**Answers on the questionnaire on the role, composition and functions of bar associations**

1. ***Please provide information on the way the legal profession is organized and regulated in your country. What are the legal bases for its establishment (e.g. constitutional provisions; ordinary law or other)? Please also indicate the main legal provisions protecting the right of lawyers to freely join or create a local, national or international association, and mention the existing associations.***

The advocacy is carried out according to the principles of the rule of law, lawfulness, independence, confidentiality, avoidance of conflict of interests and regulated by the following legal acts:

1. Constitution of Ukraine, Article 59 of which provides for everyone’s right to a professional legal assistance. In cases stipulated by law, this assistance is being provided free of charge. Everyone is free to choose his/her rights defender. Article 131-2 provides for the professional legal assistance to be granted by the attorneys and guarantee their activities independence as well. Principles of the organization and activities of the Bar as well as its exercising in Ukraine are determined by the law. An attorney exclusively represents the other person in court, as well as defends his/her against criminal charges.
2. Law of Ukraine of July 5, 2012, No 5076 «On Bar and Advocacy», defining the legal framework of the organization and activities of the Bar as well as its exercising (hereinafter referred to as – Law on Bar);
3. Law of Ukraine of June 2, 2011, No 3460 «On free legal assistance»;
4. Decrees of the President of Ukraine «On Judicial Reform Council» of 16 October, 2014 No 812 and «On the Strategy of Reforming the Judiciary and Related Legal Institutions for the years 2015-2020» of May 20, 2015 No 276.
5. Decrees of the Government regulating the issue of free secondary legal aid provision of September 17, 2014 No. 465 and January 11, 2012, No. 8;
6. «Legal Ethics Rules» approved by the elective congress of attorneys of Ukraine of June 9, 2017.

An attorney may practice its activity individually or within institutional-legal forms of law office or association of attorneys.

Article 18 of the Law on Bar stipulates that attorneys have the right to create local, national and international associations according to the procedure established by law. Attorneys, their associations may be members of international bar association.

1. **Does a professional association of lawyers play a role in the regulation of the profession? If so, please provide information on:**

***(а) the exact denomination of the body;***

***(b) the legal basis for its establishment (e.g. constitutional provisions; ordinary law or other);***

***(c) whether the association has been established as an «independent» and self-governing association;***

***(d) the composition and appointment process of the executive body of the association.***

Association of attorneys is a subtype of self-government organization performing self-governance on the basis of its statute or agreement.

The National Bar Association of Ukraine (hereinafter – NBAU) is the only professional bar organization in Ukraine. According to Article 45 of the Law on Bar NBAU is a non-State non-profitable professional organization which unites all attorneys of Ukraine and established to implement the objectives of attorneys` self-governance. NBAU`s state registration was conducted pursuant to the procedure prescribed by the Law of Ukraine of May 15, 2003 No. 755 “On State Registration of Legal Entities and Individual Entrepreneurs”.

Organizational forms of attorneys` self-governance are the conference of attorneys of a region, a council of attorneys of a region, Council of attorneys of Ukraine, congress of attorneys of Ukraine.

Statutory document of the NBAU is a statute adopted by the Congress of attorneys of Ukraine according to which the fundamental principles of NBAU activity are promotion of public interests, self-governance, independence, democracy, transparency and openness, election and accountability of attorneys’ self-governing bodies, necessity for attorneys to execute decisions of attorneys self-governing` bodies.

1. ***Please provide information on the relationship between the association of lawyers and the Executive, Legislative and Judiciary powers. In particular, please provide information on the role of the Ministry of Justice and/or the judiciary in relation to the establishment and functioning of this association.***

According to part 1 of Article 2 of the Law on Bar, the latter is a non-State self-government institute professionally providing legal protection, representation and other types of legal aid as well as independently decides on organization and activities of the advocacy.

Ministry of Justice carries out a general administration in a sphere of legal aid provision.

1. ***Please provide information on the role that professional associations of lawyers play with regard to:***
2. ***the admission process to the legal profession and the licensing of lawyers;***
3. ***the conduct of disciplinary proceedings against lawyers;***
4. ***the provision of legal aid;***
5. ***the protection of individual lawyers from any form of intimidation, hindrance, harassment or improper interference in the exercise of their functions;***
6. ***the development and implementation of legislation concerning the free exercise of the legal profession and the administration of justice.***

According to the Article 6 of the Law on Bar, the attorney may be an individual who has a full higher education, speak the national language, has experience in the field of law of not less than 2 years, successfully passed a qualifying exam, got an internship, took a special oath as attorney of Ukraine and **received a certificate in legal practice and advocacy**.

According to the Article 23 of abovementioned Law, professional rights, honor and dignity of attorney are guaranteed and protected, in particular, by the Constitution of Ukraine.

According to Article 33 of abovementioned Law an attorney may be subject to disciplinary responsibility within disciplinary procedure, which is carried out by the qualification and disciplinary commission of Bar located at t the address of the attorney's workplace indicated in the Unified Register of attorneys of Ukraine.

A number of draft Laws on the amendments to the Law on Bar, in particular, regarding measures of legal protection of attorneys (Reg. No. 1194 of December 2, 2014); status and guarantees of advocacy and creation of attorneys’ self-governing bodies (Reg. No. 1794 of January 19, 2015); ensuring equal access to the profession (Reg. No. 6471 of May 16, 2017 and Reg. No. 5359 of November 04, 2016).

***5 Is membership in the professional association of lawyers mandatory to practice law in your country? In case membership is a prerequisite to practice law, please provide detailed information on the measures the State has taken to ensure access to justice in cases where there is a shortage of lawyers in the whole country or part of its territory.***

No, it’s not mandatory. According to paragraph three of Article 4 of the Law on Bar it is provided that attorney may practice its activity individually or within institutional-legal forms of law office or association of attorneys.