



Strasbourg, 15 September 2011

Opinion No. 632 / 2011

CDL(2011)069 \*  
Engl. only

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**COMMENTS**  
**ON THE DRAFT LAW**  
**ON THE BAR AND PRACTICE OF LAW**  
**OF UKRAINE**

by

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## **A. Introduction**

The object of the opinion is the „Draft Law of Ukraine On the Bar and Practice of Law“ (hereinafter “Draft Law” or “DL”), provided by the Ukrainian Commission for Strengthening Democracy and the Rule of Law and approved by the Third Plenary Session of this commission on 27 April 2011 (revised version, received by E-Mail on 29 June 2011).

The Ukrainian government also provided translations of parts of the Code of Criminal Procedure of Ukraine (Articles 16-1, 28, 32, 44-48, 50-52, 61, 61-1, 63, 66, 69, 93, 94, 107, 121, 140, 143, 144, 167, 219, 261, 266, 289, 459) and parts of the Civil Procedure Code of Ukraine (Chapter I, Articles 12, Chapter 4, Article 26 and 27, Article 38-46, Article 56, Chapter 5, Article 57, 62, Chapter 8, Article 84).

A comment on the overall situation of the legal profession in the Ukraine is not the object of this opinion, nor was research undertaken about the factual position of advocates in the Ukraine.

## **B. The Standards**

### **1. Constitutional Standards**

The standards for the legal profession following constitutional principles common to the member states of the Council of Europe, in particular those laid down in the European Convention on Human Rights (hereinafter “ECHR”) as developed by the jurisprudence of the European Court of Human Rights (hereinafter „the Court“) are the basis for my opinion.

#### **1.1 Procedural Rights**

The constitutions of the member states of the Council of Europe and in particular the ECHR guarantee - amongst other rights - that the peoples’ rights are effectively enforced.

Article 6 ECHR guarantees that everyone in the determination of his or her civil rights and obligations, or of any criminal charge against him, is entitled to a fair and public hearing within a reasonable time period by an independent and impartial tribunal established by law. The predominate right under Article 6 ECHR is the right to have access to the courts in matters of civil rights and in case of a criminal charge. Moreover, Article 13 ECHR guarantees effective remedies before a national authority, if somebody’s rights and freedoms as set forth in the ECHR are violated.

Article 6 ECHR does not cover proceedings in administrative matters even if they may be very burdensome for the parties of such a proceeding, but the definition of „civil rights“ by the Court is in general broader than the definition of „civil rights“ in the constitutions of many member states of the Council of Europe.<sup>i</sup>

Some of the procedural rights of the parties under the ECHR are of particular relevance to the legal profession, for instance:

#### **a) The right to be represented by an advocate**

The access of the parties to a court is not a theoretical right. It has to be effective. The member states therefore have to provide for a judicial system, which opens to parties an effective access to courts<sup>ii</sup>. This includes the right to get advice and assistance by advocates and to get this assistance free of charge in cases where a party is financially unable to give a mandate to an advocate<sup>iii</sup>. The right to be assisted by an advocate (defence counsel) is explicitly mentioned in Article 6 /3c ECHR for cases of criminal charge.

In principle, the party may also pursue his case himself, but the Court does not regard it as a violation of Article 6, if a state law demands that a party (an accused) must be represented by an advocate (defence counsel) in cases of special importance or complexity<sup>iv</sup>.

The fact that these advocates remain unpaid in cases of legal aid is no violation of Article 4 ECHR (forced or compulsory labour)<sup>v</sup>.

**b) The right to be able to prepare for the proceeding (trial) properly**

Most of the case law relates to criminal proceedings, but the right is also protected in „civil law“ cases.

The party's right to prepare his case properly includes unhindered and free contact with his advocate and the right to correspond with him. Limitations because of rules of behaviour in prisons have to take into account the accused's right of contact with his advocate. Any limitation has to be reasonable and proportionate<sup>vi</sup>.

The proper preparation before a proceeding includes the right to see and inspect files<sup>vii</sup>.

**c) The right to choose one's advocate and the confidentiality between client and advocate (attorney-client privilege)**

Article 6 ECHR may also be violated if the person looking for an advocate has no right to choose a person whom he trusts<sup>viii</sup>.

The procedural laws have to grant advocates (defence counsels) the right to keep secret whatever comes to their knowledge in exercise of their mandate (attorney-client privilege). It is also forbidden to search rooms of an advocate in order to circumvent the attorney-client privilege. The rooms of an advocate may only be searched if there is a presumption that an attorney took part in committing a crime<sup>ix</sup>.

In this connection it shall be mentioned that the Court of Justice of the European Union distinguishes between independent attorneys and attorneys employed by the client. Even in cases in which employed in – house counsels are members of the bar, the attorney-client privilege is not granted to them.<sup>x</sup>

**d) The right to ask questions to witnesses**

This is a right granted to the party, but usually it is the attorney who pursues this right on behalf of the client<sup>xi</sup>.

**1.2 Right of free expression (Article 10 ECHR)**

Under the ECHR and the constitutions of the member states of the Council of Europe, the procedural rights are guarantees in favour of the individuals whose rights are involved. They are not rights of the attorneys who represent the parties. In some cases the protection of the rights of the parties necessitates individual rights granted also directly to lawyer, for instance the attorney - client privilege or the right of free expression (Article 10 ECHR) in the client's cases.

The Court has ruled several times that disciplinary proceedings against attorneys, who unjustifiably criticised courts and judges or made allegations against the other party without substantiating the reasons for the allegations, are not violations of Article 10 ECHR; however, submissions containing allegations in the interest of clients, but respecting the dignity of the profession, are protected by Article 10 ECHR.

A good example is the decision in *Amihalachioaie v. Moldova*<sup>xii</sup>, in which the court

„reiterates that the special status of lawyers gives them a central position in the administration of justice as intermediaries between the public and the courts. Such a position explains the usual restrictions on the conduct of members of the Bar (see *Casado Coca v. Spain*, judgment of 24 February 1994, Series A no. 285-A, p. 21, § 54).

28. However, as the Court has previously had occasion to say, lawyers are entitled to freedom of expression too and to comment in public on the administration of justice, provided that their criticism does not overstep certain bounds. Furthermore, Article 10 protects not only the substance of the ideas and information expressed but also the form in which they are conveyed. In that connection, account must be taken of the need to strike the right balance between the various interests involved, which include the public's right to receive information about questions arising from judicial decisions, the requirements of the proper administration of justice and the dignity of the legal profession (see *Schöpfer v. Switzerland*, judgment of 20 May 1998, *Reports* 1998-III, pp. 1053-54, § 33)“.

### **1.3 Impact of the fundamental rights of the clients for the status of advocates**

Although it is not the purpose of this opinion to judge whether the rights of clients as described above are followed by courts and other authorities in the Ukraine, the constitutional rights of clients also have an impact on the professional rules for advocates in the Ukraine and on the organisation of the bar, namely

- a) the defence of the rights of clients can only be effective if the Bar and the individual advocates are independent from the state,
- b) advocates have a very important and sensitive position for the functioning of the legal system. Therefore
  - they shall be well educated,
  - they shall have a high reputation in the society,
  - they shall not be under the risk of the state opening proceedings, even criminal proceedings, against advocates, as long as the behaviour of the advocates are consistent with professional standards, which shall primarily be supervised by an independent body within the bar and by the state only in criminal matters.

My opinion has to be seen in light of the above-mentioned guarantees and their consequences for the organisation of the legal profession.

## **2. Standards of the Council of Bars and Law Societies of Europe**

Furthermore, the Council of Bars and Law Societies of Europe (hereinafter “CCBE”) has set standards by the Charter of Core Principles of the European Legal Profession, adopted by the plenary session in Brussels on 24 November 2006 and the Code of Conduct for European Attorneys (hereinafter “CoC”) dating back to 28 October 1988. The last amendment of the Code of Conduct was adopted by the plenary session on 19 May 2006.

The Charter of Core Principles of the European Legal Profession contains a list of ten principles common to the national and international rules regulating the legal profession. These core principles are:

- a) the independence of the lawyer and the freedom of the lawyer to pursue the client's case,
- b) the right and duty of the lawyer to keep client's matter confidential and to respect professional secrecy,
- c) avoidance of conflicts of interest, whether between different clients or between the client and the lawyer,
- d) the dignity and honour of the legal profession and the integrity and good repute of the individual lawyer,
- e) loyalty to the client,
- f) fair treatment of clients in relation to fees,
- g) the lawyer's professional competence,
- h) respect towards professional colleagues,
- i) respect for the rule of law and the fair administration of justice and
- j) the self- regulation of the legal profession.

To a great extend these principles overlap with the constitutional standards as described above.

### **C. General Remarks Concerning Ukraine**

Ukraine ratified the ECHR on 11 September 1997. During a period of about 13 years, until end of 2010, the Court handed down 709 judgments in which it found at least one violation of the ECHR by Ukraine. 605 of them were violations of Article 6 ECHR. 107 of the 709 (76 of the 107) judgments were handed down in the year 2010. As far as violations of Article 6 ECHR are concerned the statistics look as follows<sup>xiii</sup>:

<b>Kind of violation of Article 6 ECHR</b>	<b>1998 - 2010</b>	<b>2010</b>
Right of fair trial	411	15
Length of proceedings	193	60
Non execution	1	1
Total	605	76

One has to be careful when drawing conclusion from statistical data. The numbers above have to be put in relation to the population of the Ukraine (about 46 million people<sup>xiv</sup>), and have to be analysed. But in any event it may be said that the statistical material calls for improvement.

Quite a number of states, which are members of the ECHR since decades, have a better record even in relation to their population.

The institution of the Commission for Strengthening Democracy and the Rule of Law, which approved the Draft Law of Ukraine On the Bar and Practise of Law is being seen as an attempt to perfect the Ukrainian legal system.

The Ukrainian Bar has furthermore adopted the CCBA Code of Conduct 2006 (CoC) on 12 June 2006<sup>xv</sup>.

The President of the CCBE wrote a letter to the Prosecutor General on 10 December 2009 in which he complained about several recent cases concerning violations of human rights of advocates in pursuance of their business. Follow - up letters of the President of the Ukraine complained about the dilatory manner of answering this letter<sup>xvi</sup>. This opinion does not cover these cases.

## **D. The Implementation of the European Constitutional Standards by the Draft law**

### **1. Independence of the Ukrainian Bar**

According to Article 2 of the Draft Law (DL), the Ukrainian Bar (hereinafter “Bar”) is a self-governing institution authorized by the Ukrainian Constitution” (hereinafter “Constitution”). I am not an expert of Ukrainian constitutional law, but when reviewing the English translation of the Constitution<sup>xvii</sup>, I did not find any constitutional authorization of the Bar as a self-governing institution. The chapter about self-governing institutions (chapter XI of the Constitution) refers to local self-government only.

The status of the Bar as described in the DL, however, shows the character of a self-governing institution at least on the level of ordinary (not constitutional) law.

The bodies of the Bar are elected directly or indirectly by the members of the Bar without any legal possibility of the state to influence the elections.

### **2. The Status of Advocates before Courts**

The DL provides the opportunity for clients to get legal advice and to be represented by an advocate before all kinds of authorities. It defines extensively and in detail which kinds of services are offered to clients by the members of the Bar (Article 24 DL)

An advocate has to provide legal aid to individuals free of charge, in accordance with the procedure prescribed by law (Article 25 DL).

The rights and obligations of an advocate are provided in Section V DL, including the obligation to keep privileged information about the client secret (Article 38 DL). The attorney – client privilege is also a right of the advocate (Article 41 DL).

The status of advocates is, furthermore, covered by the procedural laws:

Article 44 of the Code of Criminal Procedure (hereinafter “CCP”) provides that advocates may act as defence counsels in the interest of a “suspect, accused, defendant, convict, or acquitted”, and provide them the required legal assistance in criminal proceedings. Chapter 3 of the CCP and in particular Article 48 deals in detail with the extensive rights and the duties of defence counsels.

Article 69 CCP grants an attorney-client privilege. It reads as follows:

“The following persons may not be examined as witness:

1. lawyers .... about what came to their knowledge in the discharge of professional activities unless the person who entrusted them such information has released them from the duty to keep professional secrets;
2. defence counsel ... about circumstances which came to their knowledge during the provision of legal assistance to their clients...3 to 5.....”

The Civil Procedure Code (hereinafter "CPC") mentions representatives of the parties, participating in the civil process (Article 26 CPC). The parties may be represented by lawyers (advocates) and other persons who have reached eighteen years (Article 40 CPC). The parties have the right to enjoy legal assistance (Article 27 CPC). Excluded from the right to represent clients are person who have certain other functions, such as judges, prosecutors, etc... The exclusions are similar to provisions concerning incompatibility in other member states.

The representatives of the parties, including advocates, have the same rights as the party itself. Article 44/1 CPC reads as follows:

"The representative, who is authorized to conduct a case in the court may commit on behalf of the person he represents, all the activities the person he represents may commit."

These rights include the right to get acquainted with the papers of the case, take copies thereof, give verbal and written explanations to the court, present questions to other persons, etc. (Article 27 CPC).

The CPC also mentions free legal assistance. The conditions are to be provided by law (Article 84 CPC).

The status of advocates and their clients is also supported by the Constitution:

Everyone arrested or detained shall be given the opportunity to personally defend him or herself, or to have the legal assistance of a defender (Article 29 of the Constitution).

Article 55 of the Constitution reads as follows:

- Human and citizens' rights and freedoms are protected by the court.
- Everyone is guaranteed the right to challenge in court the decisions, actions or omission of bodies of state power, bodies of local self-government, officials and officers.
- Everyone has the right to appeal for the protection of his or her rights to the Authorised Human Rights Representative of the Verkhovna Rada of Ukraine.
- After exhausting all domestic legal remedies, everyone has the right to appeal for the protection of his or her rights and freedoms to the relevant international judicial institutions or to the relevant bodies of international organisations of which Ukraine is a member or participant.
- Everyone has the right to protect his or her rights and freedoms from violations and illegal encroachments by any means not prohibited by law.

Article 59 of the Constitution reads as follows:

- Everyone has the right to legal assistance. Such assistance is provided free of charge in cases envisaged by law. Everyone is free to choose the defender of his or her rights.
- In Ukraine, the advocacy acts to ensure the right to a defence against accusation and to provide legal assistance in deciding cases in courts and other state bodies.

Article 63 of the Constitution reads as follows:

- A person shall not bear responsibility for refusing to testify or to explain anything about himself or herself, members of his or her family or close relatives in the degree determined by law.
- A suspect, an accused, or a defendant has the right to a defence.
- A convicted person enjoys all human and citizens' rights, with the exception of restrictions determined by law and established by a court verdict

### **3. Professional Education**

The Draft Law describes in detail the system of education, training and qualification examination for people who want to become an advocate (Section II DL), comparable with similar practise in other member states of the Council of Europe.

### **4. Disciplinary Procedure**

The behaviour of advocates is discussed in a number of provisions of the DL, in particular in connection with disciplinary actions. Article 46 DL reads as follows:

“Article 46. Grounds for taking disciplinary action against an advocate

1. The ground for taking disciplinary action against an advocate is the commission by the advocate of a disciplinary offence.

2. An advocate’s disciplinary offence shall consist in the following:

- 1) violation by the advocate of the requirements regarding incompatibility;
- 2) violation by the advocate of the Oath of an Advocate of Ukraine;
- 3) violation of the Rules of Advocates’ Ethics;
- 4) violation of advocate’s secret;
- 5) nonperformance or undue performance of the advocate’s obligations, if this resulted in violation of the client’s rights and interests;
- 6) failure to comply with decisions taken by self-government bodies of the bar within the limits of their competence;
- 7) violation of other advocate’s obligations stipulated by this Law and the procedural legislation of Ukraine, the Rules of Advocates’ Ethics, or other acts of self-government of the bar.

3. It shall not be a ground for taking disciplinary action against an advocate if a court passes a judgment against the client, or if the judgment in a case in which the advocate provided legal assistance, defence, or representation is revoked or modified, if this involved no disciplinary offence.”

Disciplinary cases are decided by the disciplinary chamber of the “Qualification and Disciplinary Commission” of the Bar. Its decisions are reviewed by the “High Qualification and Disciplinary Commission”.

The disciplinary chamber of the “Qualification and Disciplinary Commission” of the Bar is composed of nine members, six advocates practising law for no less than seven years, two judges and one representative of the territorial body of justice (Article 55 DL)

The High Qualification and Disciplinary Commission consists of 27 people who have practised law for no less than 10 years. They are elected by the Congress of Advocates by secret ballot for a three-years term (Article 56/1 DL).

A decision of the High Qualification and Disciplinary Commission of the Bar can be appealed at a court (Article 56 /6 DL).

Because the majority of the members of the commissions are members of the Bar, the state administration has no effective influence on the outcome of the procedure. Courts, who may overrule a decision of the High Qualification and Disciplinary Commission, are independent (Article 129 of the Constitution), so that their review strengthens fair and impartial disciplinary proceedings, but does not carry out state influence.



**E. Implementation of the Charter of Core Principles of the European Legal Profession and the Code of Conduct for European Lawyers**

I assume that this part of the discussion will be covered by Mr. Ramòn Mullerat, former president of the CCBE.

**F. Conclusions**

A strong and independent bar, as well as qualified advocates, which may effectively and diligently represent and advise clients, are amongst the best guarantees for a qualified judicial system and a minimum of violations of human rights and other right of their clients.

The Draft Law meets the European constitutional standards.

The Draft Law when put in force will strengthen the legal profession and could thereby contribute to the improvement of the judicial system and the respect for the rule of law in the Ukraine.

**G. Some Additional Comments to the Draft Law**

My opinion is based upon the European constitutional standards. In addition I would like to make some comments to the Draft Law, which are not related to these standards, but may help re examine the text and perhaps revise some of the provisions of the Draft Law:

1. The need to distinguish between legal office and law bureau is not quite clear (Article 15 to 17 DL). Both are forms of practice by single practitioners. The difference is that a law bureau in contrast to a legal office is a legal entity. However the agreements with clients are not concluded by the legal entity as one would expect, but by the advocate.
2. The use of the words "Bar association" in Article 18 DL for forms of co-operation of advocates may be misleading for anyone, who is not familiar with the DL. In many states and in international relation this term is used for the organisation of the Bar and not for cooperation between individual advocates. For example the name of the most important international organisation of advocates is "International Bar Association." Perhaps it is only a problem of translation from Ukrainian into English. I recommend using a different expression, at least in the English version.
3. Article 18 DL describes various forms of cooperation between advocates. In my opinion, the description of these forms is quite complicated and in some cases unrealistic. For instance: Why does a simple partnership need a managing partner (Article 18/2 DL)? In partnerships the partners will distribute the managing duties amongst themselves, rather than appoint a managing partner and leave all administrative matters to him. Of course, the partnership agreement can provide differently. But why does the DL on the first place set rules, which are quite unusual in partnerships.

A partnership agreement is terminated in case of termination or suspension of a partner's advocate license. Of course, the partnership agreement can provide differently. But again: Why does the DL not primarily provide for a continuation of a partnership as the prime rule and make the termination an exception? A rule for

compensation of the partner who left the partnership is missing. What happens if a partner dies?

4. Article 18/ 3 and 4 DL provide that the two legal entities each have an own balance sheet and account with banking institutions. Does a partnership or at least a law bureau as a legal entity not have accounts with banking institutions? Does company law or tax law not provide that partnerships or a law bureau may also have a balance sheet, apart from the tax returns filed by the partners? At least in Germany and Austria even a partnership has to file a separate tax return in addition to those of the individual partners. Ukrainian tax law may be different. Are the issues related to the accounting very different from other organised forms of cooperation as provided by the company law. Is the reference to the company or tax law not sufficient to cover these issues?
5. Why shall a managing partner be elected in a simple partnership, whereas this is not mentioned in Article 18/3 DL for a legal entity in form of a non-entrepreneurship company?
6. In an entrepreneurship company (it seems to be a form of corporation), agreements on provision of legal assistance are concluded by the managing partner. Even in very large international offices the contracts with clients are concluded by the individual advocates on behalf of the company, only following certain general standards (for instance hourly rates), in most cases stipulated by a partnership council. A managing partner has to deal with other administrative duties. Again the DL establishes as a first choice a matter, which is impractical.
7. Why is the entitlement of assistant advocates described in detail (Article 21/3 DL)? He is an employee and it is up to employer to authorise his assistant to do, what he would like him to do and to give him instructions.
8. Article 24 DL describes in part 1 the types of law practice. Article 24/3 reads as follows:  
"Only advocates shall be entitled to perform the types of activities specified by part one of this Article on a permanent professional basis, with or without payment (fee)."

The monopoly of advocates seems to go too far. For instance: Some NGOs also defend the rights and freedoms of suspects, accused etc. on a permanent professional basis. I do not think that the DL wanted to exclude NGOs from doing their business. A clarification would be needed.

9. What happens if there are so many cases of legal aid that the pro bono legal assistance exceeds 144 working hours per year? (Article 25/3 DL). In particular, I am thinking of criminal proceedings, which could take months. Can a defence counsel give up to defend an accused after 144 working hour?
10. Why should the legal assistance of family member be forbidden (Article 30 DL). There are cases, in which the representation of family members is problematic, for instance in criminal cases, but it is very common in other states that an advocate renders legal assistance to his family members in private or commercial matters. Very often such matters also include the interest of the advocate, for instance if he has a common business with a family member and they are jointly fighting against a person, not belonging to the family. Would a provision against

conflict of interest not be sufficient to cover unwanted representations within a family?

11. It is not clear to me whether Ukrainian law allows contingency fees (Article 32 DL). In many European states contingency fees are forbidden or only allowed under specific circumstances.
12. The time for storage of the material in the advocate's folder (Article 34 DL) of merely three years is extremely short.
13. Article 45 provides that sanctions in disciplinary decisions shall be
  - admonition
  - suspension for a period between one month and one year, or
  - deprivation of the right to practise law.

In my opinion, the difference between admonition and suspension is very large and in many cases does not reasonably allow taking the gravity of the offence into account. Would it not be more reasonable also to include fines into the list of sanctions?

14. The DL does not mention any written submission for defence before initiating a disciplinary case, or is that covered by conducting "collegial verification" (Article 49)? It is also not clear to me whether an advocate against whom a proceeding was initiated may be defended by another advocate.
15. Section VIII DL provides for numerous elections. Is there any procedure available in case advocates want to claim that an election was illegally or incorrectly performed?

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- i The Charter of Fundamental Rights of the European Union, of which the Ukraine is not a member state, has taken over the guarantees under Art 6 and 13 of the ECHR (Art 47 of the Charter) and extended them to all kind of procedures.
  - ii European Court of Human Rights 19. 9. 2000, Gnahre v. France; 26. 2. 2002, Del Sol v. France.
  - iii European Court of Human Rights 26. 2. 2002, Del Sol v. France; 21.9.2004, Santambrogio v. Italy; 13. 5. 1980, Artico v. Italy.
  - iv European Court of Human Rights 25. 9. 1992, Croissant v. Germany.
  - v European Court of Human Rights 23. 11. 1983, van der Mussele v. Belgium.
  - vi European Court of Human Rights 13. 5. 1980, Artico v. Italy.
  - vii European Court of Human Rights 21.9. 1993, Kremzow v. Austria; see also European Court of Human Rights 15. 11. 2007, Galstyan v, Armenia. The Austrian Constitutional Court opened a case of constitutional review concerning the provision according to which courts demand a payment of € 6 per copy plus a fee of €8, if an attorney wants to make copies of a court file. In its preliminary opinion the Constitutional Court argued that such demand may be a violation of Art 6 ECHR (preliminary opinion of 1. 7. 2011, B 1060/11).
  - viii European Court of Human Rights 24. 5. 1991, Quaranta v, Switzerland; 24. 11. 1993, Imbrioscia v, Switzerland.
  - ix European Court of Human Rights 25. 3. 1992, Campbell v. United Kingdom; 16. 12. 1992, Niemietz v. Germany; 22. 5. 2008, Stefanov v. Bulgaria.
  - x Court of the European Union 14. 9. 2010, C-550/07, Atzko Nobel Chemicals et al..
  - xi European Court of Human Rights 16. 2. 2000, Rowe and Davis v. United Kingdom; 12. 5. 2000, Khan v. United Kingdom; 13. 10. 2005, Bracci v. Italy.

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- xii European Court of Human Rights 20. 4. 2004, Amihalachioaie.
- xiii The statistical data is taken from the Annual Report 2010 of the Court  
(<http://www.echr.coe.int/ECHR/EN/Header/Reports+and+Statistics/Reports/Annual+Reports/>)
- xiv <http://en.wikipedia.org/wiki/Ukraine>
- xv <http://www.ccbe.eu/index.php?id=32&L=0>, **Adoption of the CCBE Code of Conduct 2006**
- xvi <http://www.ccbe.eu/index.php?id=35&L=0>
- xvii <http://www.rada.gov.ua/const/conengl.htm>