

Advocacy in the system of protection of human rights and freedoms in wartime

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Abstract. The purpose of the study was to identify the key aspects of the functioning of the Bar, its role and mechanisms in ensuring effective protection of human rights and freedoms under martial law. To achieve this goal, the author used the case study method to analyse the practical interaction of the national bar network with representatives of international missions with a view to guaranteeing the rights of citizens to healthcare, education, compensation for damages and social security. It was found that in wartime, the challenges for the Ukrainian legal community are the lack of transparency and accountability of professional practice, especially in the temporarily uncontrolled territories; the unsystematic nature of documenting and finding legal solutions to problems arising in the exercise of citizens' rights and freedoms; verification of data and certificates issued in the temporarily occupied territories; lack of a unified database and access to information, especially in the combat zone, temporarily occupied, etc. Given the analysis, the author proposed strategies to improve the effectiveness of advocacy in protecting the rights and freedoms of citizens under martial law. Such strategies include, in particular, the creation of a single digital platform to ensure interaction between members of the country's legal community and those in need of legal aid; systematic documentation of material and moral damages caused by military aggression; work with citizens to inform them about existing legal defence opportunities; international partnerships to continuously improve the quality and accessibility of legal defence

Keywords: full-scale military aggression; humanitarian aid; internally displaced person; temporarily occupied territories; annexation

Introduction

Starting from 24 February 2022, the number of citizens in Ukraine in need of professional advice and support in connection with military operations and martial law has significantly increased. Such citizens include, in particular, internally displaced persons (IDPs); citizens affected by armed aggression; persons who have lived or are living in the temporarily occupied territories, etc. The provision of legal aid under martial law is an extremely difficult task, as, according to the Ukrainian National Bar Association, as of 2023, there were 41,713 lawyers registered on the website of the Ukrainian National Bar Association, while the number of IDPs in need of legal protection alone exceeds 4 million (There are 47..., 2023).

One of the challenges under martial law is the need to adapt the mechanisms for providing legal aid to the population, such as consultations, damage audit, etc. to the changed reality. This task requires an in-depth study of the peculiarities of human rights observance and implementation of legal aid in wartime. This topic, however, has not been sufficiently researched, as Ukraine is facing a full-scale military aggression for the first time in the history of its

independence, i.e. it does not have sufficient experience in using tools to ensure human rights and freedoms in wartime.

The development of a state governed by the rule of law is impossible without guarantees of human rights protection, which is carried out by a specific democratic institution known as the Bar. Yu. Bysaha (2023) analysed the instruments that guarantee the effective functioning of legal institutions, including the Bar. According to the researcher, the key instrument is the Constitution of Ukraine, namely Art. 59, which guarantees the right of every citizen to professional legal aid, and Art. 131, subpara. 2, according to which the Bar has the exclusive right to represent the public interest in court. A.Yu. Oliynyk (2023), having studied the ways to bring in line with democratic norms and standards, confirmed the feasibility of the reform that began in industry in 2021, a few months before the full-scale invasion, and aimed at expanding the rights and powers of the legal profession. L. Ostapenko and A. Shandruk (2023) analysed the effectiveness of the reform in wartime and concluded that it is necessary to continue the transformation processes, including ensuring guarantees of the practice of

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law and improving the self-government of the Bar, which should be based on an understanding of not only national but also international legal acts on the practice of law under martial law. Confirmation of this opinion was found in the Article by D. Dryzhakova (2024), who studied the problems of monopoly in the bar self-government bodies. According to the researcher, this problem arose due to the erroneous application of the continuum, due to which the heads of the bar self-government continue to make strategic decisions, despite the fact that their five-year term of office expired on 17 November 2022. In the context of military aggression, the monopoly of the self-government is a cause for concern, given the impossibility of monitoring the practice of law in the temporarily occupied territories. In support of this opinion, D. Dryzhakova quoted the meeting of the Bar Association of the Donetsk People's Republic (DPR) of 11 December 2022 on joining the Federal Chamber of Advocates of the Russian Federation. The Council of the DPR Bar Association includes 5 lawyers registered in the Unified Register of Lawyers of Ukraine, who can practice law in both countries, including in order to justify armed aggression.

According to E.D. Didenko (2024), the main problem in reforming the legal profession in wartime is that the introduction of proposals and amendments to legislation in wartime is unsystematic and not fully aimed at solving existing problems. A similar opinion was presented in the work by Ye. Duliba (2023), who studied the main legal issues addressed to lawyers during martial law: contract service and mobilization, material and social security, benefits and compensation, obtaining a certain status, land allocation, housing, labour and pension. K. Gusarov (2023) studied the categories of citizens in need of legal aid and concluded that they also include judges, who are under additional pressure caused by the aggression.

The importance of providing timely legal aid was also emphasized by H. Ostapenko (2023), who investigated the relationship between the principle of legal certainty and access to justice under martial law. According to the scientist, the availability of legal services in times of crisis strengthens citizens' trust in state institutions and becomes the basis for a just state system. A similar opinion was expressed by T. Beardmore *et al.* (2024), who analysed the impact of legal aid on access to healthcare for certain categories of citizens. Based on the results of a survey of 67 respondents, the researchers concluded that timely and qualified legal aid reduces social tensions caused by unequal access to certain resources and services. This experience underlines the need for constant monitoring and timely transformation of the lawyer network, even under martial law.

In the Ukrainian-language academic segment, the problem of advocacy for the observance of human rights and freedoms in wartime is insufficiently studied due to the unique challenges faced by the profession. In their turn, representatives of international missions, such as the Danish Refugee Council, have gained sufficient experience in assisting persons affected by military aggression. Therefore, the purpose of this study is to analyse the cooperation of members of the Ukrainian Bar with international organizations to protect the rights and freedoms of citizens under martial law.

Materials and methods

The analysis of the role and mechanisms of the Ukrainian Bar in ensuring effective protection of human rights and

freedoms under martial law was based on the legal provisions of Law of Ukraine No. 5076-VI "On the Bar and Practice of Law" (2012) and Law of Ukraine No. 389-VIII "On the Legal Regime of Martial Law" (2015). The highlighted provisions were studied through the prism of the comparative legal method, which involves comparing legal aspects, including the observance of the rights and freedoms of citizens in peacetime and martial law, with further identification of the features of similarity or difference between them. The analysis of the main provisions of these legal acts was carried out with a view to outlining the functions of the national bar community and to studying the impact of the martial law regime on the performance of these functions. The peculiarities of providing legal aid to citizens under martial law were also investigated in terms of the main provisions of the European Convention on Human Rights (1950). The above analysis helped to contextualize the practice of law under martial law, highlight the problems faced by the profession, and consider possible approaches to their solution.

The study also used the case study method for a detailed analysis of the place and role of the Bar in the system of protection of the rights and freedoms of citizens under martial law. The following cases were analysed as cases of protection of the rights and freedoms of citizens in wartime:

- ▶ protection of the rights of IDPs Pokrovsk, Donetsk region, to receive medical services and social assistance through representatives of the Holobskoe Psychoneurological Boarding School;
- ▶ protection of the right of IDPs from Donetsk region to receive temporary housing and documenting losses through the mediation of the Cherkasy Human Rights Centre;
- ▶ protection of the right of a native of Lyman to transfer to another higher education institution and further study on a free-of-charge basis.

The cases under consideration involved the interaction of representatives of the national bar community with representatives of the Danish Refugee Council (2024), a leading international organization whose 7,500 employees provide assistance, including legal aid, in 40 countries. It was also taken into account that the Danish Refugee Council is one of the few global NGOs specializing in assisting internally displaced persons. The use of the case study method involved the analysis of basic statistics on the work of the Danish Refugee Council in Ukraine after the full-scale invasion; work on retraining specialists and creating a lawyer network to protect the rights and freedoms of citizens under martial law; some examples of the successful work of the created network to overcome the challenges faced by the lawyer community due to military aggression. The results obtained can be used for further reform of the Ukrainian legal community in the face of uncertainty.

Results and discussion

Guaranteeing human rights and freedoms under martial law. Military aggression has a negative impact on various groups of the population, including those who are not directly affected by hostilities. According to E.J. Molloy and C.F. Bearer (2024), children who are vulnerable to global conflicts are an example of such a group. The data provided by L. Hazer and G. Gredebäck (2023) indicate that every sixth child in the world is a victim of military aggression and needs assistance. An equally vulnerable category of the population is the elderly, who, according to T.N. Nguyen

and C.M. Tran (2024), are more likely to die in military conflicts due to limited physical and emotional endurance. The researchers emphasized that despite the fact that international conventions require parties to a conflict to take care of the most vulnerable groups, few countries comply with these conditions. As a result, residents of territories that have become a theatre of war cannot exercise their basic rights to education, freedom of movement, etc. Y. Zaporozhchenko *et al.* (2023) pointed out the dilemma between the importance of constitutional rights and freedoms of citizens and the need to restrict some of them in order to maintain national security. Thus, preserving human dignity through the observance of fundamental human rights and freedoms is one of the most important, but also extremely difficult tasks.

K.Y. Primakov and S.S. Bednyak (2023) noted that since armed conflicts are an inevitable reality in many countries, a number of legislative initiatives have been developed at the international level to ensure the observance of fundamental rights and freedoms of citizens. These initiatives include, in particular, the European Convention on Human Rights (1950). In their work, K.Y. Primakov and S.S. Bednyak (2023) also mentioned the International Covenant on Civil and Political Rights (1966). The international system of human rights protection is one of the branches of international law and provides for different approaches to its interpretation. According to J. Neagli (2023), one of the most frequently declared is the approach that emphasizes the mandatory observance of human rights and freedoms, regardless of the circumstances. The implementation of this approach, however, is not always possible in practice, which makes this study relevant.

In addition to the above-mentioned legal acts, the activities of the legal community during martial law are regulated by the Law of Ukraine No. 5076-VI "On the Bar and Practice of Law" (2012), which defines the concepts of "lawyer" and "practice of law" and outlines the principles and principles of the law. Article 5 of the analysed document contains provisions on the interaction between the bar and the state. Based on these provisions, the Bar is independent of the state, which, in turn, creates appropriate conditions for the Bar and ensures compliance with the guarantees of the Practice Law. The guarantees of the practice law, in particular, are enshrined in Article 12² of the Law of Ukraine No. 389-VIII "On the Legal Regime of Martial Law" (2015). This document emphasizes that the activities of the bodies and institutions of the justice system under the legal regime of martial law are carried out on the basis, within the limits and in the manner determined by the Constitution of Ukraine (1996) and the laws of the state, and the powers of representatives of the justice system cannot be limited. In other words, the current legislation points out the importance of respecting human rights and freedoms under martial law and does not limit the justice system in the choice of instruments to protect these rights.

The scientific discourse on the rights and freedoms of citizens is driven by an understanding of the importance of their observance and protection. According to V. Thangavel (2023), the importance of respecting universal rights is due to their function as a "common heritage" and "common language"; this means that respect for rights and freedoms is a demonstration of readiness for international cooperation and harmonious coexistence. F. Baca and A. Anxhaku (2023)

expressed in their work their opinion on the connection between the observance of rights and freedoms and the development of democracy in different countries of the world. Thus, international humanitarian law is a tool for building a more just society (Boulos & La Barbera, 2022).

Based on previous research, it can be argued that the observance of internationally recognised rights and freedoms is a challenging task, especially in times of shocks such as armed conflict. During an armed conflict, the number of people who find themselves in a vulnerable situation and need assistance in protecting their rights and freedoms increases significantly (Ivanov *et al.*, 2020; Weiß & Zimmermann, 2022). A.C. Lee *et al.* (2023) analysed the sharp increase in the number of refugees, especially in the first months of the armed aggression against Ukraine. According to the data presented by the researchers, in the first two months after the full-scale invasion, the number of Ukrainian refugees in Poland alone reached 3 million; that is, millions of Ukrainians felt the need for legal assistance in obtaining the appropriate status, applying for certain benefits, resolving property issues, etc. Several million more Ukrainians have sought refuge in other countries or have become IDPs. These data suggest that the legal protection system that existed in Ukraine at the beginning of the full-scale invasion was not designed for the number of citizens who needed this assistance.

Another obstacle to ensuring the rights and freedoms of citizens under martial law was the lack of infrastructure and resources necessary to perform this task. This opinion was expressed, in particular, in the work of T. Mykhailichenko *et al.* (2023), who emphasized that the realization of certain rights, in particular the right to healthcare, is impossible in those parts of the country that are close to the front line or directly in the area of war actions. The idea that certain fundamental rights, including the right to education and development, cannot be realized in the context of military aggression has also been discussed in the works by N. Nohas (2022), and S. Tsebenko and D. Surkes (2024). In their works, they emphasized that military conflicts deplete or destroy the network that functioned to protect the rights and freedoms of citizens, including support for the most vulnerable groups of population.

Y. Harust and B. Pavlenko (2024) highlighted that the Ukrainian Bar Network plays a significant role in overcoming the crisis caused by the armed aggression of the Russian Federation, in particular by guaranteeing legal status and creating mechanisms for receiving, registering and reporting on the humanitarian aid received. By providing legal aid, including information and assistance in preparing the necessary documents, the lawyers' network guarantees equal access to humanitarian and other resources necessary for the exercise of basic rights and freedoms of citizens (Spytska, 2024). Yu. Serget (2023) examined the peculiarities of the functioning of the Ukrainian National Bar Association in overcoming the humanitarian crisis caused by the military invasion. According to the researcher, one of the key tasks of the newly created association was to accumulate financial, organizational, human, logistical and other resources for their further fair distribution among different categories of citizens.

Thus, the Ukrainian Advocates' Network is a part of the international humanitarian community, whose key task is to ensure the observance of universally recognised human rights and freedoms. Guaranteeing these rights and freedoms under martial law is a challenging task, because in

addition to the lack of a single generally accepted definition of humanitarian rights and freedoms, their implementation may be hampered by the lack of a sufficient number of specialists and infrastructure necessary for their implementation. Analysing the experience of countries that have experience in building a lawyer network in the context of military aggression is crucial for the implementation of fundamental rights and freedoms of Ukrainian citizens under martial law.

Guarantee of rights and freedoms under martial law. The fact that Ukraine is facing a full-scale invasion for the first time in the history of its independence necessitates an analysis of international experience in respecting human rights and freedoms under martial law. The development of an effective advocacy network in Ukraine is taking place, among other things, thanks to the assistance of the Danish Refugee Council (2024). According to the industry report “Legal aid in a year of war”, the Council’s specialists have been working in Ukraine in 2014, but their staff has increased significantly since the first days of full-scale military aggression. As of 2023, more than 500 employees provide protection, shelter and legal assistance to victims of military aggression. The fact that legal aid is one of the priorities of international partners is confirmed by the fact that in 2023, 26,487 individual legal consultations were provided and 26,937 people attended legal information sessions. In 2023, the Council’s specialists also took up 1,249 legal cases, the current status of which is shown in figure 1.

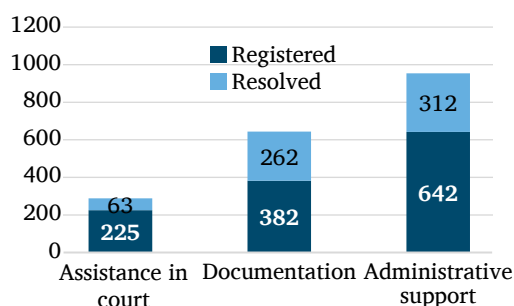


Figure 1. Legal cases referred to the Danish Refugee Council as of 2023

Source: compiled by the author based on the Danish Refugee Council (2024)

The figure above shows that representatives of the National Bar Association demonstrate a fairly high level of efficiency in documenting and resolving cases of violations of the rights and freedoms of victims of military aggression. The work on the provision of administrative services, which, according to the Concept for the development of the system of administrative service provision by executive authorities (2006), is the result of the exercise of power by an authorized entity that, in accordance with the law, provides a legal formalization of the conditions for the exercise of rights, freedoms and legitimate interests by individuals and legal entities at their request. The same figure shows that assistance in defending the rights and freedoms of citizens in court is not the main activity of human rights defenders. Only one in four cases in this category of services was completed in 2024. This statistic provides an understanding of the difficulties faced by the Ukrainian legal community, including the overload of the judicial system, which makes it impossible to quickly protect the rights and freedoms of

citizens. In addition, the collection of data necessary for the successful representation of a case in court may be hampered by military operations, for example, documents have been destroyed or left in the temporarily occupied territory. The statistics of cases in which experts of the legal community provided assistance in 2023 provides an understanding of the legal needs of the population under martial law. The statistics of the cases reviewed is presented in figure 2.

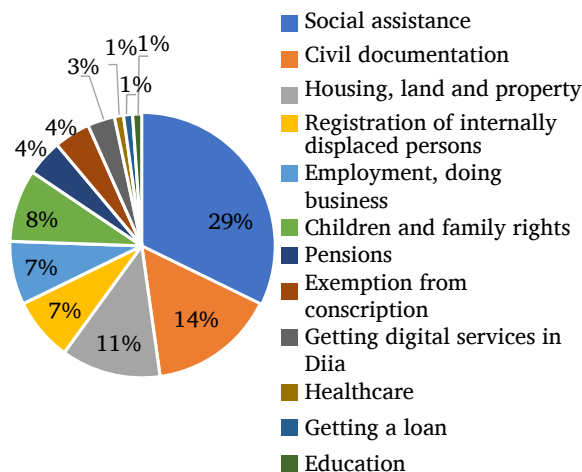


Figure 2. Cases reviewed

by Danish Refugee Council specialists in 2023

Source: compiled by the author based on the Danish Refugee Council (2024)

The figure above shows that during martial law, the most significant needs of the population are social assistance, registration of IDPs for their further integration in a new place, and issues related to housing, land and property. The latter ones, in particular, include the issue of receiving compensation for damaged and destroyed property, including in the temporarily occupied territories. Addressing these issues requires an extensive network of professionals with the knowledge and skills to provide legal aid. To achieve this goal, a digital legal aid platform was created. According to experts, this platform functions as a platform where citizens in need of legal aid look for representatives of the legal community who can provide such assistance. In its current form, this platform has a fairly broad functionality, which includes the following services:

- a lawyer helpdesk;
- automated appointment of a specialist;
- automated integration of lawyers;
- free legal advice;
- consultations via chatbot;
- a database of 500+ most popular questions and answers to them;
- searchable legal analysis;
- access to legal information, including professional articles;
- humanitarian information.

In the future, the platform’s functionality will be expanded by adding such services as real-time mobile phone notifications, mobile access, video chat with lawyers and multimedia content. The existence of this platform is an important step for both Ukrainian citizens who need to protect their rights and freedoms in wartime and for representatives

of the legal community. For citizens, the uniqueness of the platform lies in the opportunity to choose a specialist for further interaction, as well as to receive legal services at a convenient time and in a convenient way. Representatives of the legal community are also interested in the functioning of the platform, which contributes to their professional growth and allows them to overcome the crisis of client outflow, which was reported in their research by Yu. Serget (2023), D. Dryzhakova (2024) and other experts. Thus, the effective functioning of the platform contributes to the sustainable development of the Ukrainian legal community, the reform of which began shortly before the full-scale invasion.

In cooperation with international partners, representatives of the National Bar Association also introduced a 5-day course to help professionals provide legal services to the population in the changed reality. Based on a report from the Danish Refugee Council (2024), the need for this course arose because, since the beginning of the full-scale invasion, many members of the bar community have decided to devote their time and invest their knowledge to providing free legal aid to the most vulnerable groups of the population. The difficulty in achieving this goal was that the number of people in need of humanitarian assistance far exceeded the number of lawyers who could provide it, so it was decided to increase the number of professionals in the humanitarian sector by retraining them.

Based on this report, the activities of the national bar community are effective in terms of protecting the rights and freedoms of citizens under martial law, as can be seen from individual examples of work. One of these examples is the functioning of the Holobske Psychoneurological Boarding School in the Volyn region, which, since the beginning of the full-scale invasion, has been providing shelter to citizens with disabilities who became IDPs from the city of Pokrovsk in the Donetsk region. Upon arrival at the home, some IDPs had difficulties in obtaining IDP status and receiving the necessary benefits. Understanding the need for legal aid in this case, the lawyers of the Kovel Secondary Legal Aid Centre determined that the Holobske Psychoneurological Institution should obtain the status of a guardian of persons with disabilities in order to have legal grounds to act in their interests. This task involved dismissing the existing guardians and assigning guardianship responsibilities to the Holobske Psychoneurological Facility. The goal was achieved with the support of the Kovel Centre's lawyers, who assisted in drafting and adopting the necessary legal documents and filing an appeal with the local court, which granted the institution the status of legal guardian of IDPs with disabilities (Judgment of the Kovel City District Court of Volyn Region No. 109502262, 2023). Having the status of guardian, the facility helped the IDP to complete the necessary documents and receive payments for more effective integration in a new place.

The case study illustrates several ideas about the functioning of the bar under martial law. Firstly, the case highlights the importance of legal aid, especially when working with the most vulnerable groups of the population. The case also illustrates the importance of respecting key rights and freedoms, including the right to a safe environment and healthcare. The analysed case also highlights the importance of cross-border cooperation for the realization of the rights and freedoms of citizens affected by military aggression. According to the Danish Refugee Council (2024), the successful

resolution of the case was made possible by the partnership between the Kovel Free Secondary Legal Aid Centre and the European Union's civil protection and humanitarian assistance operations.

Another example of the successful functioning of a lawyer network in wartime, documented by experts from the Danish Refugee Council (2024), is the assistance provided to an IDP from Donetsk region who moved to Cherkasy to seek shelter as her own home was destroyed. The woman received information support from the Cherkasy Human Rights Centre, whose specialists checked her documents and instructed her on the next steps to get the help she needed. Having all the necessary documents and following the algorithm of actions suggested to her, the IDP was able to obtain a certificate of her destroyed property from the Cherkasy Administrative Services Centre and register for temporary housing. As of 2023, the woman has temporary accommodation in Cherkasy and may receive compensation for her property destroyed in Donetsk region in the future. As in the previous case, obtaining the necessary assistance became possible due to the interdisciplinary cooperation of the Cherkasy Human Rights Centre and EU institutions aimed at creating a lawyer network to protect the rights and freedoms of citizens in adverse conditions.

In the context of martial law, it is also important to protect the right to education, as thorough knowledge is the key to sustainable development and rapid development of society after the end of war actions (Kyrychok *et al.*, 2024). One of the cases of successful protection of the right to education is the story of a native of Lyman, Donetsk region, who was a student at the National Academy of Law in Kharkiv, Kharkiv region, at the beginning of the full-scale invasion. In the first days of the full-scale invasion, the young man's family decided to move to Poltava in search of shelter from the constant shelling. Understanding the family's financial difficulties, the young man decided to exercise his right to free education guaranteed to IDPs by Resolution of the Cabinet of Ministers of Ukraine No. 1202 "Some Issues of Implementation of Legislative Acts in the Field of Migration Under Martial Law" (2022). At the stage of submitting documents to the Poltava branch of the academy, the IDP had to provide a certificate of registration in Lyman, which proved impossible given that the city was in the area of hostilities and all state institutions in it had ceased to operate. In turn, representatives of the Poltava branch insisted that the young man had to submit the necessary documents within three working days in order not to lose his right to free education.

The young man turned for legal assistance to the NGO Caritas Mariupol, whose specialists helped the IDP obtain an electronic copy of the certificate and informed him of the illegality of the requirements of the Poltava branch of the academy. Following the advice of the specialists, the IDP submitted the necessary documents and exercised his right to study at public expense. Thus, qualified and timely legal aid is a guarantee of the realization of one of the fundamental rights of a citizen – the right to education.

In contrast to the examples analysed above, the case of an elderly person who evacuated to Zakarpattia region from the temporarily uncontrolled territory illustrates the ability of the national legal aid system to adapt to changes and find effective solutions in the most difficult situations. After moving to Zakarpattia region, the IDP applied for a pension, but was denied by the Zakarpattia Pension Fund on the grounds

that her salary certificate was issued by a company located in the temporarily uncontrolled territory (Danish Refugee Council, 2024).

The woman sought legal assistance from one of the partners of the Danish Refugee Council, which filed a lawsuit. Relying on the “Decisions entered into the Unified State Register of Court Decisions from February 2022 to September 2024”, the lawyer argued that the inability to verify information received from institutions located in the temporarily uncontrolled territory cannot be a ground for denial of pension benefits (Supreme Court of Ukraine, 2024). The court accepted the lawyer’s arguments and ruled in favour of the IDP, who, as of 2023, was receiving pension benefits to meet her needs at her new place of residence. The success of this case was due to the cooperation between the Sich Human Rights Group and the Danish Refugee Council. Funding received from the EU through its civil protection and humanitarian assistance channels was also an important component of the success achieved.

Thus, these examples prove that, despite the initial shock caused by the full-scale invasion, the Ukrainian bar network demonstrates the ability to adapt and develop sustainably in the changed realities. In February 2022, an extensive network of lawyers has emerged in the country, whose members provide legal assistance in protecting the rights and freedoms of citizens under martial law. As of 2023, many

cases of successful defence of fundamental rights, including the right to healthcare, housing and education, have been documented. The analysis of these cases proves that the effective functioning of the Ukrainian Bar Association in the context of military aggression requires expert, financial and other support from international partners. The members of the Ukrainian Bar Association are ready for training and continuous improvement of skills, interdisciplinary cooperation and sustainable development in the face of challenges.

Challenges for the legal profession under martial law and ways to overcome them. The cases analysed above also indicate that the functioning of the Ukrainian legal profession under martial law involves finding long-term solutions to various challenges, including physical security and ethical issues. Ensuring physical security is one of the priority tasks in the context of armed aggression, which is delegated, among other things, to representatives of the Ukrainian bar community. However, the implementation of this task is difficult due to the presence of obstacles caused by the context of armed aggression. One of these obstacles is the restriction of certain rights and freedoms of citizens during the martial law regime. For the period of martial law, the rights of citizens provided for in Articles 30-34, 38, 39, 41-44 and 53 of the Constitution of Ukraine (1996) may be restricted. The restrictions that apply during the legal regime of martial law are presented in Table 1.

Table 1. Restrictions on the rights and freedoms of citizens during the martial law regime

Rights/freedoms	Restrictions for the period of martial law	Notes
Freedom of movement	Restrictions on the choice of place of residence/stay, restrictions on the movement of vehicles, intensified document checks, and curfews are imposed for the period of the legal regime of martial law	Restrictions apply to citizens, foreigners and stateless persons
The right to property	During the wartime legal regime, property may be expropriated in favour of the state	The implementation of this restriction involves preliminary or subsequent full compensation for the alienated property
Choosing an activity	During the wartime legal regime, military commanders and other authorities may impose labour service and engage citizens in public works	The labour service applies to able-bodied citizens who are not involved in the defence sector or certain enterprises. Citizens subject to conscription retain their workplace. Citizens under the age of 15; women with children under 3 years of age; and pregnant women are not subject to labour service, provided that the work poses a threat to their health

Source: compiled by the author based on the Constitution of Ukraine (1996) and Law of Ukraine No. 389-VIII “On the Legal Regime of Martial Law” (2015)

The problems of physical security during military aggression are also reflected in academic sources that analyse different national contexts (Symonova, 2024). A.A. Shorrab *et al.* (2024), in particular, studied the impact of hostilities in Gaza in 2023 on the health of the region’s residents. According to the researchers, the peculiarity of this impact is its long-term effect, which is evident not only in the context of the present but also of future generations. A similar opinion was proposed in the study by D. Hryhorczuk *et al.* (2024), who estimated that Russia’s military aggression has caused more than USD 56.4 billion in damage to Ukraine’s environment, meaning that the consequences will be felt for many years to come. The inability to ensure physical security, including access to food, during an armed conflict can worsen the health of the nation even after it ends (Galchynskyi, 2024).

Confirmation of this view was found in the report of the NGO Safeguarding Health in Conflict (2023), which compared the impact of living under martial law on the level of physical security citizens from different countries who had experienced combat. Studying, in particular, the security situation in Ukraine, experts documented 394 cases of violence against or obstruction of healthcare in 2023. According to the same report, the number of such cases in 2022 was 885, suggesting that the state is adapting and responding effectively to the security challenges posed by the introduction of martial law. Confirmation of this view was also found in the study by S. Sberro-Cohen *et al.* (2023), according to whom representatives of various public services, including healthcare, adapt to changed realities over time, demonstrating resilience and effectiveness in overcoming physical challenges.

Guaranteeing the right to physical security is a complex task that, according to experts of the Danish Refugee Council (2024), can be solved by introducing state compensation and rehabilitation support programmes for civilians who have suffered bodily injuries or lost family members due to armed aggression. One of the tasks of the advocacy community is to search for information and draw attention to cases of violations of civilians' rights to a safe environment and adequate compensation for damages caused by the violation of this right (Kanaryk, 2024). One of the cases of successful advocacy in this area is the assistance to a family from Vovchansk, Kharkiv region, in obtaining a certificate for a child born when the city was under occupation. Thanks to the cooperation of Caritas Kharkiv lawyers and specialists from the Danish Refugee Council, the parents received a birth certificate for their child, which provides access to medical services, financial assistance and other support aimed at ensuring the child's health and safety.

Members of the Ukrainian bar community inform citizens about existing opportunities and help them take advantage of them. An example is the story of a woman who was evacuated from Sievierodonetsk, Donetsk region, to Zakarpattia region. While living in the government-controlled territory, she used the services of lawyers to provide free secondary assistance to IDPs. Experts from the NGO helped the woman document the destruction of her property in the temporarily uncontrolled territory and submit an application to the Main Department of the National Police in the Zakarpattia region. Thus, the IDP has the opportunity to compensate for the losses incurred, which is a guarantee of her property rights.

For people affected by armed aggression, legal security is also important, which is manifested in the timely receipt of IDP status, the availability of a comprehensive legal model of restitution and compensation, access to key legal services, access to civil documentation services for all groups of the population and access to information on free legal aid. In conformity with M. Kaptan (2024), legal security issues arise because the country's legal aid network is at a stage of development that involves a gradual transition to European standards of legal aid. This transition, however, is extremely difficult in the context of a changing political and socio-economic landscape, outflow of human resources and limited functioning of partners. M. Chiam *et al.* (2024) also emphasised that a factor of legal insecurity is the lack of awareness of citizens about available legal opportunities: laws, regulations, programmes, initiatives, etc. Experts from the Danish Refugee Council (2024) suggest increasing the level of legal security through personnel training, including through the introduction of courses and short-term trainings for employees of the public social sector, and programmes to ensure effective interaction between the most vulnerable groups of the population, including the elderly and persons with disabilities, and providers of administrative and legal services. An example of such interaction is the case of an elderly IDP who turned to the Kalush Community Law Centre after receiving a refusal from the local pension fund to calculate her pension. Having studied the IDP's case, the lawyer found out that the Pension Fund had underestimated about 10 years of work experience, which was the reason for the refusal to pay pension benefits. Using the specialist's legal assistance, the woman filed a claim with the court, which ruled in her favour.

Thus, the Ukrainian legal community proved to be ready to protect the rights and freedoms of citizens under martial law and demonstrated the potential for sustainable development. These achievements were made possible, in particular, by international support and cooperation, which has become a source of material resources, knowledge, and innovation. As of 2023, the country's legal community needs long-term solutions in the areas of physical, material and legal security. Such solutions can be offered on the basis of successful legal cases, which have already been sufficiently documented in the two years since the full-scale invasion.

Conclusions

At the beginning of the full-scale invasion, the Ukrainian legal community was undergoing a transformation phase aimed at increasing its effectiveness by empowering human rights defenders. The stage of uncertainty was followed by a period of adaptation, during which a significant number of Ukrainian lawyers changed their profile to focus on providing free legal aid to the most vulnerable, including IDPs, the elderly, and people with disabilities. The adaptation included the creation of the Ukrainian National Bar Association to accumulate intellectual, economic, physical, technical and other resources and their subsequent equitable distribution among different population groups. At this stage, it also became apparent that although the functioning of the state under martial law imposes certain restrictions on its citizens, including freedom of movement, the right to property and choice of activities, the protection of key rights and freedoms is a prerequisite for preserving society, rebuilding it quickly after the end of hostilities and supporting sustainable development. Using the autonomy regulated by the Law of Ukraine No. 5076-VI "On the Bar and Practice of Law", representatives of the National Bar Association have the opportunity to protect the fundamental rights and freedoms of citizens during the martial law legal regime. The fundamental rights and freedoms, recognised at the national and international levels, which require guarantees during the period of full-scale military aggression, include the right to life and health, housing, education, employment, fair distribution of resources, etc. Some of these rights and freedoms may be restricted by the provisions of the Law of Ukraine No. 389-VIII "On the Legal Regime of Martial Law". Guided by these legal acts, members of the Ukrainian Bar guarantee the observance of these rights by providing timely, qualified and accessible legal aid to citizens in need.

The survival, growth, and development of the national legal community under martial law was made possible by the financial and informational support of international partners, including the Danish Refugee Council, which operates in more than 40 countries and whose experts have accumulated unique experience in assisting internally displaced persons. Cooperation with Ukrainian legal aid centres allowed us to develop a five-day retraining programme to increase the number of lawyers in the field of humanitarian law; create a platform for more effective interaction between human rights defenders and citizens in need of their assistance; and attract international investment to help restore the rights and freedoms of people affected by military aggression. The cases analysed in this study prove the effectiveness of the transformations taking place in the country's human rights sector despite the challenges of a full-scale invasion. Despite significant progress, the provision of legal aid under martial law still requires long-term

solutions to overcome obstacles such as physical, material and legal insecurity. These issues may be considered in a future study in the form of a comparative analysis of the Ukrainian experience with the experience of other countries whose territories were annexed by the Russian Federation or other states. None.

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Conflict of interest

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Адвокатура в системі захисту прав і свобод людини в умовах воєнного часу

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Анотація. Метою дослідження було встановлення ключових аспектів функціонування адвокатури, її ролі та механізмів у забезпеченні ефективного захисту прав і свобод людини в умовах воєнного стану. Для досягнення цієї мети був використаний метод кейс-стаді, що полягав в аналізі практичної взаємодії національної адвокатської мережі із представниками міжнародних місій з метою гарантії прав громадян на охорону здоров'я, навчання, відшкодування збитків та соціальне забезпечення. Було виявлено, що за умов воєнного часу викликами для адвокатської спільноти України є відсутність прозорості і підзвітності професійної практики, особливо на тимчасово непідконтрольних територіях; несистемний характер документування та пошуку правових рішень проблем, що виникають під час реалізації прав та свобод громадян; верифікація даних та довідок, виданих на тимчасово окупованих територіях; відсутність єдиної бази даних та доступу до інформації, особливо на територіях, що знаходяться у зоні проведення бойових дій, тимчасово окуповані тощо. Спираючись на проведений аналіз були запропоновані стратегії підвищення ефективності адвокатської діяльності у захисті прав та свобод громадян в умовах воєнного стану. До таких стратегій, зокрема, належить створення єдиної цифрової платформи для забезпечення взаємодії між членами адвокатської спільноти країни та тими, хто потребує правової допомоги; систематичне документування матеріальних та моральних збитків, спричинених військовою агресією; робота із громадянами по інформуванню щодо існуючих можливостей правового захисту; міжнародне партнерство з метою постійного вдосконалення якості та підвищення доступності правового захисту

Ключові слова: повномасштабна військова агресія; гуманітарна допомога; внутрішньо переміщена особа; тимчасово окуповані території; анексія