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АДВОКАТУРА: МИНУЛЕ, СУЧАСНІСТЬ ТА МАЙБУТНЄ

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CURRENT PROBLEMS FACED BY ADVOCATES IN PROVIDING LEGAL ASSISTANCE WITHIN TERRITORIAL RECRUITMENT AND SOCIAL SUPPORT CENTERS

The issue of current problems faced by advocates and representatives of territorial recruitment and social support centers (hereinafter referred to as TRSSC) is one of the most pressing in Ukraine's legal system under martial law. It concerns not only the professional challenges faced by advocates, but also fundamental issues of human rights, the rule of law, and ethical standards in the activities of state institutions. In a situation where the country is in a state of armed aggression, it is particularly important to strike a balance between defense needs and legal guarantees for citizens. However, recent events show that this balance is often disrupted.

One of the most high-profile cases in recent times was an incident that occurred on June 19, 2025 in the Kharkiv region. In the premises of the military medical commission, where a bus from the Krasnograd's TRSSC delivered several people, events took place that received widespread public attention. According to the Kharkiv Regional Bar Association, one of the men, who had previously been removed from military registration, was being illegally mobilized in violation of current legislation. An advocate arrived at the facility to defend his rights. However, while performing his professional duties, he was physically assaulted by TRSSC employees — they beat him, broke his leg, took his phone, and effectively prevented him from practicing law. After that, his client continued to be held in the premises for more than sixteen hours, subjecting him to physical and psychological pressure [1].

Other advocates reported cases where they were denied access to their clients in the premises of the TRSSCs, even with official orders from the free legal aid system. Several advocates suffered physical injuries: one advocate had her arm broken by a door, another was kicked in the legs and forcibly pushed out of the military medical commission. Investigations into these cases are being delayed, no charges are being brought, and law enforcement agencies are effectively blocking access to justice [2].

An alarming trend is the increase in the number of cases of violence against female advocates, some of whom have been temporarily disabled. Similar stories have been reported not only in Kharkiv, but also in Kyiv. At the Svyatoshinsky District TRSSC, an advocate was deprived of her phone, and in another case, a female lawyer was beaten after she disclosed her status. She was not even entered into the visitor log, and the details of the incident were not properly recorded. Such events indicate a serious crisis in the

system of observance of the rights of lawyers, guaranteed by the Constitution of Ukraine and the Law «On the Bar and Legal Practice» [2].

According to Article 59 of the Constitution of Ukraine, everyone has the right to professional legal assistance, and even during martial law, this right cannot be restricted [3]. The state, and in particular its representatives in the form of the TRSSCs, are obliged to ensure the proper conditions for the exercise of this right. This is not only about respect for advocates as persons performing a socially important function, but also about ensuring safe access to clients, free collection of information, and legal support for conscripts. Instead, in today's reality, advocates are increasingly faced with unlawful obstacles, physical pressure, and a lack of adequate response from law enforcement agencies, which creates an atmosphere of fear and distrust of the legal system as a whole.

In response to these violations, the UNBA Committee for the Protection of Advocates' Rights has initiated a series of steps. For example, the Committee called on the Prosecutor General to consider the situation at the national level. Members of the legal community emphasize that the documented recording of dozens of such cases could be grounds for an international response, in particular within the framework of appeals to the European Court of Human Rights.

Thus, the current problems facing the legal profession have not only legal but also social and moral dimensions. They reveal a crisis of trust between citizens, advocates and state structures. To overcome this crisis, it is necessary to ensure the effective implementation of legal guarantees, protect advocates from violence, and hold accountable those who obstruct the practice of law.

List of references

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