of the representative mandate.

Under such conditions, voting turns from a collective decision-making tool into a mechanical procedure for confirming pre-formed positions, which is incompatible with the nature of local self-government as a professional advisory institution.

That is why digital voting can only be seen as an auxiliary element of self-government procedures, and not as a substitute for live discussions, conferences and congresses, which form the meaningful position of the professional community. Otherwise, digitalization undermines not only the legitimacy of the decisions made, but also the very meaning of collegial self-government.

A comparative analysis of the Roadmap, the BCU Decision No. 125, and the materials of the so-called shadow reporting reveals a systemic problem of distorted interpretation of the goals of the Bar reform. It is not a matter of differences in expert opinions or approaches to implementation, but of replacing a policy framework document with detailed institutional projects that do not follow either from the text of the Roadmap or from the standards of the European Union and the Council of Europe.

First, the so-called shadow reporting ignores the fact that the Roadmap is a policy framework and does not establish a mandatory or unified model for the organization of local self-government. Instead, the framework goals - transparency, accountability and efficiency - are arbitrarily interpreted as grounds for "re-founding" institutions, introducing mechanisms of external control or actually changing the nature of self-government.

This approach replaces the logic of the Roadmap, which is based on the need for evolutionary improvement of institutions through internal procedural mechanisms, rather than their dismantling or replacement.

Secondly, the materials of the so-called shadow reporting systematically do not take into account the steps already taken to implement European standards, as provided for by the decisions of the Bar Council of Ukraine and the Roadmap Implementation Program. There is no analysis of: the implementation of EU directives on the cross-border activities of lawyers; improvement of disciplinary procedures; functioning of the system of continuous professional development and quality assurance mechanisms; internal independent financial control.

This systematic omission of actual changes creates a distorted view of "zero progress" and undermines the reliability and integrity of the reform assessment.

Thirdly, the so-called shadow reports systematically replace the concepts of transparency and accountability with the requirement of external control over the Bar. At the same time, neither the Roadmap nor the Council of Europe standards provide for the transfer of control functions to external entities.

On the contrary, they allow and encourage the development of internal control mechanisms compatible with the independence of the profession.

Decision of the Bar Council of Ukraine No. 125 expressly stipulates that financial control of the Bar self-government bodies is carried out by independent audit commissions and the Higher Audit Commission of the Bar, and also establishes the practice of voluntary publication of financial and statistical reports in the public domain as a tool of transparency without external subordination.

Ignoring these elements replaces a meaningful discussion about improving the quality of reporting with a simplistic narrative of "closure" that is used as an argument in favor of external intervention.

The results of the study call into question the approaches inherent in shadow reporting based on the rhetoric of "usurpation", "monopoly" or "closedness" of the Bar self-government. Empirical data do not confirm either widespread distrust of local self-government bodies or public demand for their liquidation.

On the contrary, the results of the nationwide survey show the public trusts UNBA by a 69 to 23 percent margin, while the criticism expressed by the respondents is mainly procedural and does not concern the institutional foundations of self-government.

This suggests that the radical recommendations proposed in the shadow reports do not reflect the real state of the profession and do not have a proper empirical basis, which, in turn, creates a risk of distorted implementation of the Roadmap.

Fourthly, the so-called shadow reporting materials do not distinguish between objective limitations caused by martial law and issues of institutional capacity or will to reform. In particular, the organizational difficulties of conducting nationwide Bar self-government procedures under martial law are presented as evidence of "blocking reforms" without proper analysis of the legal and security circumstances.

Such an approach ignores the principle of proportionality, which is the EU standard for assessing the fulfillment of obligations in crisis situations, and does not take into account the admissibility of temporary procedural restrictions provided that the strategic course of reforms is maintained.

Fifth, the use of delegitimization rhetoric ("usurpation," "monopoly," "closedness") instead of legal and institutional analysis has a systemically dangerous effect: shadow reporting goes beyond evidentiary examination and actually turns into political campaigning. In the context of the European integration process, this creates external pressure on an independent legal institution without a proper evidence base and undermines the credibility of the shadow monitoring tool itself.

A good example of this substitution is the approach to the continuous professional development of advocates. The proposal for "competitive" training is presented as a mechanism for improving quality, but the shadow reports do not analyze program standards, accreditation procedures for providers, or a system for monitoring learning outcomes.

In the absence of these elements, "competition" actually turns into deregulation without quality guarantees, which does not correspond to the logic of the Roadmap and contradicts European practice, where continuous professional development is considered as part of the guarantees of effective legal services provision.

Taken together, this demonstrates the methodological inability of shadow reporting to serve as a reliable basis for reform decisions.

A characteristic feature of shadow reporting in the disciplinary sphere is the substitution of institutional analysis with recommendations that, under the guise of "strengthening control," actually shift the center of decision-making beyond professional self-government. In particular, the recommendations promote a model in which courts de facto turn into a second instance for reviewing disciplinary cases on the merits.

This approach ignores the fundamental functional distinction: judicial control should focus on verifying compliance with procedures and basic guarantees of a fair hearing, while establishing facts, evaluating evidence and making decisions on professional responsibility are the competence of disciplinary self-government bodies.

As a result, instead of improving the quality of disciplinary procedures, it is proposed to transfer the center of disciplinary control outside the professional institution, which creates risks of interference with the independence of the Bar and does not ensure the unity of disciplinary practice.

The proper implementation of the Roadmap means strengthening the internal mechanisms of appeal and cassation review of disciplinary decisions in the Bar self-government system, rather than an external restructuring of the disciplinary model.

Taken together, these distortions indicate that the shadow reports actually offer an alternative roadmap for reforming the Bar, which has no mandate from the European Union, the state coordinator of reforms, or the professional community.

In fact, it is a parallel reform track without a mandate, which carries institutional and reputational risks.

Such a substitution of the framework document creates risks of institutional instability, undermining the independence of the Bar, and loss of confidence in shadow reporting as a source of relevant information for EU institutions.

In this regard, it is advisable for the European Union and international partners to apply higher standards to the use of shadow reports and ensure a real pluralism of expert opinions in the process of assessing reforms.

In the Ukrainian context, this is of particular importance given the structural features of the so-called "shadow reporting market," where a significant number of organizations operate within interconnected grant networks with repeated author teams, mutual citations, and coordinated communication support.

In the absence of requirements for disclosure of methodology, funding sources, and potential conflicts of interest, the multiplicity of documents and repetition of theses can create an illusion of consensus and undermine the independence of evaluation.

In this regard, it is advisable to require disclosure of research methodology, sources of funding and related institutional interests, a clear distinction between analytical assessment and advocacy, verification of key statements based on primary sources, and involvement of alternative expert positions, including those of professional self-governing institutions.

In the broader institutional context, it is reasonable to recognize that for some civil society organizations, shadow reporting is increasingly performing not only the function of participation in the political dialogue, but also the role of a professional capitalization tool. Preparation of shadow reports, advocacy recommendations and alternative roadmaps is increasingly functioning as a reproducible product of the grant market, where critical or radical conclusions increase public visibility, expert influence and financial attractiveness of the authors.

In the absence of high standards of integrity, methodological transparency and real pluralism, this creates a risk that shadow reporting ceases to fulfill the role of independent expert assessment and turns into an instrument of institutional pressure, not balanced by responsibility for the practical consequences of the proposed "reforms."

In such a configuration, shadow reporting can acquire signs of institutional corruption in a broad, non-financial and legal sense.

The combination of financial interest of the authors, intensive advocacy influence on the processes of public policy making and lack of symmetrical responsibility for the consequences of the proposed recommendations creates an environment in which expert influence is actually commercialized.

It is not about classical corruption in the criminal law sense, but about a structural conflict of interest, in which the "expert" product simultaneously serves as a source of funding, an instrument of political pressure and a means of institutional self-representation.

The institutional risk of a vicious circle of incentives that may arise in the interaction between the authors of shadow reports, donors, and certain elements of the European reform assessment system deserves special attention. In the absence of transparent procedures for selecting expert sources and real pluralism of positions, shadow reports prepared with grant funds can turn into a tool for confirming already formed expectations or simplified narratives, which objectively reduces the quality of institutional analysis.

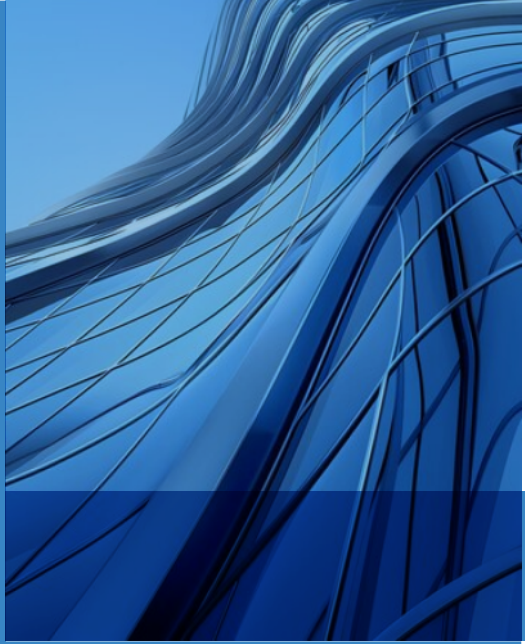
In such a configuration, there is a risk of systemic rather than personal interest in reproducing the same "critical" conclusions regardless of the actual state of reforms. This can lead to a situation of mutual institutional benefit, in which the same networks of experts provide "convenient" assessments, and external monitoring structures use them as an operational and conventional reporting tool without always sufficient depth of verification.

This approach does not indicate individual dishonesty of the actors involved, but points to a structural flaw in the governance model, where funding, expertise, and political assessment can uncritically reinforce each other. In the absence of higher standards of verification and alternative sources of analysis, shadow reporting risks becoming part of a self-reinforcing cycle between grant expert networks and external evaluation mechanisms, which reduces the quality of decisions and creates institutional risks for the EU enlargement process.

CHAPTER 5

The NGO Ecosystem, Grant Economy, and Conflicts of Interest

The analysis of shadow reporting in the field of legal reform in Ukraine shows that some of these products serve as a tool for competition for influence on policy-making and control over the reform agenda rather than as an independent assessment of the state of reform implementation. In such cases, the determining factor is not the completeness of the evidence base or systematic comparison with the current EU standards, but the ability of individual networks of civil society organizations to institutionalize their own interests in the format of "expert" opinions and promote them as the only legitimate position of civil society.



The key feature of this problem is the transformation of shadow reporting into an element of the grant economy, where "analytics" functions primarily as a service product to maintain the continuity of project funding, rather than as a result of neutral research. Many of the organizations that systematically prepare or coordinate shadow reports reproduce their own institutional capacity by consistently positioning reforms as failures or "captured."

In this logic, there is no incentive for balanced conclusions, as a nuanced assessment - recognizing both existing problems and existing self-regulatory mechanisms - does not generate sufficient information or financial resources. Instead, the radical delegitimization of institutions and the rhetoric of "reset" are turning into a self-sufficient condition for the reproduction of the project cycle.

As a result, a de facto "crisis market" is being formed, in which the crisis is not an object of analysis but a key asset.

In this context, a specific rhetorical model is formed that is constantly reproduced: complex institutional processes are reduced to a set of evaluative formulas such as "usurpation," "monopoly," "corruption," "illegitimacy," "closedness," and "capture." Such markers serve as communication triggers, but not as legal or institutional arguments.

Their purpose is to form a political conclusion even before the analysis is carried out: after an institution is declared "illegitimate," any form of self-government is a priori presented as unacceptable, while any "alternative" project is automatically labeled as progressive.

As a result, reform is replaced by management engineering focused on a predetermined outcome: instead of improving institutional procedures, it is proposed to dismantle the existing institution and replace it with a structure that meets the interests of the authors of the recommendations.

No less problematic is the architecture of the sources, which reproduces the effect of the so-called "echo chamber." Shadow reports often rely on a limited number of organizations and experts who systematically quote each other, reproduce the same narratives, and refer to their own previous publications as evidence of their conclusions.

Under these conditions, analytical judgments circulate in a closed environment without being subjected to external scrutiny or comparison with alternative positions. Later, the same conclusions are broadcasted to the media space through affiliated or loyal platforms, where they take the form of "public resonance" and media materials are used as additional "independent confirmation" in communication with donors and in political discussions.

As a result, a vicious cycle is formed, in which the repetition of messages replaces evidence, and the constructed appearance of consensus displaces the real pluralism of positions. This mechanism of retransmission allows advocacy narratives to go through several stages of reformatting and return to international partners as "expertly confirmed" statements.

The most sensitive element of this ecosystem is the conflict of interest, which not only exists, but in some cases is systematically disguised as expert activity. Some organizations that position themselves as "representatives of the professional community" or "expert centers in the field of the practice of law" do not have a self-governance mandate under national law and are not accountable to the professional community.

At the same time, such structures strive to be perceived by international partners as legitimate "voices of the profession" by promoting recommendations aimed at limiting the powers or dismantling existing self-governing institutions. By its very nature, this is not a neutral expertise, but a situation in which actors interested in changing the rules of the institutional game are able to influence their formation through the channel of so-called "independent" shadow reporting.

In addition, the conflict of interest is exacerbated by financial incentives. When an organization receives funding to advocate for changes in the field of law and then independently assesses the need for and feasibility of these changes in the format of an "expert" report, there is a structural substitution of independent assessment with self-representation.

In such a model, the indicator of "success" is not the actual improvement of the system's functioning or strengthening of guarantees of the profession's independence, but the formal inclusion of predefined proposals in policy documents, donor program conditions or roadmaps, where they begin to act as an instrument of external pressure on national institutions.

At its core, this is a mechanism of policy capture, which is realized not through state levers of influence, but through the monopolization of the channel of the so-called "public expert voice."

The lack of proper disclosure of financial, organizational and personnel ties in shadow reports significantly limits their suitability as a source for high-level decision-making in the European Union. For European institutions, this creates a risk of supporting reforms not on the basis of EU standards and comparative law enforcement practice, but on the basis of documents reflecting the interests of a narrow range of actors and the logic of the grant market.

In the field of independent legal professions, the consequences of this approach are particularly sensitive, as they directly affect the guarantees of the right to defense, the preservation of attorney-client privilege and the institutional capacity of the justice system as a whole.

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Thus, the problem lies not in the criticism of the Bar or self-government institutions, but in the transformation of shadow reporting from an accountability tool to a technology of delegitimization and redesign of institutions. When reforms are replaced by institutional dismantling and expertise by advocacy, shadow reports cease to be an auxiliary source for the European Union and become a systemic risk factor for the rule of law.

CHAPTER 6

Security Dimension of the Roadmap Implementation Under Martial Law

Under martial law, reforms of the Bar should be assessed not only in terms of formal compliance with the reform goals, but also from the standpoint of institutional stability, security and resilience of the legal system. De-legitimization of Bar self-government, simplification of legal support procedures, and the introduction of solutions such as electronic voting without proper organizational, legal, and cybersecurity guarantees create additional risks to the legitimacy of institutions and data protection.

In such circumstances, the risk lies not in the Roadmap itself as a policy framework, but in its distorted or mechanistic application without taking into account the objective constraints and security challenges associated with the state of war.

In this context, it is crucial to distinguish between security risks associated with the content of the Roadmap and those arising from its distorted implementation. From the perspective of the Bar, the Roadmap itself does not pose a threat to institutional stability, as it is based on the logic of evolutionary reform and respect for the independence of self-governing legal professions.

Security risks arise when the provisions of the Roadmap are interpreted as a mandate for institutional dismantling, forced "re-foundation" of the Bar self-government, or imposition of decisions that ignore martial law and objective security restrictions. In such cases, the implementation of the Roadmap loses its reformist character and turns into a destabilizing factor that weakens the independence of the Bar, undermines the legitimacy of procedures and creates vulnerabilities that can be used as part of hybrid influence.

Security dimension and hybrid risks

In the context of the full-scale armed aggression of the Russian Federation against Ukraine, reforms related to basic legal institutions should be assessed not only in terms of formal compliance with standards, but also from the perspective of institutional sustainability and security implications.

In wartime, the rule of law ceases to be a purely legal category and acquires a national and regional security dimension.

The independent Bar is one of the key elements of institutional resilience in wartime. It ensures the exercise of the right to defense in criminal proceedings, supports the continuous functioning of the judicial system, records human rights violations and war crimes, and provides access to international justice mechanisms.

De-legitimization or institutional weakening of the Bar self-government under martial law creates significant practical risks - from reducing the quality of procedural guarantees and access to legal services to undermining trust in justice in communities directly affected by armed aggression.

The comparative experience of the territories that were or are under Russian influence demonstrates a stable pattern: independent legal professions and legal defense mechanisms are among the first targets of systemic pressure. This does not mean that such scenarios are automatically transferred to the Ukrainian context, but it does indicate an objective risk of reproducing the logic of delegitimization, fragmentation and undermining the autonomy of the profession, even if such processes are formally presented as "reform."

In this regard, it is particularly telling that the rhetoric of some shadow reports and related information campaigns reproduces typical frames of institutional discrediting - "illegitimacy," "usurpation," "seizure," "monopoly," "fear," "secrecy."

This is not about the intentions or political loyalty of the authors, but about the objective effect of using narrative templates that systematically undermine trust in institutions without proportionate legal analysis, without evaluating alternatives, and without proper fact-checking.

Under such conditions, information pressure becomes a factor of institutional erosion, regardless of the subjective motivations of the participants in the process.

An additional security risk factor is the use of legal and procedural instruments as a means of destabilization (lawfare). Mass complaints, serial lawsuits, attempts to paralyze the activities of self-government bodies through procedural attacks, and the creation of "parallel" institutions may appear to be internal professional conflicts. At the same time, such actions can create legal uncertainty for courts and government agencies and reduce the predictability of law enforcement.

In the context of martial law, such institutional instability directly affects the state's ability to ensure law and order, the effective functioning of the judicial system and the proper level of procedural guarantees.

An illustrative example of the disregard for the security context in external assessments is the failure to hold a congress of advocates, which is sometimes interpreted as a "blocking" of the formation of Bar self-government bodies and quotas to the High Council of Justice. At the same time, according to the law, these issues can be resolved exclusively by the Congress of Advocates of Ukraine, the procedure for convening and holding which provides for the physical presence of delegates from most regions of the country.

In the situation when a significant part of the territory of Ukraine is temporarily occupied, located near the line of hostilities or subject to significant restrictions on movement and holding mass events, it is objectively impossible to ensure the legally defined quorum for the congress. Holding such a meeting without adequate security guarantees would pose a direct threat to the life and health of the delegates and would contradict the imperative requirements of the martial law regime.

Thus, this is not a matter of sabotage or unwillingness to fulfill obligations, but a legal conflict between peacetime procedures and wartime security restrictions that requires a balanced, proportionate approach rather than formal accusations.

In this context, it is advisable to warn against the simplistic promotion of e-voting as a universal "technical solution" to existing problems. The current regulatory model does not provide for remote voting for constitutionally significant professional self-government procedures, and the introduction of such mechanisms under martial law poses increased risks to the legitimacy of decisions and cybersecurity.

International standards, in particular the approaches formulated by the Venice Commission, assume that electronic voting is acceptable only if there is an adequate level of transparency, security and public trust in the relevant systems. In the context of constant cyberattacks and documented risks of interference with the digital infrastructure, the transfer of key decisions of professional self-government bodies into electronic format may not accelerate the reform, but, on the contrary, lead to delegitimization of its results.

Implementation of the Roadmap by the Bar: Institutional Architecture, Programmatic Approach and the Principle of "Nothing about the Bar without the Bar"

Taking into account the status of the Ukrainian National Bar Association as a co-implementer of the Roadmap on the Rule of Law in terms of reforming the Bar, the Bar self-government bodies have launched an institutional mechanism for its implementation.

By the decision of the Bar Council of Ukraine of December 12, 2025, No. 125, the Working Group on the Implementation of the Roadmap for the Reform of the Bar was established and the Program for its implementation was approved.

The Program covers measures aimed at increasing transparency and accountability, improving procedures for access to the profession and disciplinary practice, as well as strengthening the institutional capacity of the Bar self-government bodies.

On January 2, 2026, the Working Group held its first constituent meeting, which was not declarative but working and focused on organizing the process of implementing the Roadmap, setting priorities and forming thematic areas of work.

The involvement of representatives of the relevant parliamentary circles, the expert community and international professional organizations in the inaugural meeting demonstrates the openness of the Bar to dialogue and its institutional maturity in terms of self-reform.

In practical terms, this characterizes the Ukrainian Bar as a responsible participant in the European integration process, which does not take a passive position but rather develops its own mechanisms for fulfilling its obligations and ensures that reform decisions are tested for compliance with European standards.

The organizational model of the Working Group is based on a multi-level principle and includes a combination of plenary sessions, a coordination bureau and thematic subgroups, as well as the involvement of international experts to check the developed solutions for compliance with the European "red lines" of professional independence.

This format minimizes the risks of formalized or imitative reform and ensures a sustainable, methodologically sound and predictable process of change.

At the same time, the Roadmap cannot be implemented through parallel state formats that exclude professional self-government. The principle of "nothing about the Bar without the Bar" is not a political slogan, but a standard of good governance in the field of justice: any legislative or administrative decisions concerning the Bar and Bar self-government should be prepared based on the results of timely and effective consultations with representative professional organizations.

In this context, the creation or functioning of working groups in the executive authorities, in particular in the Ministry of Justice, which develop decisions in the field of the Bar without proper involvement of the Ukrainian National Bar Association, should be considered as a deviation from international standards and the logic of European integration.

The expected areas of improvement that should be addressed in the framework of the Roadmap (in particular through the activities of the Working Group) include:

1) institutional consolidation and optimization of the organizational structure of the Bar self-government bodies in order to avoid fragmentation, strengthen a single democratically governed professional institution based on a single legal entity and ensure internal accountability of the self-government bodies to the professional community;

2) removal of state restrictions on the maximum amount of annual contributions, since such restrictions constitute a form of interference in the internal affairs of a professional organization and objectively reduce its institutional capacity;

3) modernization of the financial management system, in particular through centralized planning and accounting of resources and ensuring fair and transparent distribution of funds for the proper functioning of all Bar self-government bodies and fulfillment of the tasks defined by law and expected under the Roadmap.

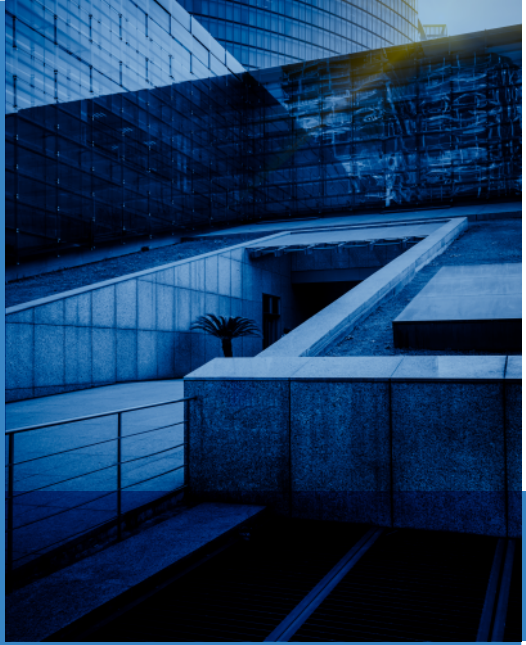
These circumstances are of direct importance to the European Union. Supporting changes that actually weaken the autonomy of independent legal institutions or provoke long-term internal instability may contradict the strategic goal of strengthening the rule of law and institutional stability of Ukraine as an EU candidate state.

In this context, the choice is not between "reform" and "status quo" but between evolutionary institutional improvement and the risk of systemic destabilization.

CHAPTER 7

Proper Implementation of the Roadmap: a Constructive Alternative

A constructive alternative is to purposefully improve the current model of Bar self-government rather than to dismantle or replace it. Increasing transparency, accountability, digitalization, improving access to the profession and disciplinary procedures should be carried out from within the institution, while respecting professional autonomy, the principle of proportionality and objective wartime restrictions.



In the context of the overall digital transformation of Ukrainian society, the development of procedural and service digitalization is the most promising area for modernizing the current model. Surveys show that representatives of the legal, judicial, and law enforcement professions see the insufficient level of digital procedures and tools as a key challenge, rather than a lack of trust or professionalism.

Similarly, the demand for transparency and accountability relates primarily to the internal accountability of the Bar self-government bodies to the professional community and ensuring procedural predictability, rather than the introduction of external control or interference in confidential attorney-client relationships.

This approach is fully in line with the logic of the Roadmap and confirms that proper implementation should focus on improving the quality of procedures, standards and communication, rather than changing the institutional architecture.

Digitalization of the Bar: Transparency and Quality of Procedures through Registries and Digital Services

Digitalization is a cross-cutting condition for the proper implementation of the Roadmap on the Bar, as it directly affects the transparency and quality of key professional procedures, including access to the profession, continuous professional development, disciplinary liability and the maintenance of professional registers.

At the same time, digitalization should be understood not as an end in itself or a "total digital regime" but as the creation of a comprehensive digital infrastructure for Bar self-government. Such an infrastructure should increase the objectivity, manageability and accountability of the processes, while preserving professional autonomy, attorney-client privilege and procedural guarantees.

A proper digital architecture for the Bar should include (1) registries and modules necessary for qualification procedures and professional testing (registration, identification, recording of results, logging, audit of changes); (2) digital tools for continuous education and monitoring of compliance with the CPD (registration of training, verification of hours, accreditation of providers, reporting) (3) digital management of disciplinary cases (registration of complaints, monitoring of deadlines, notification of participants, access to materials, publication of generalized practices and decisions).

In the context of martial law, digitalization should include backup procedures, such as offline centers, paper or hybrid mode, and mechanisms for deferred data confirmation, so that security, communication, or power supply risks do not turn into discriminatory barriers.

A separate mandatory element should be the principle of accessibility and reasonable accommodation, in particular for persons with disabilities, including those with visual impairments. This approach directly meets the requirements of the Roadmap and the practices implemented by the Ukrainian National Bar Association.

In this regard, it is important that the approaches to digitalization, accessibility and backup procedures developed and already being implemented in the Ukrainian Bar are properly reflected and enshrined in law. It is precisely this regulatory consolidation of the practices formed by the UNBA within the framework of self-government that will ensure their sustainability, legal certainty and compliance with the rule of law under martial law.

Digital tools cannot and should not replace the professional nature of the Bar. Practice of law is an activity aimed at protecting human beings, which involves professional communication, persuasion, and dealing with human vulnerability and complex ethical dilemmas. In this context, digitalization should serve to improve the quality of procedures and services, rather than reduce the profession to formal "clicks" or purely technical performance indicators.

A properly designed digital transformation of the Bar is a tool for increasing transparency and quality of self-governance without losing professional independence and without creating new external centers of influence on the profession.

The Unified Register of Advocates of Ukraine as a Basic Digital Element of the Advocate's Status

The Unified Register of Advocates of Ukraine (URAU) is a key element of the digital infrastructure of the Bar and one of the most mature and functionally developed digital tools of Bar self-government in Ukraine. The registry ensures public verification of the advocate's status, increases the transparency of the profession and builds trust in it on the part of courts, public authorities and society.

In terms of centralization, openness and relevance of data, the URAU has virtually no direct analogues among European Bar associations and represents a significant institutional achievement of the Ukrainian model of self-governing Bar.

At the same time, the principle of completeness of the Register should be ensured not only in relation to advocates who practice law, but also in relation to all persons who have acquired the status of an advocate, including those who have suspended or terminated their professional activities.

The storage of such information in the URAU is not punitive in nature, but performs an accounting and analytical function that is consistent with the logic of modern professional registers and international practice.

The complete and up-to-date information contained in the Unified Register of Advocates of Ukraine forms a reliable picture of the state of the Bar in Ukraine, in particular, the total number of persons having the status of an advocate, the number of advocates actually practicing law as of a certain date, their territorial distribution by regions, as well as the dynamics of entry into and exit from the profession.

Such information is critical for planning public access to legal services, assessing the workload of disciplinary bodies, the system of legal aid, as well as for the development and proper functioning of the Bar self-government infrastructure.

In terms of implementing the Roadmap, the Unified Register of Advocates of Ukraine in this format serves as a single source of verified data, which makes it impossible to speculate on the number of advocates, the level of their actual professional activity or the "shortage" of advocates in certain regions. This makes it possible to make decisions on the reform of the Bar based on real, not assumed, indicators.

At the same time, this approach creates the institutional basis for further digital integration of the Registry with qualification procedures, the system of continuous professional development and disciplinary processes - without the formation of parallel or external databases.

At the same time, the current legislation contains a conceptual flaw: the status of an advocate is not directly related to the mandatory entry of information into the Unified Register of Advocates of Ukraine. At present, a person acquires the status of an advocate from the moment of taking the oath, while entering information into the Register is mainly technical and accounting.

This model leads to situations where individuals formally have the status of an advocate, but are not actually listed in the URAU. This undermines the integrity of the Register, complicates the verification of the advocate's credentials and creates risks to legal certainty for both courts and state authorities, as well as for citizens.

The proper implementation of the Roadmap in terms of digitalization requires the regulatory consolidation of the principle that an advocate acquires a full professional status not only from the moment of taking the oath, but also after entering information into the Unified Register of Advocates of Ukraine.

The URAU should become the legal "entry point" to the profession, which records the beginning of the practice of law, ensures transparency of the status and allows the state and society to uniquely identify advocates as holders of a special professional mandate.

This solution is in line with the logic of the digital transformation of the Bar. At the same time, its implementation requires a transitional period for advocates whose information was not included in the Unified Register of Advocates of Ukraine for objective reasons. Establishing a clearly defined time limit for bringing registration data into compliance is a necessary element of legal certainty and prevention of disproportionate or excessively burdensome consequences.

Thus, the statutory provision of mandatory submission of information to the Unified Register of Advocates of Ukraine as a condition for full acquisition of professional status does not limit the professional autonomy of the Bar, but, on the contrary, enhances self-governance, transparency and quality of regulation of the profession.

Thus, the URAU should serve as the backbone of the Bar's digital self-governance.

Access to the Profession: Testing and Qualification Exam

Testing for admission to the Bar should be based on a two-tier model that clearly distinguishes between standardized testing of basic knowledge and professional assessment of practical skills and ethical readiness.

The first level provides for professional testing as a prerequisite for access to the next stages - a unified tool for checking the minimum required level of general legal knowledge and basic procedural competencies. The results of such testing have a limited validity period, which ensures their relevance and compliance with the dynamics of legislation.

The second level involves a qualification exam aimed at testing the candidate's ability to act as an advocate in real professional situations.

This exam covers the analysis of the legal position in a case, preparation of procedural documents, resolution of ethical dilemmas, as well as an oral component that allows to assess the level of professional maturity and the ability to exercise independent legal judgment.

The proposed structure provides a single standard of access to the profession, does not replace the mechanisms of professional self-government with external institutions, and meets the requirements of objectivity and transparency stipulated by the Roadmap.

The statement that the European approach is allegedly reduced to full digitalization or a "purely procedural" format does not correspond to the real picture.

In EU countries, mixed models prevail, where assessment balances legal knowledge, practical skills and rules of professional conduct: tests/written assignments + practical case + (often) oral part, rather than a one-dimensional digital module.

Accordingly, the right model for Ukraine is one where a standardized digital test is used as a primary filter, and the key professional decision is made through a practical-oriented qualification exam. In wartime, the "digital only" requirement should include backup procedures (offline centers, paper format as a backup) so that security, communication, and power supply factors do not become a discriminatory barrier to access to the profession.

Digital tools should be an auxiliary environment, not a substitute for the professional nature of the Bar: legal practice is not just a "procedure" but primarily communication, persuasion, work with evidence, client psychology, and human vulnerability. Therefore, the incorrect implementation of "total digitalization" risks generating formal competence without professional maturity and ethical responsibility - with direct consequences for access to justice.

Continuous Professional Development: Quality Control as an Element of Independence and the Right to Effective Legal Services

The issue of continuous professional development of advocates is one of the key elements of the Roadmap on the Rule of Law. Decision of the Bar Council of Ukraine No. 125 stipulates that the system of continuous professional development in Ukraine already has a proper institutional basis and functions not declaratively, but through the Higher School of Advocacy of the Ukrainian National Bar Association as a basic tool for professional training.

This model establishes a mandatory requirement for each advocate to complete at least 15 hours of annual training. The decision also envisages further development of the system of continuous professional development through the UNBA Higher School of Advocacy and other accredited providers, bringing the content of the training programs in line with the requirements of the Roadmap and international standards.

In this context, the proposal made in the shadow report to organize training exclusively on a "competitive basis" can be considered acceptable only if there is a clear system of quality assurance, accreditation of providers and effective control over the content of training programs. In the absence of such mechanisms, "competition" actually turns into deregulation without quality assurance, which creates risks of formalization of training, commercialization of certificates and loss of common professional standards.

This is of fundamental importance for the European Union, since the continuous professional development of advocates is a component of ensuring effective legal services and guarantees of the right to defense, and not a purely administrative procedure.

Decision of the Bar Council of Ukraine No. 125 establishes the institutional logic of ensuring the quality of continuous professional development, which includes: the development of digital learning formats (online courses, webinars, distance learning programs) with accessibility, in particular for persons with visual impairments; the introduction of regular reporting by advocates on the fulfillment of their obligation to improve their professional level; harmonization of the content of training programs with the standards of the European Union and the Council of Europe; and the inclusion of mandatory modules of professional development in the mandatory modules of the Bar.

This approach combines the requirements of quality, accessibility and compliance with European standards without interfering with the professional autonomy of the Bar.

Thus, the proper implementation of the Roadmap on Continuing Professional Development should not be about creating a "training market" as an end in itself, but about combining the availability and diversity of providers with clear curriculum standards, an accreditation system, and regular internal accountability. Such a model ensures effective quality control, preservation of the independence of the Bar, and an adequate professional level of legal services as part of the right to a fair trial.

The Duties of an Advocate, the Burden on the Disciplinary System, and the Need for Preventive Mechanisms

The practice of Bar self-government in Ukraine shows that a significant number of disciplinary proceedings are not related to violations of the rules of professional conduct in the course of defense, but to the failure to fulfill the basic organizational duties of the advocate. In particular, it is the obligation to pay annual fees to the Bar self-government bodies and the obligation to continuously improve the professional level.

A significant number of such proceedings creates a disproportionate burden on the disciplinary authorities, diverting their resources from considering cases that have a direct impact on the protection of clients' rights and compliance with professional standards of legal practice.

A separate problem is the systematic failure of advocates to fulfill their obligation to improve their professional level. In practice, there are cases when advocates do not undergo training for professional development for several years in a row. In the absence of effective preventive and differentiated response mechanisms, such violations are automatically translated into disciplinary liability. At the same time, their root cause is not the organizational failure of the system, but the dishonest attitude of individual advocates to fulfill their professional duty to improve their skills. The problem is that the current model does not provide for intermediate, proportionate instruments of influence before disciplinary sanctions are imposed.

At the same time, prolonged failure to fulfill the obligation to improve qualifications directly affects the quality of legal services. The Constitution of Ukraine guarantees everyone the right to professional legal aid, which is provided exclusively by advocates as special subjects. This constitutional model is based on the presumption of an advocate's proper professional level. If an advocate does not update his or her knowledge and practical skills for a long time, he or she objectively loses the ability to provide legal services at a level that complies with current legislation, current case law and human rights standards.

Comparative practice of self-governing legal professions in democratic legal systems shows a different logic of responding to violations of organizational responsibilities.

Failure to fulfill financial or procedural obligations usually entails administrative consequences, without quasi-punitive disciplinary proceedings, including temporary restriction of access to professional activities until the violation is eliminated.

This approach is based on a clear distinction: disciplinary liability is applied for violations of professional standards and rules of professional conduct, while organizational obligations are enforced through automated, proportionate and predictable mechanisms of status administration.

In the Ukrainian context, taking into account the model of the Unified Register of Advocates of Ukraine and the principle of proportionality, it is advisable to use this approach - soft in form but effective in result, which ensures compliance with obligations without excessive burden on the disciplinary system.

The proper implementation of the Roadmap requires a clear separation of disciplinary liability from access to the services provided by the Bar. If an advocate fails to pay the annual fee or for a long time, he or she cannot use the services of the Bar self-government, which are funded by fees from other advocates and provide the infrastructure of professional activity, on equal terms.

In this context, the temporary digital and administrative restriction of access to certain professional services is justified as a primary, preventive response mechanism. In particular, it is about restricting access to digital tools that ensure the registration and use of the tools of the Practice of Law, subject to proper notification of the advocate and the possibility of immediate restoration of full access after the fulfillment of the relevant obligation.

This approach is non-punitive, complies with the principles of proportionality and efficiency, protects clients from the risk of receiving poor quality legal services, maintains a fair balance in the financing of the Bar self-government bodies and significantly reduces the burden on disciplinary bodies, allowing them to focus their activities on significant violations of professional standards.

As a result, the proposed model is organically combined with the Bar's digital transformation, the development of the Unified Register of Advocates of Ukraine and modern Bar self-government services, forming the basis for the effective, fair and conflict-free implementation of the Roadmap. Such an approach allows achieving its goals without substituting them with punitive or excessively bureaucratic mechanisms and maintains a balance between professional autonomy, accountability and protection of clients' rights.

Disciplinary Procedures: Enhancing Capacity and Procedural Safeguards Through Internal Reform of the Bar Self-government Bodies

According to the Rule of Law Roadmap, the Qualification and Disciplinary Commissions of the Bar and the Higher Qualification and Disciplinary Commission of the Bar are the Bar self-government bodies responsible for conducting disciplinary procedures against advocates in compliance with the standards of independence, fair trial and professional autonomy. In this context, any changes in the area of disciplinary liability should be seen as an element of internal institutional improvement of self-governing bodies, and not as an external review or substitution of their powers.

The study of practice shows that a significant volume of disciplinary complaints creates a significant burden on the disciplinary chambers of the QDCB and the HQDCB, increasing the risks of delaying the consideration of cases, fragmentation of disciplinary practice and procedural errors. Under such circumstances, the key task of implementing the Roadmap should not be to "re-establish" the disciplinary system or transfer its functions to external entities, but to consistently strengthen the institutional capacity and improve the quality of disciplinary procedures within the Bar self-government based on the principles of due process, proportionality and predictability.

A practically significant tool for such a reform is the internal structural modernization of disciplinary bodies by creating chambers or panels within the disciplinary chambers of the QDCB and/or the HQDCB. Such a model allows for a more even distribution of the workload among the panels, the introduction of functional specialization by categories of disciplinary cases, shorter review periods, and improved quality and predictability of decisions, without changing the nature of the disciplinary bodies as self-governing institutions of the Bar.

In order to increase the efficiency and predictability of disciplinary procedures, it is advisable to provide for a set of internal measures, in particular:

1. procedural filters for manifestly unfounded or repeated complaints without new circumstances; unified procedural standards and decision templates;

2. systematic analytical support for generalizing disciplinary practice;

3. digital tools for managing disciplinary cases (registration, time control, notification of participants, access to materials) that perform an infrastructure function and increase the efficiency of procedures without replacing procedural guarantees.

Thus, strengthening the institutional capacity of disciplinary bodies through internal structural reform is fully consistent with the logic of the Roadmap, preserves the independence of the Bar self-government and creates conditions for fair, effective and predictable disciplinary proceedings without external interference with the professional autonomy of the Bar.

Proportionality of Disciplinary Sanctions: the Advisability of Introducing Fines

An effective disciplinary system should provide for a gradation of sanctions that allows for a response to violations in proportion to their severity and consequences. The absence of "intermediate" measures of liability creates a structural imbalance: either too lenient measures are applied that have no preventive effect, or excessively severe sanctions (temporary suspension or disbarment) are used, which may be disproportionate and stimulate conflict and an increase in the number of appeals.

In this context, the introduction of fines as one of the types of disciplinary measures is an appropriate tool to increase the proportionality and predictability of disciplinary practice. Such a sanction may be applied in cases where the violation requires a tangible response from the self-governing body, but does not reach the level that justifies the restriction of the right to practice law. This allows to strengthen the overall prevention and disciplinary liability without moving to "punitive maximalism" and without interfering with the professional autonomy of the Bar.

In order to prevent fines from becoming an instrument of financial pressure, disciplinary legislation should provide for adequate procedural and institutional safeguards, including:

clearly defined grounds and criteria for application; a set upper limit and range of fines; the obligation to properly motivate the decision; the possibility of deferral or mitigation of sanctions in exceptional circumstances; and a transparent rule on the targeted use of funds aimed solely at ensuring the quality of the profession and the functioning of the disciplinary infrastructure in order to eliminate the conflict of interest “the punishing bode earns money.”

Review of Disciplinary Decisions: Limits of Judicial Control and Internal "Cassation" in the Self-government System

The current model of review of disciplinary decisions requires a clear division of powers between the Bar self-government bodies and the courts. Judicial review should remain a tool for monitoring compliance with the procedure, while establishing factual circumstances, evaluating evidence and resolving issues of professional liability are the exclusive competence of the Bar's disciplinary bodies.

The proper implementation of the Roadmap should provide for a clear institutional logic of review of disciplinary decisions: decisions of the disciplinary chambers of the Qualification and Disciplinary Commissions of the Bar should be appealed exclusively to the Higher Qualification and Disciplinary Commission of the Bar as the highest body of disciplinary self-government. Only the decisions of the Higher Qualification and Disciplinary Commission of the Bar may be subject to judicial appeal.

This model ensures that disciplinary cases are considered on their merits within the Bar self-government system, guarantees the unity of disciplinary practice, and at the same time preserves judicial control as the final mechanism for verifying compliance with procedural guarantees and principles of fair trial.

As part of the implementation of the Roadmap, a mechanism for reviewing disciplinary decisions based on new or newly discovered circumstances within the Bar self-government system itself requires a separate legislative regulation. Such a mechanism should be aimed at correcting obvious mistakes or taking into account material circumstances that could not have been objectively known at the time of the decision, without undermining the principle of legal certainty and without transferring the center of disciplinary control to the judiciary.

The introduction of an internal review procedure in such cases is in line with the logic of the Bar's self-regulation, strengthens the institutional capacity of the disciplinary system and maintains a balance between effective protection of advocates' rights and stability of disciplinary practice.

Expansion of Administrative Powers of the Bar Self-government Bodies as an Element of Institutional Capacity

The analysis of the changes envisaged by the Bar Reform Roadmap shows that there is an objective need to strengthen the administrative role of the governing bodies of the Bar self-government in view of the growing functional load, digitalization of processes and increased requirements for efficiency, accountability and promptness of decision-making.

In this context, a prerequisite for the proper implementation of the Roadmap is the expansion of the powers of the Bar's governing bodies, which should be viewed as a tool for operational management and representation, rather than as a concentration of power. In particular, this means the ability to make quick decisions in crisis situations, coordinate actions between bodies of different levels, ensure a unified approach to the implementation of decisions of the Bar self-government bodies, and effectively interact with public authorities and other institutional partners.

In the context of war and the fulfillment of European integration obligations, such managerial efficiency is not a privilege but an institutional necessity.

The current model of Bar self-government performs a much wider range of tasks than at the time of the adoption of the basic law, including administering the URAU, developing digital services, providing access to the profession, a system of professional development and disciplinary procedures, responding to violations of the guarantees of the practice of law in times of war, and implementing EU and Council of Europe standards. Under such conditions, limited or fragmented management powers create a risk of managerial inefficiency and undermine the institutional capacity of self-government.

The expansion of the management functions of professional self-government inevitably increases the importance of institutional memory and managerial heritage. These elements are provided not by abstract structures, but by specific officials who accumulate experience, knowledge of procedures, institutional practices and informal mechanisms of interaction necessary for the effective functioning of the organization.

In such a model, term limits serve as a tool for periodic democratic validation of the mandate, which in itself does not preclude re-election. The number of terms is not seen as an autonomous risk criterion, as long as a competitive electoral procedure, real accountability and the ability of the professional community to change the leadership through free expression of will are maintained.

Massive or simultaneous replacement of persons performing key management functions is considered a factor of institutional vulnerability, as it can lead to the loss of accumulated management capital, breakdown of strategic continuity and degradation of the operational capacity of a self-governing organization.

At the same time, the expansion of managerial powers should be accompanied by the preservation and strengthening of the system of checks and balances, including collegiality in key decision-making, internal financial control, accountability to the Bar's representative bodies, transparency of procedures, and digital recording of managerial actions. In such an architecture, empowerment does not undermine the democratic nature of self-government, but rather ensures its functionality and sustainability.

Thus, the expansion of managerial powers is not an optional option, but an objective institutional necessity for the proper functioning of the Bar self-government in Ukraine. It directly follows from the Roadmap on the Rule of Law, meets the European standards of self-governing professions and is the only realistic response to the growing functional load, the conditions of war and the obligations of Ukraine as a candidate state for accession to the EU.

Time Constraints and Institutional Capacity: Finding a Balanced Model of Self-governance

The Rule of Law Roadmap and shadow reporting use the category of "self-governance reforms," but for a correct analysis, we should assume that the key institutional reform of the Bar and Bar self-governance in Ukraine was already implemented in 2012 with the adoption of the Law of Ukraine "On the Bar and Practice of Law." It was then that a model of a single professional association and a system of Bar self-government bodies was introduced, developed with due regard for the expert opinions of the Council of Europe and the Venice Commission (in particular, the joint opinion CDL-AD(2011)039).

Unlike classical voluntary professional associations, the Ukrainian National Bar Association and the Bar Council of Ukraine perform the functions of a mandatory professional regulator whose decisions are binding on the entire legal community. In this sense, their institutional design and managerial stability are important not only for the internal functioning of the profession, but also for the quality of the regulatory environment as a whole.

That is why the issues of composition, continuity of work and transfer of management functions in these bodies directly affect the predictability of disciplinary and ethical practice, the sustainability of digital services and registries, as well as the regulator's ability to ensure the fulfillment of long-term obligations, in particular those arising from the Roadmap and the European integration process.

In such a regulatory model, excessively strict legal restrictions on the re-election of executives do not increase the level of integrity, but rather create the risk of fragmentation of governance and reduced institutional capacity. The current limit of two consecutive terms of office already strikes a basic balance between renewal and stability; further tightening the rotation may upset this balance.

From a regulatory perspective, the key risk is not the possibility of re-election per se, but the loss of accumulated managerial and technical expertise in areas with a long-term horizon - international cooperation, digital infrastructure, registry management, cybersecurity, and professional access administration. In wartime crisis conditions and large-scale institutional transformations, such losses are systemic rather than purely internal.

European practice in this regard is not homogeneous and does not confirm the existence of a single "binding standard" for strict re-election restrictions.

In some jurisdictions (e.g., Italy), the third consecutive term is prohibited for certain Bar associations, but in many systems (e.g., Germany and Austria), the emphasis is primarily on electoral competition, transparency, accountability and internal safeguards, rather than on the mechanical removal of experienced leaders regardless of the will of the professional community.

In view of this, the correct logic of further development of the Bar self-government in Ukraine should be based on two basic principles:

(1) the expression of the will of the Bar as the only legitimate source of formation of self-government bodies through conferences and congresses;

(2) preserving the institutional memory of the regulator as a condition for the quality, predictability and stability of regulatory decisions.

Accordingly, instead of strengthening or mechanically applying the "two consecutive terms" restriction, it is advisable to consider a model in which the issue of mandate renewal is decided exclusively by the Bar community through elections, and the risks of concentration of power are neutralized by other, more effective tools: transparent reporting, realistic recall procedures, conflict of interest management, collegial decision-making, clear division of powers, and standards for the reasoning of regulatory acts.

Financing of Local Self-government Bodies: Sources, Limitations and Institutional Capacity

The financial capacity of the professional self-government is a basic prerequisite for the implementation of any institutional reforms envisaged by the Roadmap. Today, the Bar self-government in Ukraine functions exclusively at the expense of annual mandatory fees of advocates to support the activities of self-government bodies. The legislation does not provide for alternative or stabilization sources of funding, and budget funds are not used to finance the Bar.

The amount of such fees is established by law and has remained fixed for several years, despite significant changes in macroeconomic and social conditions. During this period, there has been a significant increase in operating expenses related to administrative activities, disciplinary infrastructure, maintenance and development of digital services and registries, professional access systems and measures to ensure institutional accessibility, as well as expenses related to wartime conditions.

As a result, the real purchasing power of the fees has significantly decreased, creating a structural gap between financial resources and the scope of regulatory functions. In the absence of adjustments to the financial model, this objectively limits the Bar's ability to effectively perform the new and expanded tasks envisaged by the Roadmap, particularly in the medium and long term.

By their legal nature, contributions to the Bar self-government bodies are funds of the professional community, not public funds. Accordingly, the state has no reason and should not directly regulate or limit their amount. Establishing a rigid "ceiling" on fees at the legislative level actually means interfering with the internal autonomy of a self-governing professional organization and creates a structural dependence of the Bar's institutional capacity on the decisions of the legislature.

In the European practice of independent legal professions, it is the self-government bodies that determine the amount and structure of funding for their activities based on real needs and objectives, subject to internal accountability to the members of the profession. In this context, the legislative limitation of the maximum amount of fees is neither necessary nor appropriate, as it does not provide additional guarantees of transparency, but at the same time reduces the institutional capacity of the Bar self-government bodies.

Revision of the legislative restriction on the amount of annual fees with simultaneous strengthening of internal financial accountability mechanisms at the level of the entire Bar self-government system would allow to achieve a balanced combination of financial autonomy of the professional regulator and its accountability to the legal community. Such an approach is consistent with the logic of the Roadmap, the principles of self-governance and generally accepted standards for the regulation of independent legal professions.

Digital Infrastructure and Targeted Financing of Services: Cost Allocation Based on the Principle of Use

The implementation of the Roadmap in terms of access to the profession, disciplinary procedures, increased transparency and digitalization inevitably requires the creation and maintenance of a developed digital infrastructure of the Bar self-government.

This includes, in particular, digital services and registers for qualification procedures, professional testing, recording of exam results, electronic document management in disciplinary proceedings, public recording of decisions and generalization of practice, as well as secure registers to ensure transparency and procedural guarantees.

Creating and maintaining such systems involves significant ongoing costs: software development, cybersecurity, personal data protection, technical support, service updates and integration. Obviously, these costs cannot and should not be fully covered by the annual fees of the advocates, which by their nature are intended to ensure the basic functioning of self-government bodies.

In view of this, it is advisable to introduce targeted payments based on the principle of using the service, when the financial burden is borne not only by advocates but also by persons who directly use the relevant procedures and infrastructure. This applies, in particular, to persons applying for admission to the qualification exam or professional testing, persons retaking the exam, as well as applicants initiating disciplinary proceedings and using the relevant electronic services.

This approach is consistent with the principles of fair cost-sharing, as it avoids a situation where all the costs of digitalization are borne exclusively by advocates, regardless of whether they use specific procedures. At the same time, targeted payments are not "fines" or restrictions on access to justice, but are administrative fees for services, the amount of which should be proportional to the actual costs of providing them.

The introduction of such a funding model also increases transparency and quality of procedures, as it allows for a clear separation of core self-government functions from service delivery processes, ensures stable funding for digital infrastructure, and avoids hidden cross-subsidization. Ultimately, this creates a financially sustainable model for the implementation of the Roadmap, in which the development of digital services does not undermine the institutional capacity of local governments and does not place a disproportionate burden on the professional community.

Internal Independent Audit as a Quarantee of Self-governance and Financial Integrity

The Law of Ukraine "On the Bar and Practice of Law" and Decision No.125 of the Bar Council of Ukraine assume that the Ukrainian Bar is an independent, self-governing professional institution, not a public authority. Accordingly, the financial activities of the Bar self-government bodies are subject to internal independent control, not external state financial supervision.

This approach is in line with the European tradition of regulating independent legal professions and is consistent with the requirements of the Roadmap on Transparency and Accountability.

The model of internal independent audit in the Ukrainian system of Bar self-government is based on a multi-level system of audit bodies, including regional Bar audit commissions and the Higher Audit Commission of the Bar. These bodies are formed directly by the Bar community, are institutionally separated from the governing bodies and have clearly defined powers of financial control.

In functional terms, this model ensures independent supervision of the financial activities of the Bar self-government bodies, including verification of compliance with budgetary discipline, targeted use of funds and compliance of financial decisions with the established internal rules.

The combination of election, institutional separation and a defined mandate allows us to consider this system as an internal mechanism of independent audit compatible with the principles of professional autonomy and effective self-regulation.

The financial resources of the Bar self-government bodies are not of a budgetary nature, are not formed at the expense of state or local budgets and are not at the disposal of state bodies.

These are the funds of the professional community accumulated through mandatory fees of advocates and other authorized sources and used exclusively for the performance of the Bar's regulatory and institutional functions, including the maintenance of digital infrastructure and registers, disciplinary procedures, ensuring professional access, development of the profession and protection of the guarantees of the practice of law.

In such circumstances, the key element of financial integrity is not external state control, but the effectiveness of internal audit and accountability mechanisms that are consistent with the nature of a self-governing professional organization.

In this context, the mechanical transfer of public financial management regimes typical for budgetary institutions (public procurement, tender procedures, treasury control) to the finances of the Bar self-government is conceptually flawed and incompatible with the principle of independence of the Bar. Such instruments are designed to control the use of public funds and do not take into account the nature of self-governing professional organizations that operate on the basis of internal accountability to their members.

The correct implementation of the Roadmap on Financial Transparency of the Ukrainian Bar should focus not on external administration but on improving the quality of internal audit.

This includes, among other things, unification of financial reporting standards, regularity and publicity of consolidated financial statements, clear separation of management and control functions, introduction of rules to prevent conflicts of interest, and digital recording of key financial decisions within internal accounting systems.

In the context of European integration, the model of professional self-government based on the principle of self-regulation with internal independent audit is functionally compatible with the approaches of the European Union and the Council of Europe to the regulation of independent legal professions.

This model ensures the necessary level of transparency and accountability, while preserving the institutional autonomy of the profession and minimizing the risk of indirect mechanisms of state or donor influence on the Bar self-government bodies.

Independence of the Bar and the Limits of Anti-Corruption Regulation

The Ukrainian Bar is an independent institution within which advocates carry out free and independent professional activities in accordance with the Constitution of Ukraine and the Law of Ukraine "On the Bar and Practice of Law." By their legal nature, the Bar self-government bodies function as institutions of professional self-regulation based on the freedom of association and the principle of professional autonomy.

The Bar Council of Ukraine does not belong to the system of state authorities or local self-government and does not exercise public authority in the constitutional sense. Its regulatory role is limited exclusively to the internal space of the profession and is aimed at establishing and ensuring compliance with professional standards of practice of law.

The binding nature of the decisions of the Bar self-government bodies for advocates stems from their membership in the professional community and does not transform these bodies into public authorities or "quasi-governmental" entities. This model of internal professional regulation is in line with the European standards for the organization of independent legal professions and is consistent with the approaches of the Council of Europe and the European Union.

In this context, the application of anti-corruption regimes developed for public authorities to the Bar self-government system does not have a proper constitutional or legislative basis. Anti-corruption legislation by its nature is aimed at regulating the activities of persons exercising public authority, managing public resources or making management decisions on behalf of the state or local governments.

Advocates and Bar self-government bodies are in a fundamentally different legal plane. The Bar performs the function of protecting individuals from the state and acts within the framework of independent professional activity, not as a public authority. The regulatory powers of the Bar bodies are limited to the internal space of the profession and do not transform them into public administration entities.

The institutional inclusion of Bar self-government bodies in the system of state anti-corruption administration would mean a change in the legal nature of the profession, the creation of external mechanisms of influence on an independent institution and potential interference with the guarantees of the practice of law. Such an approach does not follow from the Constitution of Ukraine, current legislation or international standards on the role of the Bar and independent legal professions.

An illustrative example of the risk of replacing anti-corruption regulation with administrative control over the independent legal profession was the approach of the National Agency on the Corruption Prevention (NACP) in preparing the Anti-Corruption Strategy for 2026-2030 in the part concerning the Bar. On December 30, 2025, the NACP held a public discussion of the relevant section of the draft Strategy, after which, on December 31, 2025, the Bar Council of Ukraine adopted an open statement (Annex to Decision No. 158), in which the proposed approaches were characterized as creating a risk of interference by executive authorities in the functioning of the independent Bar.

During this discussion, the NACP's key argument was a reference to the alleged "state duty to interfere" in the activities of the Bar in view of the provisions of the Roadmap on the Rule of Law. This interpretation is legally unjustified.

The Roadmap is programmatic and framework-based and does not create new powers for executive authorities to interfere with the activities of self-governing constitutional institutions.

On the contrary, the logic of the Roadmap is to preserve and strengthen the institutional independence of the Bar, develop self-governing mechanisms and internal accountability systems. No strategic or programmatic documents may substitute constitutional guarantees of the Bar's independence or expand the competence of executive authorities beyond the limits expressly established by law.

The use of the anti-corruption strategy as a tool for initiating changes in the issues of access to the profession, organization of Bar self-government bodies, disciplinary procedures or financial mechanisms of their activities goes beyond the subject of anti-corruption policy and indicates the institutional expansion of the regulatory mandate beyond the limits established by law. In fact, this approach transforms anti-corruption regulation into a form of administrative control over independent professional self-government.

From the point of view of constitutional and international law, this creates a risk of incompatibility with the legal status of the Bar as an independent institution and with international standards for the protection of independent legal professions.

Any narrowing of the sphere of self-governance of the Bar has direct consequences for the realization of the right to effective and independent professional legal services, which is one of the key elements of the rule of law.

The format of the relevant discussion also requires special attention. According to the Ukrainian National Bar Association, participation in the event dedicated to the Bar was not organized on the basis of representative involvement of the professional community. In particular, the position of the Ukrainian Bar, which unites more than 70,000 advocates, was actually represented by individuals without a mandate from the Bar self-government bodies or the professional community as a whole.

This approach does not comply with the principles of good governance and institutional dialogue, which stipulate that the discussion of issues directly related to the functioning of a self-governing profession should be carried out with the involvement of its legitimate representative bodies. In the absence of such an approach, even formally open consultation processes cannot be considered as an adequate mechanism for taking into account the position of the professional community.

The special attention to the format of the discussion on the Bar needs to be paid. According to the information provided by the Ukrainian National Bar Association, the involvement of participants did not ensure proper institutional representation of the Ukrainian Bar as a self-governing professional community of more than 70,000 advocates.

The situation in which the position of the entire profession is actually represented by individuals without a mandate from the Bar self-government bodies or the professional community as a whole creates a risk of replacing institutional dialogue with individual or unauthorized views. In international practice of regulating independent legal professions, such an approach is seen as incompatible with the principles of good governance and good faith consultations with stakeholders.

It should be noted, that in the absence of a formalized mandate and clearly defined representative status of the participants, any results of such "discussions" cannot be considered as reflecting the position of the professional community and should not have regulatory or legal consequences.

In this context, attention is drawn to the UNBA's position on the absence of legal consequences of the event and the demand to exclude the section on the Bar from the draft Anti-Corruption Strategy for 2026-2030 as one that was prepared outside the mandate of the anti-corruption body and without proper consultation with the only statutory representative of the Ukrainian Bar.

In general, this case illustrates the fundamental line between anti-corruption policy and regulation of the independent Bar. Anti-corruption instruments should be aimed at the activities of public authorities and the management of public resources and should not be transformed into mechanisms of administrative control over the Bar, as this creates risks for the independence of the defense, the right to a fair trial and public confidence in justice.

Proper implementation of the Roadmap requires a clear functional distinction between different regulatory regimes. The state's anti-corruption policy should focus on the activities of public authorities and the management of public resources, while the issues of professional conduct, disciplinary liability and financial accountability of the Bar should remain within the self-governing mechanisms of the profession.

Such an approach allows for the necessary balance between transparency and institutional independence and is consistent with the European and transatlantic understanding of the Bar as an integral element of the justice system, rather than as an object of administrative or anti-corruption control by the state.

CHAPTER 8

Information Campaigns and Institutional Mimicry as Factors Undermining Trust in the Self-Governing Bar

There has been a visible increase in communication campaigns in the public space aimed at shaping the perception of an alleged "crisis of legitimacy" of the Bar self-government bodies in Ukraine. By their nature, these processes go beyond the usual professional discussion or reasonable criticism of individual managerial decisions and bear signs of a campaign approach, when complex institutional issues are reduced to simplified and repetitive messages.

The typical features of such campaigns are, firstly, the use of the rhetoric of repetition - the systematic reproduction of allegations of "usurpation," "monopoly," "closedness" or "illegitimacy" without a proper evidence base, legal analysis or comparison with European models of Bar associations. In international practice, such rhetoric is not seen as a form of institutional criticism, but as a tool for creating a false perception of legitimacy.

Secondly, there is a substitution of legal assessment with emotional framing, in which procedural decisions, technical regulatory steps or disciplinary processes are presented in terms of "political repression," "purges" or "conspiracies." This approach reduces the quality of public debate, displaces the analysis of facts and standards, and makes it impossible to discuss institutional issues in a meaningful way.

Another concern is the exploitation of the military context as an argument in internal professional debates. The interpretation of objective constraints related to the state of war (security, mobility, cyber risks, and organizational capacity) as evidence of "unwillingness to reform" or "self-preservation of power" ignores the principle of proportionality, which is a basic standard of the European Union and the Council of Europe in crisis situations.

Finally, there is a proliferation of pseudo-expert rhetoric surrounding the vocabulary of European integration and reforms, which is used without proper substantive competence regarding the organisation of Bar self-government and international professional standards. In such cases, the language of reforms serves more as a tool for legitimizing predefined theses than as a means of professional analysis.

Taken together, these phenomena, pose a risk of institutional mimicry, which undermines confidence in the self-governing Bar as an independent element of the justice system under the guise of reform criticism. In the long run, this may have negative consequences not only for the professional autonomy of the Bar, but also for the stability of the legal aid system and trust in justice in general.

Special attention needs to be paid to the phenomenon of narrative "laundering" (narrative or interpretation of the particular statement in the materials of public organizations):

(1) publication in the media with reference to previous sources;

(2) use of media publications as evidence of "public outcry";

(3) subsequent inclusion of such resonance in donor, analytical or expert reports laundering), which is increasingly observed in discussions around the status and activities of self-governing institutions.

It is a process in which an initial allegation or accusation that arises in social media or in the comments of individual activists goes through several successive levels of secondary legitimization over time.

The Typical Trajectory of Such a Process Also Includes:

(1) an emotionally colored publication or accusation without a proper evidence base;

(2) subsequent mention of the documents as alleged evidence of a systemic problem.

As a result, a self-reinforcing information cycle is formed, within which the intensity and repetition of the narrative gradually replace its factual and evidentiary value. This is a classic example of the replacement of empirical analysis with reputational noise.

At the same time, the existence of such information campaigns does not negate the need for institutional improvement, increased transparency of certain procedures, or modernization of communication approaches. However, information attacks based on the logic of political or election campaigns pose a qualitatively different problem.

In particular, Such Campaigns:

- undermine confidence in the institution that plays a constitutionally significant role in ensuring the right to defense;
- shift the discussion from the plane of procedural quality and efficiency of regulation to the plane of delegitimization of the institution as such:
- increase the risk of erroneous managerial or political decisions by external stakeholders in cases where media intensity is mistakenly perceived as empirical evidence of a systemic crisis.

Such reputational cascades pose a long-term risk to institutions that are key elements of the justice system, as they can influence regulatory decisions, donor priorities, and public perception without a proper factual basis.

The findings presented in this report, including the available sociological data, do not confirm the existence of a broad or systemic demand within the professional community for the elimination of Bar self-government or a radical institutional restructuring of the Bar.

On the contrary, the analysis of empirical data shows that critical assessments by the advocates are mostly moderate and substantive in nature and focus on certain procedural or managerial aspects.

Such remarks do not call into question the basic legitimacy of the Ukrainian National Bar Association as a self-governing institution and do not indicate a crisis of confidence in the model of professional self-government in general.

Media “Resonator": Echo Chamber, Tabloidization and Digital Distribution Channels

The campaign nature of information attacks is largely enhanced by the structural features of the modern media environment. Algorithmic models of content distribution, combined with competition for attention, create incentives for simplification, sensationalism, and emotional framing, while reducing the role of fact-checking and contextualization.

A number of recurring patterns that contribute to the echo chamber effect and the artificial amplification of certain narratives have been identified within this media environment.

First, we are talking about synchronized media publications or "leaks," when materials with similar structure, wording, and key messages appear in different publications almost simultaneously. Such synchronization creates the impression of a broad public consensus on the existence of an institutional crisis, even in the absence of independent confirmation.

Secondly, attention should be drawn to the use of anonymous or pseudo-anonymous digital channels as sources of alleged 'insider information'. Such content is often retransmitted to traditional media as semi-factual material, despite the lack of primary verification or a clearly identified source.

Thirdly, there is a widespread technique of accusation by associations, which use hints, assumptions and associative connections instead of institutional or legal analysis. Although such techniques have no evidentiary value from a legal or methodological point of view, they have a significant psychological impact on the perception of the audience.

Finally, there is a systemic lack of corrective mechanisms: initial statements are rarely followed up with clarifications, refutations or updates, even when the facts change or the initial publication was incomplete. In the digital environment, the first version of a narrative tends to have the greatest influence, regardless of any subsequent clarifications.

Taken together, these factors form a media "resonator" within which the repetition and visibility of messages substitute for their analytical quality. This effect poses a particular risk to institutions that play a key role in the justice system, as it can influence public perception and regulatory decisions without a proper factual basis.

The formed media "resonator" creates a separate risk for external partners and international stakeholders. In such an information environment, quantitative indicators of visibility - the number of publications, the emotional intensity of headlines, and the repetition of key messages - can be mistakenly perceived as empirical evidence of a systemic problem, even in the absence of a proper evidence base.

This risk is particularly sensitive in the context of European integration. Simplistic or campaign narratives in the media can influence the framework for discussing reforms, shifting the focus from institutional strengthening and the development of self-governance mechanisms to solutions that actually lead to institutional weakening. Such a substitution of analytical approach for media intensity can have long-term negative consequences for the quality of reforms and the sustainability of institutions.

Institutional Mimicry and False Equivalence: Risks of Mandate Substitution in the Civil Society Ecosystem

Attention should be drawn to institutional mimicry as a distinct factor of informational and reputational pressure on self-governing professional institutions.

This refers to situations when certain non-governmental organizations or networks of activists publicly position themselves as "representatives of the Bar" or "alternative Bar" using names, visual identification and communication style that can create the impression among external audiences that they have a parallel or competing professional mandate.

Such practice creates a number of systemic risks for proper understanding of roles in the justice system.

First, There is a Risk of Blurring Legal Status and Mandate.

The Ukrainian National Bar Association is an institution established in accordance with the procedure established by law and endowed with clearly defined powers of professional self-government. Non-governmental organizations, even if they unite some advocates or carry out human rights activities, do not have a mandate for professional regulation. When these different roles are mixed up in public communication, there is a substitution of concepts between legitimate civil society participation and institutional professional self-government.

Second, There are Risks of Conflict of Interest in Donor and Evaluation Processes. A critical situation arises when an organization interested in changing the model of self-governance or redistribution of powers simultaneously participates in the preparation of materials for evaluation or monitoring of the same institution (in particular, in the format of alternative or "shadow" reporting). Under such conditions, the evaluation risks losing its neutral analytical character and turning into a tool for promoting a predetermined model.

Third, a False Equivalence is Formed. Institutional mimicry gives external audiences the impression that there are two "equivalent" institutions - one with a legally defined mandate and responsibility, and the other without such a mandate but with high communication activity. This scheme is methodologically flawed, as it artificially equates institutional legitimacy with media visibility.

Taken together, these practices make it difficult for external partners, donors and international organizations to correctly understand the institutional architecture of the Bar and create the risk of decision-making based on symbolic or communicative representation rather than a legally defined mandate and institutional responsibility.

These risks are of direct practical importance for the European Union and international partners, since the quality of decisions in the field of enlargement directly depends on the quality and reliability of the sources on which the institutional assessment is based. In this context, a clear delineation of roles and mandates is critical.

First of All, the Following Aspects Should be Clearly Defined:

- who has a legitimate professional mandate, including the authority to access the profession, set ethical standards, conduct disciplinary procedures and represent the profession at the institutional level;
- who participates in public debate, project or advocacy activities, communicates or monitors, but by the legal nature cannot substitute for professional self-government or speak on behalf of the profession.

In times of wartime and heightened hybrid information risks, institutional mimicry and delegitimization campaigns can have a disproportionate impact on the stability of the legal system. In such circumstances, even limited information distortions can influence the strategic decisions of external stakeholders.

That is why an approach compatible with European standards of good governance and the practice of fair institutional assessment should include enhanced procedural safeguards, including:

- transparency of the assessment methodology and clear disclosure of information sources;
- mandatory declaration of potential conflicts of interest by all involved actors;
- clear distinction between factual data, analytical interpretations and recommendations;
- consistent and correct use of terminology, in which civil society organizations are not positioned as professional bodies, and advocacy is not identified with professional regulation.

Adherence to these principles is a prerequisite for ensuring the objectivity of institutional assessments, protecting the independence of the Bar, and making informed decisions in the process of European integration.

Conclusion: Implications for the Rule of Law and the EU Accession Process

Information attacks, media doubles, and practices of institutional mimicry are not peripheral or secondary phenomena in the reform process. They directly affect the level of trust in key justice institutions and, consequently, the state's ability to ensure the effective rule of law.

For Ukraine, as a candidate country for accession to the European Union, this issue is of particular importance. The process of European integration implies that reforms in the field of the Bar and legal professions are based on verified data, the principle of proportionality and approaches aimed at institutional strengthening, rather than delegitimizing self-governing institutions through campaign communications or replacing a legitimate professional mandate with active but unauthorized communication activities.

Maintaining a clear distinction between professional self-governance, public advocacy, and information campaigns is a prerequisite for making informed decisions in the EU enlargement process. Failure to take this distinction into account creates a risk that the reform agenda will be shaped by information noise rather than institutional analysis, which may weaken rather than strengthen the justice system in the long run.

Key Findings.

1. Empirical summary

Taken together, the interim findings of the Armada survey indicate the following:

- Confirm the professional and institutional legitimacy of the Bar as a self-governing institution; Specifically, 69% of respondents trust the UNBA as an institution. In addition, 68% of the public views advocates as professional.
- They do not confirm narratives about the existence of a systemic crisis or the need to dismantle the current model of Bar self-government; On the contrary, 57% of respondents view the UNBA as setting the standards for the profession (versus 18 percent opposed), and 51% (versus 20% opposed) respect the institution disciplinary duties. Importantly, the Bar's traditional role of providing legal aid for those who cannot afford such a defense has a strong plurality of support (48% versus 27% opposed) which is especially critical during the difficult economic situation under martial law.

Almost 70% of the respondents said they are concerned they cannot pay for an advocate if they were in need of one.

- They justify the feasibility of an evolutionary model of reform in line with the objectives of the Roadmap;
- They reinforce the argument about the risks of institutional redesign of the Bar under the guise of implementing framework policies.

2. The Roadmap is a framework policy document: it sets goals (transparency, accountability, efficiency, digitalization, quality of procedures), but does not prescribe a single model for the organization of Bar self-government. Proper implementation means evolutionary improvement, not institutional "re-founding."

3. BCU Decision No. 125 and the Roadmap Implementation Program set out real institutional steps: implementation of EU standards (cross-border activities), development of CPD through the UNBA Higher School of Advocacy, improvement of disciplinary procedures, voluntary publication of reports, internal independent audit through audit commissions.

4. The "preliminary competition" model is unacceptable for the formation of any elected bodies of Bar self-government. The introduction of a competition commission that pre-selects candidates, with conferences/congresses selecting only from a "short list," effectively replaces the will of the delegates with a procedural filter and turns the competition commission into the real center of formation of bodies. The practice of applying such mechanisms in the procedures for forming the High Council of Justice and the Council of Prosecutors has shown that such a filter does not guarantee the proper quality of the composition, but instead creates an inversion of responsibility: public responsibility is borne by those who "elected," but the decisive influence is held by those who "weeded out."

For the Bar, as an independent self-governing profession, this is even more risky, as it creates a channel for external influence on the composition of self-governing bodies and is incompatible with the principle of professional autonomy and internal accountability.

5. Shadow reporting on the Bar demonstrates the risk of substituting the Roadmap: framework requirements are transformed into detailed institutional redesign projects, with a tendency toward external control instead of internal accountability, and with the steps already taken being ignored.

6. Transparency external subordination. The mechanical transfer of budgetary regimes (tenders/public procurement) to self-government funds is conceptually flawed, since these are not public funds, but the finances of a professional community. Internal auditing, reporting standards, and conflict of interest prevention are adequate.

7. Digitalization should be an infrastructure of transparency and quality (registers, procedure modules, case management, training platforms), not a "total digital regime." The conditions of war require backup procedures and the principle of accessibility.

8. The Unified Register of Advocates of Ukraine is a key achievement of digitalization and requires proper legislative consolidation: completeness of the register, linking the status of an advocate to entry in the register, and the ability to obtain accurate data on the number of advocates and their activity.

9. Access to the profession should be structured as a two-tier model: a standardized test plus a practice-oriented qualification exam (case/documents/ethics/oral component), with backup formats in case of military risks.

10. The disciplinary system requires internal capacity building: collegiums/chambers in the QDCB and HQDCB, unified standards, procedural filters, digital case management; as well as internal review mechanisms (including a "cassation" level within the HQDCB and review under new/newly discovered circumstances).

11. Mass cases of non-payment of contributions and non-compliance with CPD indicate the need for preventive mechanisms (administrative and digital restrictions on services), and disciplinary liability should be applied after prevention has proven ineffective.

12. In wartime, institutional caution and security stability are critically important: radical redesign of independent legal institutions creates risks for access to justice and the rule of law.

Implications for the EU

1. Risk of erroneous management decisions. If the assessment of Roadmap implementation is based on unverified and non-pluralistic shadow materials, there is a risk of forming conventions/funding based on simplified or network-enhanced narratives that do not reflect the actual state of institutional development.

2. Risk of indirect weakening of the independence of the Bar. Replacing “transparency” with external control may lead to decisions that are incompatible with European standards and create new centers of influence on the profession.

3. Risk of instability during a critical period. In wartime, an independent Bar is an element of access to justice and social stability. Institutional turbulence in this area could have systemic consequences for Ukraine's fulfillment of its obligations under Cluster 1.

4. The need to separate "policy outcomes" from "institutional engineering." It is advisable for the EU to evaluate not "architectural change" as an end in itself, but the achievement of results: procedural guarantees, quality of procedures, interoperable registers, transparent reporting, effective disciplinary mechanisms, and guarantees of advocates' safety.

Recommendations

For the EU and International Partners

1. Introduce higher standards for the use of shadow reports: disclosure of methodology and funding, identification of conflicts of interest, separation of analysis from advocacy, verification of key statements against primary sources.

2. Ensure genuine pluralism of positions: involve professional self-governing institutions, alternative expert communities, comparative practices of the CCBE/CoE, avoid reliance on closed networks of interconnected organizations.

3. Evaluate the implementation of the Roadmap through measurable results, rather than through the radical nature of institutional proposals: timelines and quality of procedures, transparency of reporting, effectiveness of internal audit, stability of the disciplinary system, secure access to the profession.

For Ukrainian Institutions (in the Logic of the Road Map)

1. Support an evolutionary model of self-government modernization, with a focus on internal mechanisms of transparency and control that are compatible with the independence of the Bar.

2. Develop digital infrastructure as "transparency and quality": testing/exam modules, CPD accounting, disciplinary e-case management, development of the Unified Register of Advocates of Ukraine; provide for backup offline/hybrid procedures and accessibility.

3. Strengthen disciplinary capacity through internal decisions: collegiums/chambers, standardization, filters, generalization of practice; internal "cassation" level in the HQDCB and review procedures for new/newly discovered circumstances.

4. Introduce preventive service discipline regarding contributions and CPD: restrict access to services as a primary tool, and impose disciplinary sanctions only for systematic disregard of requirements after prevention.

APPENDIX A

THE INSTITUTION OF THE BAR IN UKRAINE UNDER WARTIME CONDITIONS

Public Trust, Independence and Role of the UNBA

Analytical report on the results of the sociological research

Client: NGO "ARMADA NETWORK"

Contractor: WHS LLC (Wooden Horse Strategies)

The purpose of the study is to comprehensively assess how citizens of Ukraine, judges, prosecutors and law enforcement officers, advocates themselves and representatives of the Bar self-government bodies perceive the following in the context of a full-scale war:

- the Bar as a legal institution and part of justice;
- independence and effectiveness of the Ukrainian National Bar Association (UNBA) as a professional self-government body;
- access to legal aid in the context of war and justice reforms.

Key Findings

1. Citizens generally appreciate the quality of legal services and the professionalism of advocates.

- 39% of citizens have consulted an advocate at least once; among them, 78% are generally satisfied with the quality of legal services provided.
- 68% of respondents rate advocates as professional or rather professional.
- 59% of respondents rate their advocate as professional. This suggests that respondents believe better advocates are available but often unaffordable for their budget. This is because 65% of respondents view the cost of legal representation as problematic during wartime.

2. The level of trust in the Ukrainian National Bar Associationis is generally high, although it is combined with expectations of further reforms.

- 69% of citizens trust the Bar as an institution to some extent.
- Almost half (48-57%) agree that the UNBA sets standards for the profession, provides continuous professional development, and supports those who cannot afford to pay for the services of the advocate. In other words, there is an acceptance of the Bar's role in the key processes.

3. Judges, prosecutors, and law enforcement officials note the growth of the professionalism of advocates and recognize the UNBA as a strong and influential institution.

- About 76% of the representatives of this group assess the professional level of advocates in their region as high or satisfactory.
- 80% fully or partially trust the Bar as an institution; 60% consider the UNBA to be a strong and influential organization in the justice system.

4. Advocates generally feel independent and protected, and the UNBA is "the primary voice of the profession."

Based on the surveys for advocates, supplemented by the section on independence and disciplinary procedures:

- 75% of advocates agree that they can practice their profession without fear and undue pressure, while maintaining their independence.
- 66% believe that the UNBA is sufficiently active in protecting and representing advocates;
- 51% are proud to belong to the UNBA;
- the majority assesses the disciplinary procedures in the QDCB and the HQDCB as generally fair and clear, although about a quarter of respondents point to some cases of subjectivity.

5. Representatives of the Bar self-government bodies confirm the effectiveness and independence of the self-government model, while honestly pointing out the problems of financing and digitalization.

- About 76% of respondents from the self-government bodies assess the effectiveness of the system during the war as high or satisfactory.
- More than 55% said that they had never or almost never felt pressure on their work from the UNBA leadership; cases of interference, if any, are mostly related to external political factors rather than internal processes.
- The key challenges include underfunding, low level of digitalization, and overloading of disciplinary bodies with complaints.

6. There is a demand for further development of the UNBA in all groups of respondents:

- more transparency,
- deeper digitalization of procedures,
- expansion of legal aid,
- communication with the public aimed at explaining the role of the Bar as part of justice.

Despite the existing problems, the data allow us to draw the main conclusion:

The UNBA is perceived as a key, influential and generally effective institution that protects the independence of the legal profession, ensures standards and continuous professional development of advocates, supports them in wartime and has the potential to further strengthen its role in justice reform.

1. INTRODUCTION

1.1. Context of the Study

According to the Constitution of Ukraine, the Bar is an integral part of the judiciary and provides professional legal aid on the basis of independence, self-government and the rule of law. In the context of the full-scale war, the role of the Bar is only increasing:

- protection of the rights of military personnel, veterans, and internally displaced persons;
- support of cases related to war crimes and compensation for damage;
- ensuring access to justice when courts, parties and advocates are forced to work under fire, in evacuation or online.

In this system, the Ukrainian National Bar Association (UNBA) acts as the only professional self-governing body that:

- sets the standards of the profession;
- organizes the system of continuous professional development;
- conducts disciplinary proceedings;
- represents the interests of the Bar in Ukraine and internationally.

At the same time, the public demand for justice reform, access to legal aid, and transparency of institutions raises questions:

- To what extent do citizens trust the Bar and the UNBA?
- How do judges, prosecutors, and law enforcement officials evaluate advocates?
- What do advocates themselves think about their profession and self-government bodies?
- Are the Bar self-government bodies independent and able to respond to the challenges of war?

1.2. The client and the executor

The study was initiated by the NGO "ARMADA" in order to obtain an objective and comprehensive picture of the state of the Bar in Ukraine.

1.3 Research objectives

Main objectives:

1. To assess the perception of the Bar by the citizens of Ukraine: experience of using the services of advocates, trust in the Bar, Barriers to access to legal aid in the context of war.
2. To investigate the opinion of judges, prosecutors and law enforcement officials on the professionalism of advocates, the quality of interaction with them and the role of the UNBA.
3. To find out the advocates' position on their independence, sense of security, attitude towards the UNBA, disciplinary procedures and financial requirements of the self-government.
4. To analyze the views of the representatives of the Bar self-government bodies on the effectiveness of the existing model, the level of independence and the priorities for reform.
5. To form a balanced but positive analytical picture of the activities of the Bar and the UNBA, reflecting both successes and problem areas.

2. RESEARCH METHODOLOGY

2.1. General Design

*The study included **four complementary surveys:***

1. National Survey of Ukrainian Citizens (online + in-city interviews).
2. A sampling of judges, prosecutors and law enforcement officers (e-mail and online questionnaire).
3. Survey of advocates (electronic mailing through the UNBA, online questionnaire).
4. Sampling of representatives of Bar self-government bodies - members of Bar councils, the QDCB, the HQDCB, the UNBA/BCU.

For each group, a separate questionnaire was used, adapted to its experience, status and specifics of interaction with the Bar.

2.2 Sampling and Data Collection

2.2.1. Citizens of Ukraine

- National online survey (base) - 1084 respondents aged 18+, conducted on October 10-20, 2025.
- The sample structure corresponds to the demographic characteristics of the population by age, gender, region of residence, including internally displaced persons (IDPs) and refugees. Demographic parameters are calculated based on the 2001 census, the State Statistics Service of Ukraine January 2022, IOM and UNHCR data.

The questionnaire for citizens covered the experience of contacting an advocate, access problems, trust in the Bar, sources of information, the image of an "ideal advocate" and expectations regarding the reform and the role of the UNBA.

2.2.2. Judges, prosecutors and law enforcement officers

- The survey was conducted via e-mail and closed professional mailing lists; the questionnaire was filled out online.
- Sample: about 100 respondents, including approximately 40% of judges, 30% of prosecutors, 25% of investigators/detectives and 5% of other justice system employees. Because of the nature of the profession, the responses were limited in quantity but still give insights into opinions within the legal sphere.
- The questionnaire included sections on: changes in interaction with advocates during the war, compliance with rules of professional conduct, level of professionalism, trust in the Bar, assessment of the self-government model, and attitude to the UNBA as an institution.

2.2.3 Advocates

- The questionnaire was distributed via e-mail through the UNBA, regional Bar councils, professional communities, and social media.
- Sample: about 500 advocates from different regions, with experience from 1 year to 20+ years, different practice formats (individual, partner/employee of a firm, other).
- The questionnaire consisted of blocks:
  - impact of the war on practice;
  - interaction with courts and law enforcement agencies;
  - trust in government authorities;
  - **an additional block** on the independence of advocates, the UNBA's role in defense and representation, the fairness of disciplinary procedures, the assessment of annual fees, and the sense of pride/affiliation with the UNBA.

2.2.4. Representatives of the Bar self-government bodies

- The respondents are members of regional Bar councils, the QDCB, the HQDCB, UNBA/BCU bodies, involved through official lists and targeted invitations.
- Sample: about 100 people. Because of the technical nature of the questions pertaining to the legal sphere, the responses were limited in quantity but still give insights into opinions within self government bodies.
- The questionnaire contained questions about: the effectiveness of the self-government bodies in the war, key issues (coordination, complaints, digitalization, politicization), reform priorities, support needs, **additional questions** about independence from external and internal pressure.

2.3 Data processing and interpretation

- Citizen data were weighted by key socio-demographic parameters (gender, age, region, IDP/refugee status).
- For occupational groups, the results are in the nature of expert estimates; the samples are unevenly distributed across regions, but cover all macro-regions.

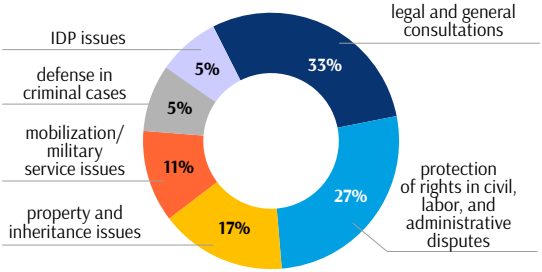
2.4. Limitations of the study

- Martial law, population migration, and limited access to certain territories make it difficult to form a perfectly representative sample.
- Electronic surveys may undercover people who do not use the Internet, while urban street-intercept surveys partially compensate for this imbalance.
- For judges, prosecutors, advocates, and self-government, these are expert groups where not only percentages are important, but also the reasoning in open ended answers.

3. RESULTS: CITIZENS OF UKRAINE

3.1. Experience of contacting advocates

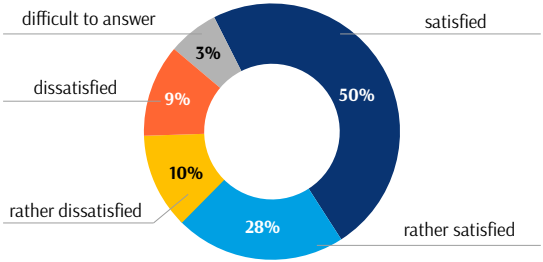
- **39% of citizens** have contacted an advocate at least once, 61% have not yet had such experience.
- The most frequent reasons for contacting an advocate:
- The questionnaire consisted of blocks:



Conclusion: advocates for citizens are primarily **advisors and defenders in everyday life situations**, not just "criminal defense lawyers".

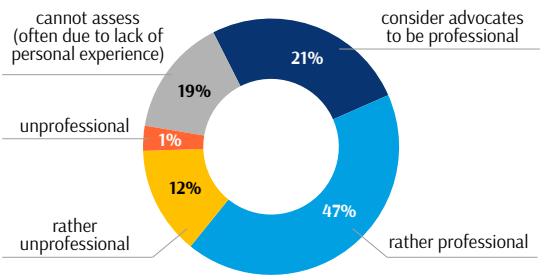
3.2. Satisfaction with the quality of legal services

Among those who have consulted advocates:



Thus, **78% of respondents are generally satisfied** with the quality of legal services they received.

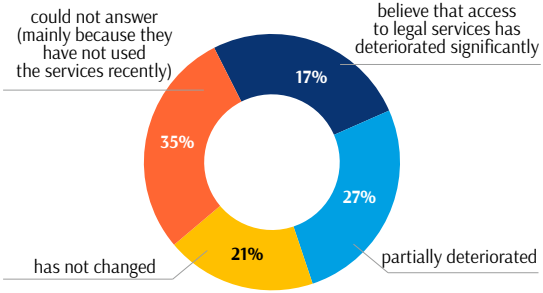
3.3 Professionalism of advocates as assessed by citizens



68% of citizens who expressed an opinion perceive advocates as **professional or rather professional** specialists.

3.4. Access to justice and Barriers during the war

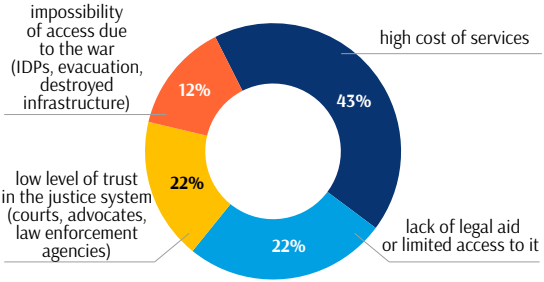
3.4.1 Has access to legal services deteriorated?



A significant number of those who say that it has deteriorated attribute it **not to the work of advocates**, but to the objective consequences of the war (evacuation of courts, displacement of people, reduction of income).

3.4.2 Main problems of access to justice

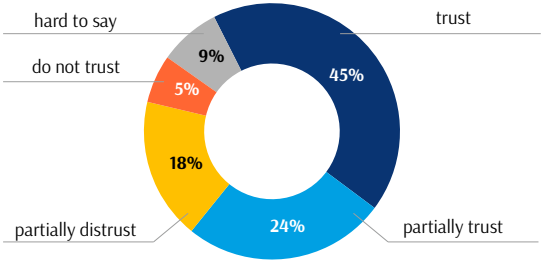
The most frequently mentioned problems are:



Conclusion: the main Barrier is **financial**, not qualitative. In a poor country and at war, this is expected; at the same time, it emphasizes the importance of UNBA's initiatives in the field of legal aid and pro bono.

3.5. Trust in the Bar and the UNBA's perception

3.5.1. Trust in the Bar as an institution



Thus, **about 69%** of citizens demonstrate **varying degrees of trust** in the Bar.

3.5.2. Assessment of the UNBA

Citizens were offered statements about the UNBA:

- "The UNBA ensures the independence of the Bar from the state" – 40% agree (fully/partially), 37% disagree, 23% do not know.
- "The UNBA provides legal protection for those who cannot pay for the services of the advocate" – 48% agree, 27% disagree, 25% do not know.
- "The UNBA sets the standards of the profession and ensures the continuous professional development of advocates" – 57% agree, 18% disagree, 25% do not know.
- "The UNBA has levers of influence on advocates who abuse their rights" – 51% agree, 20% disagree, 29% do not know.

Conclusion:

The UNBA is already perceived by a significant number of citizens as **an institution that sets standards, develops the profession and controls abuses**, but communication about **independence from the state and legal aid programs** needs to be strengthened.

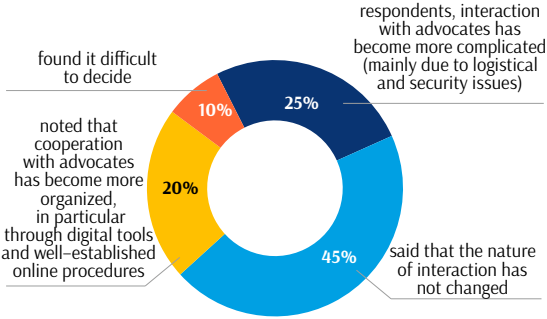
4. RESULTS: JUDGES, PROSECUTORS AND LAW ENFORCEMENT AGENCIES

Based on the questionnaire for judges and law enforcement agencies:

- Positions: ~40% judges, 30% prosecutors, 25% investigators/detectives, 5% others.
- Length of service in the judiciary: about a third have over 20 years of service, another third have 11–20 years of service, and the rest have less than 10 years of service.

This means that the majority of respondents have significant experience of interacting with advocates before and after the outbreak of full-scale war.

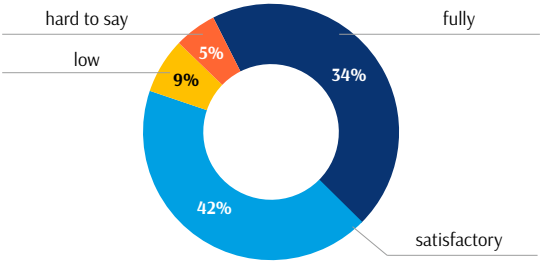
4.2 Interaction with advocates during the war



The main difficulties mentioned were the late appearance of advocates in the process (due to logistics), technical/communication problems, and restrictions due to the security situation. The quality of representation was mentioned as a problem only in a minority of cases.

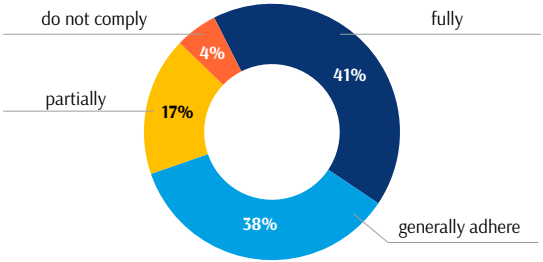
4.3. Professionalism and ethics of advocates

The level of professionalism of advocates in the region:



Thus, 76% of judges and prosecutors assess the professional level of advocates as high or satisfactory.

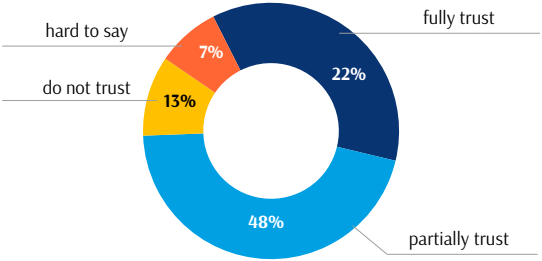
Adherence to the rules of professional conduct in times of war:



79% believe that advocates generally adhere to the Rules of professional conduct, even in extreme conditions of war.

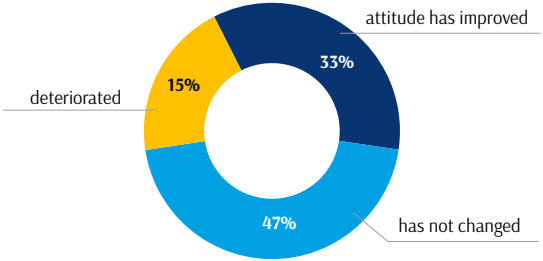
4.4. Trust in the Bar and Attitudes towards the UNBA

Trust in the Bar as an institution:



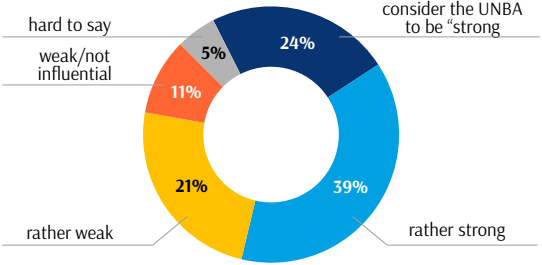
Thus, 70% of respondents demonstrate trust in the Bar to a greater or lesser extent.

Dynamics of attitudes since the beginning of the war:



In total, **80%** either maintain or improve their attitude towards the Bar, which indicates **a positive trend in the quality of the Bar personnel**.

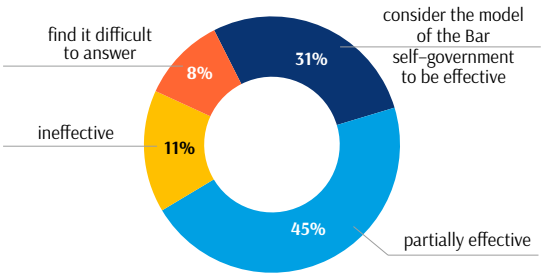
Perception of the UNBA as an institution:



Thus, 63% of judges and prosecutors assess the UNBA as a strong and influential organization in the justice system.

4.5. Assessment of the self–governance model and reform

Based on the section on the effectiveness of self–government and the Law reform:

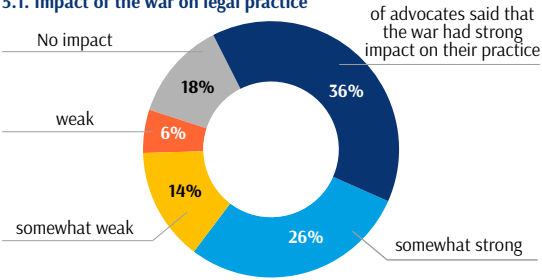


About 71% recognize at least partial effectiveness of the current model.

Conclusion: judges and prosecutors see the UNBA as a reliable partner in reforming the Bar and expect the reform to strengthen ethical oversight, transparency, and digitalization.

5. RESULTS: ADVOCATES

5.1. Impact of the war on legal practice



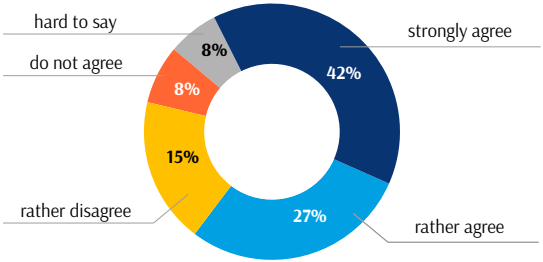
The main challenges include:

- decrease in the number of clients and revenues;
- forced migration, business relocation;
- restricted access to courts;
- conflicts with law enforcement agencies over access to clients in a time of war.

5.2. Independence and lack of fear/pressure

An additional set of statements about the independence of advocates was included.

"I can practice law independently, without fear and undue pressure from state authorities":



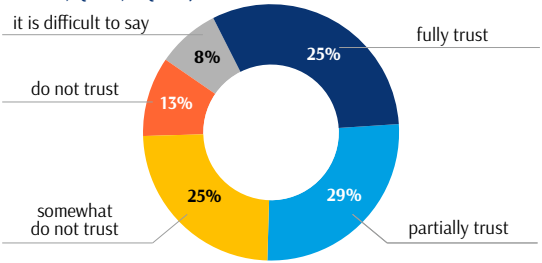
Thus, 69% of advocates believe that they can generally work independently.

Obstacles from the state authorities (according to the basic question of the questionnaire):

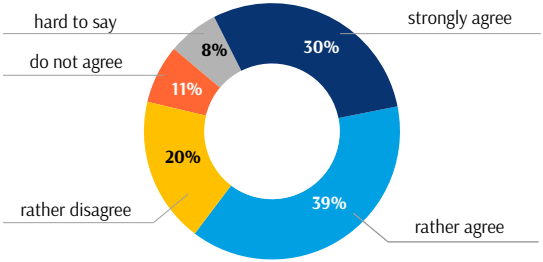
- About a third of the respondents faced obstacles to their work from the state during the war;
- At the same time, a strong plurality of them said that in such situations they counted on the UNBA's support (legal, public, reputational).

5.3. Trust in the UNBA and self–government bodies

General trust in the Bar self–government bodies (UNBA, regional Bar councils, QDCB, HQDCB):



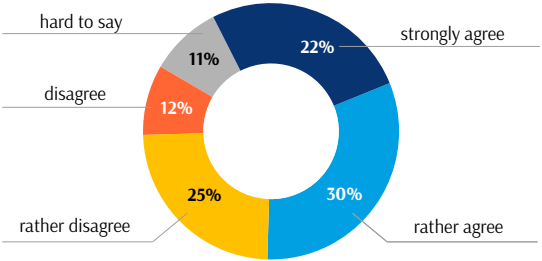
"The UNBA does enough to protect and represent the advocates as a "primary voice of the profession":



69% of advocates recognize the UNBA as active and effective in protecting the profession.

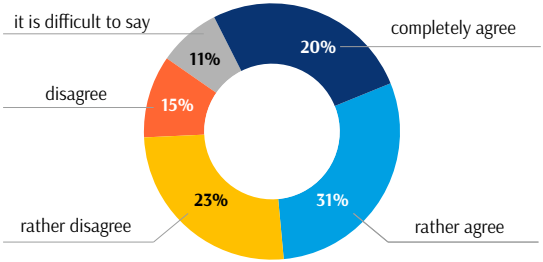
Thus, 54% of the advocates demonstrate varying degrees of trust in the self–government.

"The UNBA is a strong and influential organization in Ukraine":



52% consider UNBA to be strong and influential.

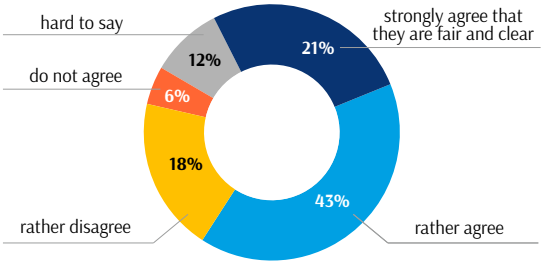
"I am proud to belong to the UNBA":



Thus, 51% of advocates are proud of their membership in the UNBA.

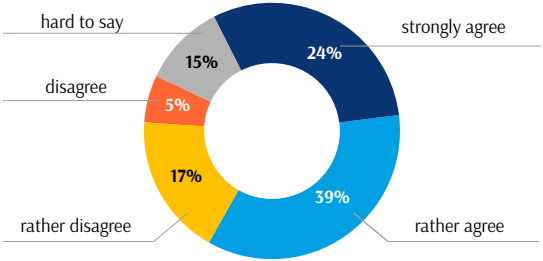
5.4. Disciplinary responsibility and pressure from the self–government

Fairness and transparency of the disciplinary procedures in the QDCB (regional level):



That is, 64% of respondents generally trust the work of the QDCB; about a quarter (24%) have critical comments.

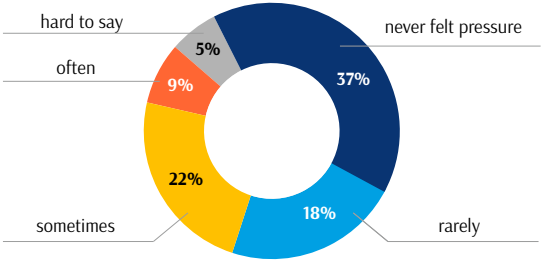
Fairness of procedures in the HQDCB (national level):



63% of respondents trust the national level of disciplinary control.

Do advocates experience pressure from the self–government bodies?

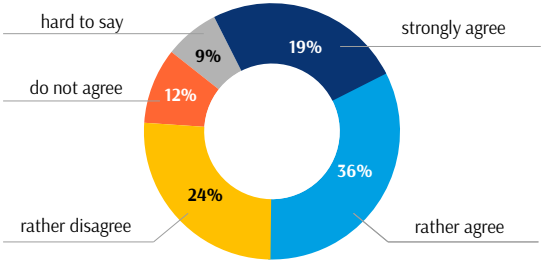
To an additional question about the experience of pressure/abuse of disciplinary procedures:



The majority of advocates do not feel any systemic pressure from the self–governing bodies; at the same time, there is a minority (20%) who consider the disciplinary procedure to be too dependent on subjective factors – this is an important signal for the self–government to strengthen the standards of transparency and communication.

5.5. Annual fee and funding of the Bar self–government

"The amount of the annual fee to the UNBA is fair in view of the self–government's tasks":



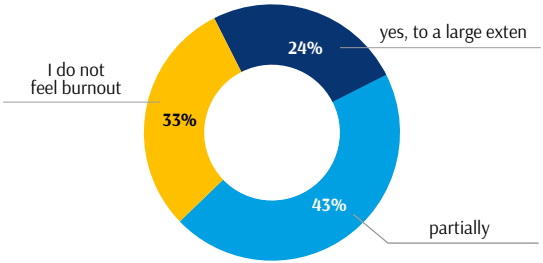
55% of the advocates generally recognize the fee as reasonable, but there is a noticeable segement that considers it too high in the context of the overall level of welfare in the country, especially during wartime.

In open answers, advocates often say:

- "We live in a poor country, so any mandatory payments are noticeable."
- "self-government bodies are experiencing a shortage of funds and are forced to balance between the minimum contribution and the minimum ability to perform their functions".
- “During the invasion this fee should be reduced”.

5.6. Professional burnout and expected support

On the issue of burnout:



The most popular types of support from the UNBA are:

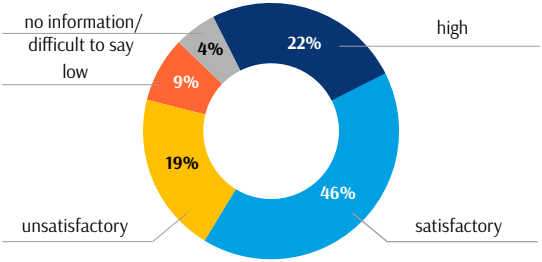
- Mental health assistance;
- methodological recommendations on working in war conditions;
- educational events and a system of continuous professional development;
- legal protection in cases of pressure from state authorities.

Conclusion: advocates perceive the UNBA not only as a regulator of the profession, but partially as a support institution, and expect even more institutional care, especially in the context of war.

6. RESULTS: REPRESENTATIVES OF THE BAR SELF–GOVERNMENT BODIES

6.1. Effectiveness of the self–government bodies in the context of war

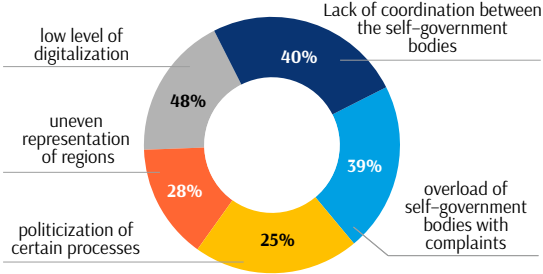
To the question "How do you assess the effectiveness of the Bar self–government bodies during the war?" the respondents answered:



Thus, 68% of self–government representatives recognize that the system is generally working effectively despite the war.

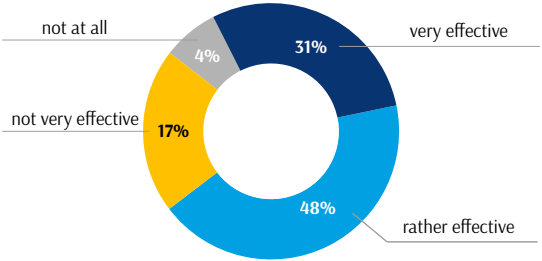
6.2. Main problems in functioning

Among the problems that are "observed most often" (up to 3 options could be selected):



- an additional factor mentioned in open responses was the lack of funding.

6.3. Interaction between central and regional authorities

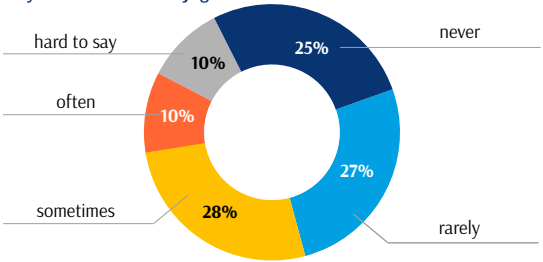


79% of respondents consider the interaction between the center and the regions to be effective or rather effective, which indicates the overall manageability of the system.

6.4. Independence and lack of pressure

Additional question:

"Have you personally faced any political or administrative pressure on your activities in self-government bodies?"



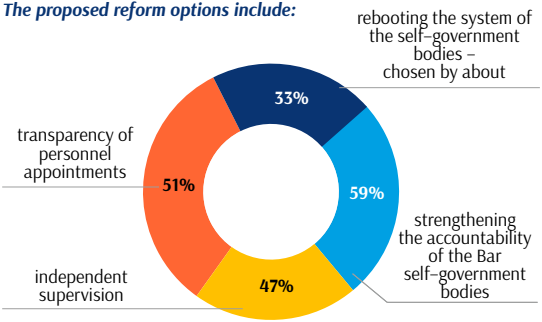
In their qualitative comments, most respondents clarified that even if pressure occurs, it often comes from external political or media actors rather than from the internal management of the UNBA.

Conclusion:

- The Bar self-government bodies generally function as an independent system,
- The risks of pressure exist due to Ukraine's post-communist realities, but they are of a situational rather than systemic nature and are connected to the general politicization of the legal sphere.

6.5. Reform priorities and support

The proposed reform options include:



There is support for the need to update the Law "On the Bar and Practice of Law", but with an emphasis on preserving the unity and independence of self–government.

In terms of the types of support that self–government bodies need in times of war, the most frequently mentioned are:

- organizational and expert assistance;
- financial support (advocates' own contributions often do not cover the full range of tasks);
- methodological assistance in developing a system of continuous professional development and standardization of practice.

7. SYNTHESIS AND CONCLUSIONS

7.1. Professionalism of advocates: a view from different sides

- Citizens: 68% assess advocates as professional or rather professional.
- Judges and prosecutors: 86% consider the professional level of advocates to be high or satisfactory (model data).
- Advocates: in their open answers, they admit that the war has become a "test of professional maturity," but the quality of their colleagues' work is generally improving.

Conclusion: the positive dynamics of the level of professionalism of advocates is confirmed by both service users and partners in the justice system.

7.2. Trust in the Bar and the UNBA

- **Citizens:** 69% have varying degrees of trust in the Bar.
- **Judges/prosecutors:** 70% trust the Bar, 63% consider the UNBA to be a strong organization.
- **Advocates:** 54% trust the self-government bodies; 51% are proud to belong to the UNBA.

Conclusion: The UNBA and the Bar have legitimacy among key stakeholders. At the same time, there is a demand for more aggressive communication about independence from the state and legal aid.

7.3. Independence and pressure

- The majority of advocates (69%) feel independent and do not experience systemic fear or pressure in the exercise of their profession.
- Judges and prosecutors recognize that advocates generally adhere to the rules of professional conduct and often act as an important deterrent to human rights violations.
- The self–government bodies are generally independent, and cases of pressure are more likely to be political than internal corporate.

7.4. Self–government system: effective but in need of modernization

At the intersection of all groups, it is evident that:

- the effectiveness of the current self–government model is recognized by the majority (both judges/prosecutors, advocates and representatives of the self–government bodies);
- At the same time, there is a demand for:
  - greater transparency (especially in personnel decisions and disciplinary practice)
  - digitalization of procedures (electronic registers, filing, online consideration of complaints);
  - accountability of self–government bodies to the Bar community;
  - strengthening of independent ethical oversight.

7.5. Finances and accessibility

- Citizens naturally see the high cost of legal services as a major problem, which is a consequence of the general level of poverty and war, not just the Bar's policies.
- Advocates acknowledge that annual fees are significant, but most consider them generally justified, given the shortage of funds available to self–governments.
- Representatives of the self–government bodies explicitly state that they do not have enough funding to fully fulfill their tasks.

7.6. UNBA's role and recommendations

The UNBA is a strong, influential and generally effective institution that has maintained control of the Bar during the war, ensures the standards of the profession, the system of continuous professional development, protection and representation of advocates, and has the potential to further strengthen its role in the justice reform.

At the same time, according to the respondents' open ended responses, the UNBA should further develop in the following areas:

1. Transparency and communication:

- open standards of disciplinary practice;
- regular public reports on the use of funds and results of work;
- more active explanation to citizens of the role of the Bar as part of justice.

2. Digitalization:

- development of electronic offices, online platforms for complaints, CPD, and interaction with the courts;
- unified electronic registers (of advocates, disciplinary decisions, continuous professional development programs).

3. Development of a system of continuous professional development:

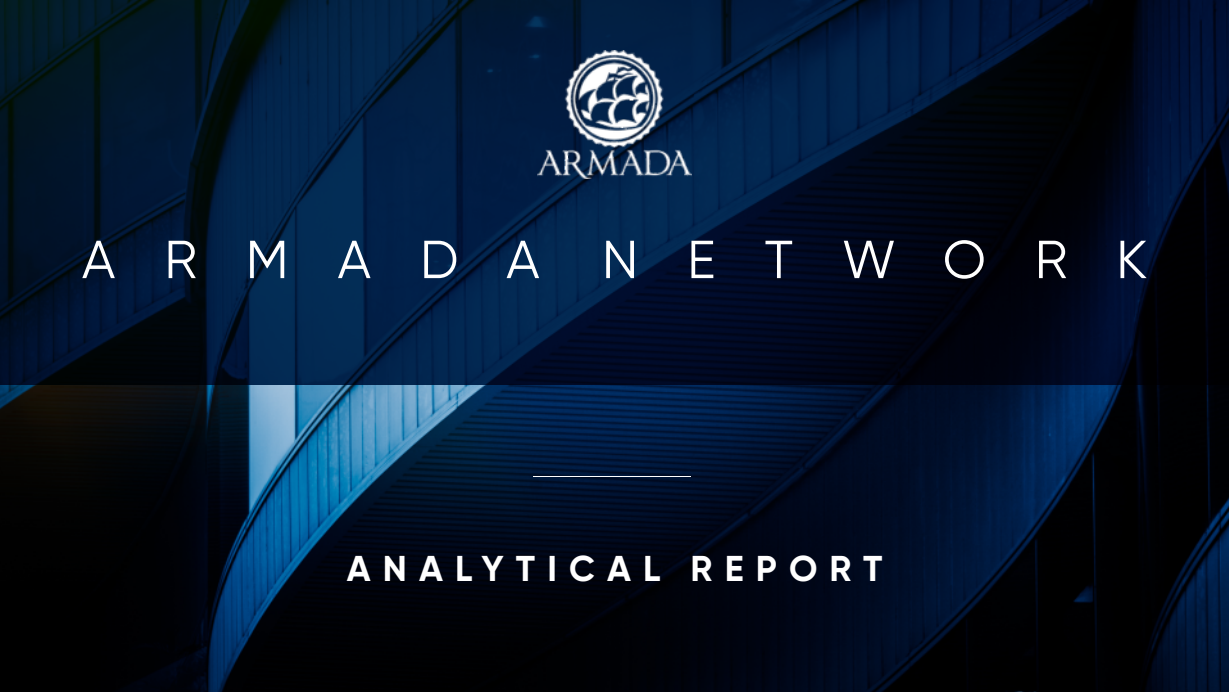
- Support and expansion of the existing system of continuous professional development, which respondents pointed out as one of the strengths;
- special programs on war crimes, the rights of the military, IDPs, business in war and post–war reconstruction.

4. Strengthening legal aid and pro bono:

- Expanding cooperation with the LA system, NGOs, and international partners;
- emphasis on the UNBA's perception as an institution that really helps those who cannot afford to pay for the services of the advocate.

5. Preservation of independence and unity of self–government:

- protection from political pressure;
- unification of practices between regions;
- support of internal dialog within UNBA to ensure that changes and reforms are institutionalized and constructive.



ARMADA NETWORK

ANALYTICAL REPORT

2026 JANUARY