



UKRAINIAN NATIONAL
BAR ASSOCIATION



UNBA COMMITTEE ON THE PROTECTION
OF ADVOCATES' PROFESSIONAL RIGHTS
AND GUARANTEES

report

of the UNBA Committee about Violation
of Advocates' Professional Guarantees
by Territorial Centers for Recruitment
and Social Support (TCRSS)



1. GENERAL INFORMATION

01

UNBA Committee on the Protection of Advocates' Professional Rights and Guarantees (hereinafter – 'the Committee') is a permanent collegial advisory body established at Ukrainian National Bar Association in accordance with the decision of the Bar Council of Ukraine No.74 dated February 16, 2013.

The Committee's mission is to protect the professional and other rights of advocates, to promote guarantees of legal practice and create the necessary conditions for the effective and high-quality performance of professional duties by advocates.

The special (additional) tasks and powers of the Committee, approved by the Order of the UNBA/BCU President dated 25.08.2021 No.139, determine, in particular, include identification, accounting, analysis and systematization of cases alleging violation of professional guarantees of legal practice taking place on the territory of Ukraine.

Thus, to fulfill the above task, the Committee has compiled a consolidated Report on cases of identification of advocates with clients on the territory of Ukraine during martial law.



2. COUNTS OF VIOLATION OF LEGAL PRACTICE GUARANTEES COMMITTED BY TCRSS EMPLOYEES IN 2022

On **31.01.2023**, the Committee [published](#) its Activity Report for 2022.

In 2022, the Committee received **fifty-nine appeals from advocates regarding violation** of their professional rights and legal practice guarantees. As part of the consideration of complaints, the Committee sent thirty-six letters, of which **twenty-five were addressed to the leadership** of law enforcement agencies with a demand to stop violating the rights of advocates, as well as to conduct official investigations and bring violators to disciplinary liability.

The Committee recorded only one case of violation of professional guarantees of legal practice.

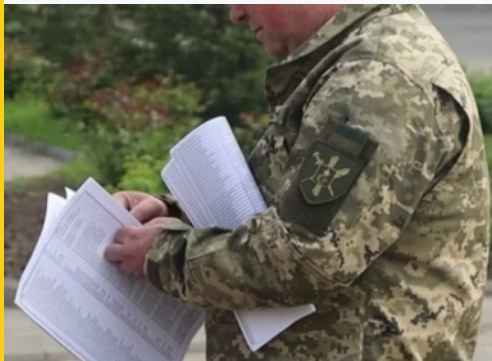
Thus, the violation occurred after refusal of the Head of the Beregove District TCRSS to provide a response to the request filed by 'Advocate G' with reference to the provisions of paragraph 1 of part 1 of Art. 9 of the Law of Ukraine "On the Unified State Register of Conscripts, Persons Liable for Military Service and Reservists".

3. COUNTS OF VIOLATION OF LEGAL PRACTICE GUARANTEES COMMITTED BY TCRSS EMPLOYEES IN 2023

On **29.02.2024**, the Committee [published](#) Activity Report for 2023.

In 2023, the Committee received **ninety-eight appeals alleging violations** of advocates' professional rights and legal practice guarantees. As part of their consideration, the Committee sent seventy-eight letters, of which forty-five were to law enforcement agencies with demands to stop violating the rights of advocates, as well as to conduct official investigations against violators and bring them to disciplinary liability.

The Committee recorded **eight cases of violation of legal practice guarantees**. Violation of professional guarantees preceded additional pressure on advocates in the form of threats and denial of access to clients.



The following facts deserve special attention:

- On **13.01.2023**, 'Advocate M,' together with his client, arrived at the Beregove District TCRSS to provide legal assistance based on a legal services contract. However, the TCRSS employees allowed only the client to enter the premises, and the advocate was denied providing legal assistance within the TCRSS premises.
- On **26.04.2023**, when 'Advocate B' arrived at the Chernihiv Joint City TCRSS to exercise his powers as advocate to submit documents to the TCRSS in the interests of his client; TCRSS employees greatly hindered his efforts, in particular, by illegally restricting freedom of movement and subsequent unlawful detention within the premises of the TCRSS. Later, Chernihiv JC TRCSS issued Notice No.390 dated 08.05.2023 and placed the advocate on the wanted list as a 'draft evader'.

- On **05.10.2023**, 'Advocate Sh' has been providing legal assistance to the Administration of the Chernihiv Eparchy of the Orthodox Church of Ukraine under legal services contract. When the advocate arrived at the Cathedral of Transfiguration, representatives of Chernihiv JC TCRSS ambushed him, handed him a summons, and took him to the TCR building to pass the military medical examination (MME).
- On **21.12.2023**, Advocate O' arrived to assist his client in a matter with TCRSS representatives. However, the TCRSS employees also handed summons to advocate exercising his professional duties.



4. COUNTS OF VIOLATION OF LEGAL PRACTICE GUARANTEES COMMITTED BY TCRSS EMPLOYEES IN 2024

On **14.02.2025**, the Committee [published](#) Activity Report for 2024.

In 2024, the Committee received **eighty-six appeals** from advocates about violations of professional rights and legal practice guarantees. As part of the consideration of advocates' complaints, the Committee sent 105 letters, of which sixteen were addressed to the TCRSS with demands to stop violating the rights of advocates, and to conduct official investigations and bring perpetrators to disciplinary liability.

The Committee recorded **twenty-four episodes of violations of legal practice guarantees**. Violation of professional guarantees occurred by inflicting bodily harm on advocates, "forcible mobilization", serving summonses, as a punishment for taking a certain legal position, and physical non-admission of advocates to clients to the TCRSS premises.



Also, it is worth paying attention to the following facts:

- On **28.01.2024**, Advocate M arrived at the Border Guard Service Division "Koson" to provide contractual legal assistance to a detained client. After compiling administrative materials, the advocate was detained by employees of the Khust District TCRSS, and his phone was taken. On the same day, the advocate formally passed a military medical examination and sent to a military unit –training center in Rivne City.
- On **16.02.2024**, Advocate D, instructed by Southern Interregional Free Legal Aid Center, arrived at the Prymorskyi District TCRSS to provide legal assistance to a client detained there. After the preparation of administrative materials and the actual release of the client, the advocate could not leave the premises of the TCRSS due to active counteraction of the TCRSS employees. The advocate was forced to spend the whole night in the lobby of Prymorskyi District TCRSS, and in the morning, after serving him with a summons, the TCRSS officers released him.



- On **03.05.2024**, 'Advocate Z' detained in a catering establishment while providing legal assistance to the owners of this establishment. The police officer ordered the representatives of the Izmail District TCRSS to obey his commands, while the latter aggressively and cynically grabbed advocate by force, dragged and detained him, taking him to their vehicle, where he was forcibly placed and further forcibly taken to the TCRSS premises.

- On **13.05.2024**, Advocate M' arrived at the Brovary District TCRSS as a member of the Committee for the Protection of Advocates' Rights and Professional Guarantees of the Bar Council of Kyiv region, in connection with the detention of 'Advocate Y.'



- On **20.05.2024**, Advocate G' arrived at the Industrial District TCRSS to provide legal assistance to the client. However, the TCRSS employees beat her, forcibly threw her out of the TCRSS premises, and threatened to shoot her. She was unable to meet her client and/or provide him with legal advice.

5. COUNTS OF VIOLATION OF LEGAL PRACTICE GUARANTEES COMMITTED BY TCRSS EMPLOYEES IN 2025

On **02.07.2025**, the Committee [published](#) Activity Report for the first half of 2025.

The Committee received **forty-three appeals** from advocates alleging violation of their professional rights and legal practice guarantees. As part of the consideration of complaints, the Committee sent twenty-four letters demanding to stop violating the rights of advocates and bring the perpetrators to justice.

The Committee recorded **nine episodes of legal practice guarantees violations**. They occurred through inflicting bodily harm on advocates, "forcible mobilization", serving summonses as a punishment for taking a legal position and physical non-admission of advocates to clients on the TCRSS premises.





Also, it is worth paying attention to the following facts:

- The day before, the client of advocate Yulia Palagina was held in the Shevchenko District TCRSS in Kharkiv and forced to undergo a military medical examination. On 09.01.2025, when advocate Yulia Palagina began to record violations of her client's rights on the premises of the military medical commission, Shevchenko District TCRSS employees pushed the defender out of the premises, struck her a number of times, and threw her things away.

The Bar Council of Kharkiv region and the UNBA Committee conducted work on the protection of the advocate, filed for criminal proceedings. Verkhovna Rada became interested in the incident, and the Ombudsman took the case under personal control. As of the date of publication of this Report, within 11 months within the pre-trial investigation, a whole series of investigative (search) actions were conducted, but no one was notified of suspicion. Such fact is evidence itself that "TCRSS phenomenon" has a widespread, and the work of the Ombudsman in this regard is lackluster.



- On **19.06.2025**, on the premises of military medical commission, where the bus of Krasnograd TCRSS delivered several people, there was an incident with the use of physical force against an advocate.

According to [Kharkiv Region Bar Council](#), one of the men who was excluded from military registration was forcibly mobilized contrary to the current legislation. To protect the rights of this citizen, an advocate arrived at the premises.

But in performing his professional duties, the advocate was physically attacked by TCRSS employees, because of which he sustained a broken leg, numerous bruises and was hospitalized. After that, the TCRSS officers continued to hold the client, applying physical and psychological pressure to him for more than 16 hours. As a result of these actions, the man jumped out of the window of the TCRSS building.





- On **21.07.2025**, while performing professional duties to provide legal assistance to the client, advocate Tsebrik L.V. was illegally detained by employees of the Uzhhorod District TCRSS.

At the time of his detention, advocate had a valid deferment from mobilization until August 6, 2025. The basis for the deferment, according to the data of the "Reserve+" register and the certificate issued by the Uzhhorod DTRCSS dated 21.03.2025, is paragraph 13 of part 1 of Article 23 of the Law of Ukraine "On Mobilization Preparation and Mobilization" – caring for mother who is a person with a Group II disability.

Despite the existence of legal grounds for the deferment, the Uzhhorod DTRCSS put the advocate on the wanted list from 21.07.2025.

During the detention, physical force was used against the advocate. According to the doctor's conclusion, the former was diagnosed with a bruise of the left lung and a rib fracture. These actions were accompanied by an attempt to hand over the mobilization order contrary to the current deferment, which is a gross violation of the procedure for mobilization established by law.

Thus, the UNBA Committee documented that the most widespread legal practice guarantee violation was denial of access to the client. Thus, on the TCRSS premises, provision of professional legal assistance to citizens of Ukraine, as provided for in Article 59 of the Constitution of Ukraine and paragraph 9 of part 1 of Article 23 of the Law of Ukraine "On the Bar and Advocacy", is sabotaged by all possible means and/or the use of illegal mobilization of advocates **as a punishment for professional activities**.

The position of the TCRSS Heads and the higher command is characterized by extreme audacity and impunity. The latter are complicit in concealing criminal actions of subordinate TCRSS service members order to avoid liability.





For example, on 24.10.2024, the UNBA Committee covered an incident of TCRSS employees beating Advocate Fesenko. On this fact, the police began a pre-trial investigation (all documents are available). For its part, the Committee sent a letter to the TCRSS demanding to educate the personnel and conduct an official investigation. Instead, the Head of Kharkiv Joint TCRSS investigated and found that there were **ABSOLUTELY NO legal violations** in inflicting light bodily injuries on advocate and damaging his property.

It should be noted separately that the investigative units of the National Police of Ukraine and the State Bureau of Investigation fail to act in relation to criminal proceedings on the facts of illegal actions of the TCRSS employees. Thus, the vast majority of information is not entered into the Unified Register of Pre-Trial Investigations. After the investigating judge decides on the start of the pre-trial investigation, investigators and prosecutors do not perform any investigative (search) and/or procedural actions. Investigations are then closed and written off.

6. RESPONSE MEASURES

In 2023, on the basis of the decision of the Bar Council of Ukraine No.15, the UNBA/BCU President appealed to the President of Ukraine, the Chair of Verkhovna Rada of Ukraine, the Prime Minister of Ukraine and relevant Ministries in order to develop a mechanism for exempting/reserving advocates from mobilization during martial law.

In order to resolve the situation and establish interaction between the TCRSS and advocates who perform their professional duties within the framework of client protection and legal assistance, the Bar Council of Ukraine initiated joint meeting with representatives of the President of Ukraine, the Commander-in-Chief of the Armed Forces of Ukraine and the Commander of the Ground Forces. The UNBA/BCU President Lidiya Izovitova sent the relevant letters in pursuance of the BCU decision dated 08.06.2024 No.38.



A positive example of response is the decision of the Volyn Regional TCRSS to create a special place for meetings between advocates and people liable for military service. This decision adopted after a meeting with the participation of UNBA representatives, announced by letter No.1104 dated 19.09.2024. Earlier, the TCRSS stated that advocates should not interfere with the processes of mobilization and passing the military medical examination. Such statements received a separate legal assessment from both Verkhovna Rada Commissioner for Human Rights and Ukrainian National Bar Association. In addition, UNBA sent an appeal to the Minister of Defense of Ukraine and the Commander of the Ground Forces of the Armed Forces of Ukraine regarding the inadmissibility of restricting rights of advocates.





In addition, Ukrainian Members of Parliament prepared and submitted to Verkhovna Rada draft Law [No.12348 of 19.12.2024 "On Amendments to Article 23 of the Law of Ukraine "On Mobilization Preparation and Mobilization" regarding granting a deferment from conscription during mobilization to advocates](#)". The document proposes to include advocates in the list of people entitled to receive a deferment from conscription for military service during mobilization.

In 2024, UNBA has repeatedly appealed to the Cabinet of Ministers of Ukraine and other authorities with a proposal to designate the UNBA as a critically important organization for ensuring the livelihood of the population during special period and to provide an opportunity to reserve advocates whose right to practice law has not been suspended. In particular, on the basis of the decision of the Bar Council of Ukraine No.2 dated 08.02.2024, letters were sent to the authorities with a request to initiate amendments to Article 25 of the Law of Ukraine "On Mobilization Preparation and Mobilization", supplementing the category of persons liable for military service subject to reservation with "advocates who carry out independent professional activities". Unfortunately, this initiative was not considered when voting for draft law No.10449 dated 30.01.2024.

- On **08.06.2024**, the Bar Council of Ukraine adopted Decision No.37 on the approval of the draft Law “On the reservation of members of non-governmental non-profit professional organizations liable for military service”, sending it to Verkhovna Rada of Ukraine and initiating amendments to the resolution of the Cabinet of Ministers of Ukraine.

- On **17.12.2024**, UNBA, upon initiative of the Committee, organized and held an “All-Ukrainian meeting on improving the mechanisms of professional rights and guarantees of advocacy.”

The Chair of the Subcommittee on Law Enforcement Activities of Verkhovna Rada Committee on Law Enforcement, Serhiy Aleksieiev, confirmed that advocates remain the only party to the litigation that does not have a service exemption. ***“The prosecution is exempt, the courts are exempt, and the advocates are unfortunately not. This issue has not been resolved,”*** he stressed.



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All-Ukrainian meeting On improving the mechanisms of professional rights and guarantees of advocacy



Moderator: **Yevheniy Solodko**



17.12.2024



10:00



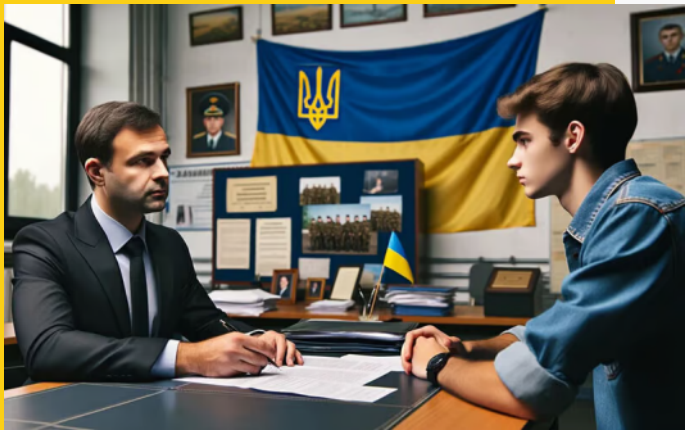
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In 2025, the UNBA Committee developed another concept of the draft Law of Ukraine "On Amendments to the Law of Ukraine "On Mobilization Preparation and Mobilization" regarding granting the right to deferment to advocates" and presented it to the Members of the Parliament of Ukraine. **Legislative work continues.**

UNBA is convinced that in order to respect the equality of rights and freedoms of advocates as parties to the justice system in Ukraine, to prevent discrimination, restrictions or undue privileges, advocates of Ukraine should have the right to deferment/exemption, and therefore continues to actively work for the implementation of such a right.

Instead, each episode of violation of professional rights and legal practice guarantees is settled individually. There is no political will of the State and its individual structures to comply with the legislation of Ukraine on the TCRSS premises and bring the perpetrators to fair justice.





A person in a military uniform is holding a Ukrainian flag. The image is dark and moody, with the flag's blue and yellow colors standing out. The text is overlaid on the image, framed by a yellow border.

**// THE STRUGGLE TO PRESERVE
THE INDEPENDENCE
OF THE BAR AS AN INSTITUTION
OF JUSTICE CONTINUES //**



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