

Ukraine

Last update: 15/03/2021

Membership to the Council of Europe	9 November 1995
Entry into force of the European Convention on Human Rights	11 September 1997
First case under supervision of execution	<i>Kaysin and Others</i> (46144/99) Judgment final on 3 May 2001
Total number of cases transmitted for supervision since the entry into force of the Convention	1675
Total number of cases closed by Final resolution	1103

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION*

> Actions of security forces and effectiveness of investigations

Torture and/or ill-treatment by the police, mostly in order to obtain confessions, and lack of effective investigations into complaints.

Kaverzin group (23893/03)
Judgment final on 15/08/2012

Status of execution
Enhanced supervision

Lack of effective investigations into crimes reported; failure of the supervising authorities to ensure effective control of the conduct of investigations.

Khaylo group (39964/02+)
Judgment final on 13/02/2009

Status of execution
Enhanced supervision

Failure to protect a journalist threatened to life and eventually killed; ineffective investigations into his killing.

Gongadze (34056/02)
Judgment final on 08/02/2006

Status of execution
Enhanced supervision

Failure to carry out effective investigations into alleged killings of Roma-origin persons, and into possible causal links between the racist attitudes and the crimes committed.

Fedorchenko and Lozenko (387/03)
Judgment final on 20/12/2012

Status of execution
Enhanced supervision

> Death during military service

Failure to conduct effective investigation into deaths during the military service.

Shevchenko (32478/02)
Judgment final on 04/07/2006

Status of execution
Enhanced supervision

* Detailed information concerning the Committee of Ministers' supervision of the execution of judgments and decisions of the European Court of Human Rights, notably the distinction between enhanced and standard supervision, are available on [the website of the Department for the Execution of Judgments](#).

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION*

> Lawfulness of detention and related issues

Detention on remand: unlawful and/or lengthy detention on remand, notably detention after the end of the investigation, without any court order; inefficient/excessively formalistic review of the lawfulness of detention and absence of a right to compensation.

Ignatov group (40583/15)
(ex **Kharchenko** group)
Judgment final on 15/03/2017

Status of execution
Enhanced supervision

Poor material conditions of detention and transportation and lack of adequate medical treatment in:

- Pre-trial detention;
- Prisons;
- Police establishments.

Nevmerzhitsky group (54825/00+)
Judgment final on 12/10/2005

Status of execution
Enhanced supervision

Melnik group (72286/01+)
Judgment final on 28/06/2006

Status of execution
Enhanced supervision

Yakovenko group (15825/06+)
Judgment final on 25/01/2008

Status of execution
Enhanced supervision

Isayev group (28827/02+)
Judgment final on 28/08/2009

Status of execution
Enhanced supervision

Logvinenko group (13448/07+)
Judgment final on 14/01/2011

Status of execution
Enhanced supervision

Torture inflicted by special prison forces on detainees in minimum-security prison to crush a protest movement and to punish the prisoners for their peaceful hunger strike engaged to protest against the detention conditions and to prevent them from raising complaints; lack of effective investigations into the events; also non return of personal belongings seized.

Karabet group (38906/07)
Judgment final on 17/04/2013

Status of execution
Enhanced supervision

> Protection against abuse of power

Power to order detention on remand used, in the course of criminal proceedings engaged in a political context, for other reasons than those permissible by the Convention (to punish one accused for having publicly claimed his innocence (**Lutsenko**) and the other for having shown disrespect for the trial court (**Tymoshenko**)).

Lutsenko (6492/11)
Judgment final on 19/11/2012

Status of execution
Enhanced supervision

Tymoshenko (49872/11)
Judgment final on 30/07/2013

Status of execution
Enhanced supervision

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION*

> Organisation of the judiciary

Violations related to the independence and impartiality of the judiciary:

- interference of the executive and legislature with pending cases;

Salov group (65518/01)
Judgment final on 06/12/2005

Status of execution
Enhanced supervision

- deficient system of judicial discipline;

Oleksandr Volkov (21722/11)
Judgment final on 27/05/2013

Status of execution
Enhanced supervision

- insufficient protection of the independence of judges from interferences by their superiors.

Agrokompleks (23465/03)
Judgment final on 09/12/2013

Status of execution
Enhanced supervision

> Fairness of criminal proceedings

Violation of the right to silence and not to incriminate oneself; abusive practices, notably of administrative arrest, to avoid the requirement that legal counsel be present during pre-trial interrogations.

Balitskiy group (12793/03+)
Judgment final on 03/02/2012

Status of execution
Enhanced supervision

Torture in police custody and use of confessions obtained under duress at trial; ineffective investigations.

Yaremenko group (32092/02+)
Judgment final on 12/09/2008

Status of execution
Enhanced supervision

> Length of judicial proceedings

Excessive length of judicial proceedings and absence of effective remedies:

- In civil proceedings;

Svetlana Naumenko group
(41984/98+)
Judgment final on 30/03/2005

Status of execution
Enhanced supervision

- In criminal proceedings.

Merit group (66561/01+)
Judgment final on 30/06/2004

Status of execution
Enhanced supervision

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION*

> Enforcement of judicial decisions

Major structural problem of non-enforcement or delayed enforcement of domestic judicial decisions, mostly delivered against the state and against state enterprises, and to the lack of effective remedies in this respect.

Zhovner group (56848/00+)
Judgment final on 29/09/2004

and

Yuriy Nikolayevich Ivanov
(40450/04) (pilot judgment)
Judgment final on 15/01/2010

Status of execution
Enhanced supervision

Burmych and Others (46852/13)
Judgment final on 12/10/2017

Status of execution
Enhanced supervision

> Freedom of assembly

Absence of clear and foreseeable legislation concerning the organisation of peaceful assemblies – participants sanctioned without legal basis.

Vyrentsov (20372/11)
Judgment final on 11/07/2013

Status of execution
Enhanced supervision

Disproportionate use of administrative arrests for acts of freedom of expression; non-suspensive effects of appeals against administrative offences.

Shvydka (17888/12)
Judgment final on 30/01/2015

Status of execution
Enhanced supervision

Unlawful ban of a strike as a result of the absence of clear and foreseeable legislation.

Veniamin Tymoshenko and Others
(48408/12)
Judgment final on 02/01/2015

Status of execution
Enhanced supervision

Disproportionate sanctions (prison sentences up to four years) imposed on organisers of mass protests in Kyiv which subsequently turned violent and obstructive.

Karpyuk and Others (30582/04 and 32152/04)
Judgment final on 06/01/2016

Status of execution
Standard supervision

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION*

> Cooperation with the European court

Authorities' refusal to provide detainees with copies of documents from case-files making it impossible to have a proper and effective examination of their application by the Court.

Naydyon group (16474/03+)
Judgment final on 14/01/2011

Status of execution
Enhanced supervision

Vasiliy Ivashchenko (760/03)
Judgment final on 26/10/2012

Status of execution
Enhanced supervision

Authorities' failure to comply with interim measures indicated under Rule 39 by the Court to provide medical care.

Salakhov and Islyamov (28005/08)
Judgment final on 14/06/2013

Status of execution
Enhanced supervision

> Right to property

Arbitrary and unlawful action, notably the tax authorities, leading to the seizure of several company aircrafts, which were subsequently either sold or so damaged as to be worthless.

East/West Alliance Limited
(19336/04)
Judgment final on 02/06/2014

Status of execution
Enhanced supervision

Unlawful seizure of property by the police; lack of effective investigations.

Koval and Others (22429/05)
Judgment final on 15/02/2013

Status of execution
Enhanced supervision

> Effective remedy

Absence of effective remedy with automatic suspensive effect to contest a decision of refusal to allow the entrance of a stowaway asylum seeker on the territory (even where risks of treatment contrary to Article 3 of the Convention exist in the country of origin).

Kebe and Others (12552/12)
Judgment final on 12/04/2017

Status of execution
Enhanced supervision

SUPERVISION CLOSED - MAIN REFORMS ADOPTED**

> Functioning of justice

Legal certainty reinforced: A legislative reform abolished the supervisory review procedure and set up of a three-level court system, with a cassation procedure as last instance as in numerous other Council of Europe member states – thus ensuring a procedure meeting the requirements of the Convention.

Agrotehservis group (62608/00)
Judgment final on 30/11/2005

Final Resolution
CM/ResDH(2011)313

Significant improvements of civil procedure (adoption of a new Code of Civil procedure in 2005):

- The first instance courts lost the power to filter appeal against their own decisions;
- A single procedure for delivery of all kind of summonses, subpoenas or judicial notifications is provided;
- Repeal of the provision requiring the need to exhaust non-judicial means before applying to a court;
- The Administrative Offences Code was revised in 2008 so as to provide a right to appeal.

Volovik (15123/03)

Judgment final on 31/03/2008

Final Resolution
CM/ResDH(2010)219

Strizhak (72269/01)

Judgment final on 08/02/2006

Final Resolution
CM/ResDH(2008)65

Ponomarenko (13156/02)

Judgment final on 14/09/2007

Final Resolution
CM/ResDH(2011)35

Gurepka (61406/00)

Judgment final on 06/12/2005

Final Resolution
CM/ResDH(2010)185

Improved legal aid in criminal proceedings: A new code of Criminal procedure in 2012 reformed the definition of defence counsel. Only duly licensed advocates, included in the Unified Register of Advocates, are entitled to participate in the proceedings ensuring that legal aid is provided is qualified and effective.

Zagorodniy (27004/06)

Judgment final on 24/02/2011

Final Resolution
CM/ResDH(2016)92

Improved control of elections: The Code of Administrative Procedure of 2005 streamlined the right and procedure to challenge decisions, actions or omissions of electoral commissions.

Shapovalov (45835/05)

Judgment final on 31/10/2012

Final Resolution
CM/ResDH(2016)91

> Freedom of expression

The Law on defamation was amended in 2003, exempting value judgments from liability. State bodies are prohibited from demanding non-pecuniary damages for the publication of false information, although they have a right of refutation. A Civil Code amendment provides that “negative information shall be deemed false unless proven otherwise by the person who disseminated it.” Information obtained from official sources does not require verification of authenticity.

Ukrainian Media group
(72713/01+)

Judgment final on 12/10/2005

Final Resolution
CM/ResDH(2007)13

** This section may also include certain major reforms already implemented in the context of cases still pending.

For a thorough overview of reforms adopted since the entry into force of Protocol No. 11 in 1998 see the [Annual Report 2015](#), Part IV “Main achievements”. As regards the period 1959-1998, see the overview provided by the European Court in its special publication “[Survey : 40 years of activity](#)”, section IV “Effects of judgments and decisions” – both documents, together with a number of additional ones, are available also on the website of the Department for the Execution of Judgments of the European Court of Human Rights.

SUPERVISION CLOSED - MAIN REFORMS ADOPTED**

> Protection of property

The new Tax Code 2011 together with the Law “On Value-Added Tax” simplified the system of taxation, accounting and reporting (single tax system) and introduced clear provision on VAT exemptions and a special mechanism for collecting taxes and fees.

Serkov (39766/05)
Judgment final on 07/10/2011

Final Resolution
CM/ResDH(2017)21

> Discrimination

The Constitutional Court declared the practice of depriving non-resident citizens of their pension entitlement unconstitutional and invited Parliament to adopt legislation in conformity with its decision.

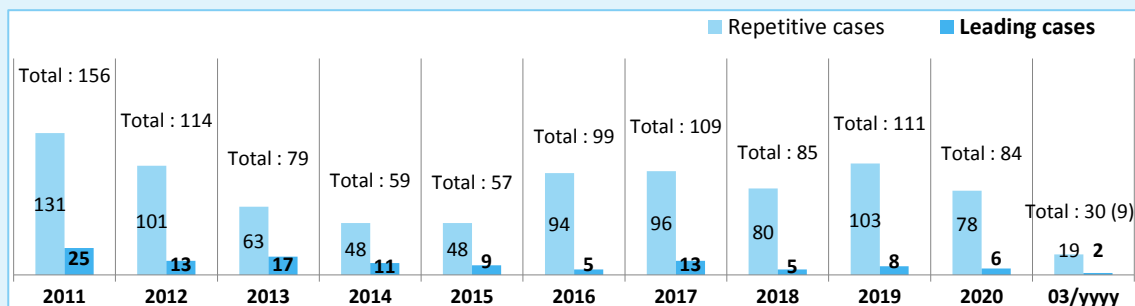
Pichkur (10441/06)
Judgment final on 07/02/2014

Final Resolution
CM/ResDH(2016)36

STATISTICS***

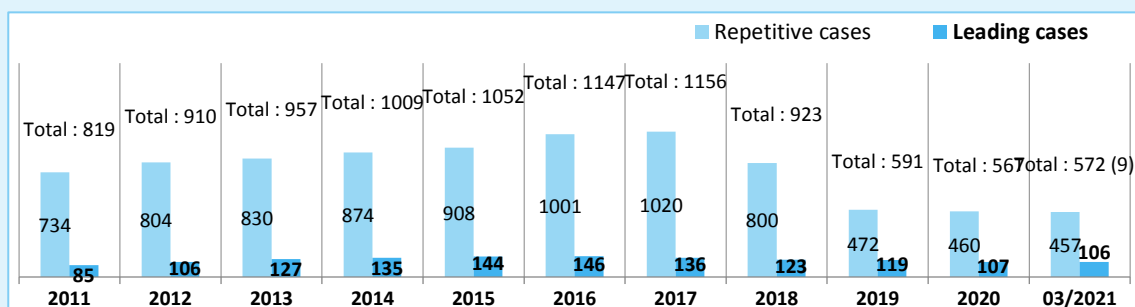
New cases

(judgments transmitted for supervision of their execution during the year)



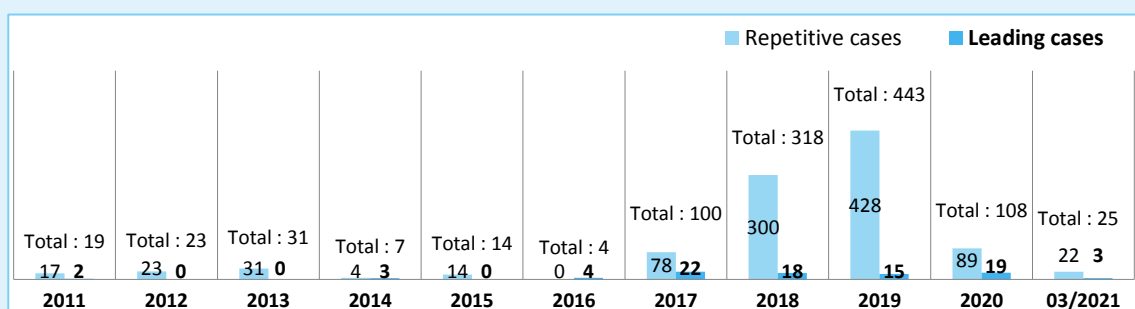
Figures bracketed correspond to the number of cases not yet classified as leading or repetitive, but they are taken into account in the total number of new cases.

Pending cases

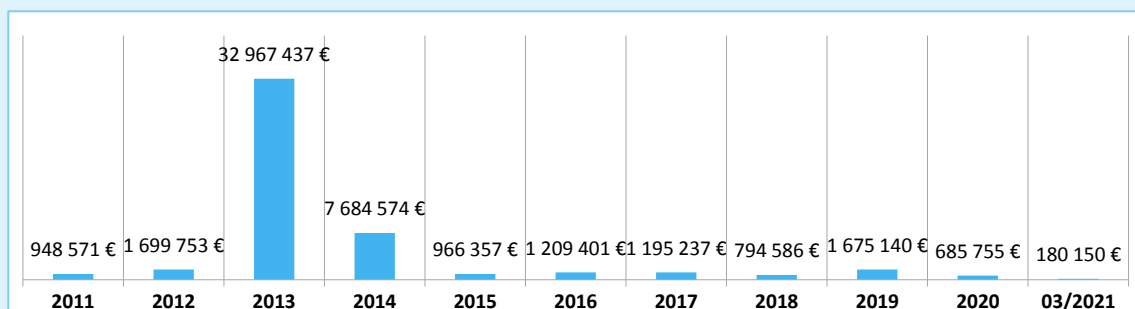


Figures bracketed correspond to the number of cases not yet classified as leading or repetitive, but they are taken into account in the total number of pending cases.

Cases closed by final resolution



Just satisfaction awarded by the European Court



*** Detailed statistics are available in the [annual reports](#) of the Committee of Ministers. Figures are reported as they appear in the annual report for each year.