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Meeting:	1577th meeting (December 2026) (DH)
Item reference:	Action Plan (06/11/2026)

Communication from Ukraine concerning the group of cases of Kryvitska and Kryvitskyy v. Ukraine (Application No. 30856/03)

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Réunion :	1577e réunion (décembre 2026) (DH)
Référence du point :	Plan d'action (06/11/2026)

Communication de l'Ukraine concernant le groupe d'affaires Kryvitska et Kryvitskyy c. Ukraine (Requête n° 30856/03) ***[anglais uniquement]***

DH-DD(2026)1493: Communication from Ukraine
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DGI
06 NOV. 2026
SERVICE DE L'EXECUTION DES ARRETS DE LA CEDH

Execution of Judgments of the European Court of Human Rights
Updated Action Plan
on measures to comply with the ECHR judgments in the *Kryvitska and Kryvitskyy v. Ukraine* group of cases

Application number	Case title	Date of final judgment
30856/03	Kryvitska and Kryvitskyy v. Ukraine	02/03/2011
35659/13	Yesichko and others v. Ukraine	08/02/2024
63648/14	Moroz v. Ukraine	12/09/2024

I. CASE SUMMARY

This group of cases concerns the disproportionate interference with the applicants' right to respect for home as the applicants, having been tenants in social or employer provided housing, were evicted from their homes following the decision of the administrative authorities (violation of Article 8).

Between 2002 – 2014 domestic courts failed to examine the proportionality of the interference: they either did not address the applicant's arguments on the legality of eviction or did not examine whether the interference was justified.

In the *Sagan* case, in 2007 while the applicant was living abroad, the administrative authorities, contrary to the law, got into her apartment and allowed its occupation by the third person.

In the *Chornenko* case, the applicant's eviction was deemed arbitrary and unlawful due to inconsistent and unexplained application of housing law - specifically, conflicting court decisions on the tenancy's classification, which affected housing rights. The Supreme Court also failed to justify why it ignored these key arguments raised in the appeals.

In the *Braylovska* case, the applicant was deprived of her property and evicted from the apartment by the court decision of 2008, not based on the law. The applicant was committed to ownership over a replacement apartment bought to her, without her consent or participation, by a private construction company, which later on acquired ownership to the building as a whole and transformed it into hotel (violation on Article 1 to Protocol 1).

The examination of several repetitive cases, including *Sagan*, *Chornenko* and *Braylovska*, was closed by the Committee of Ministers based on the individual measures implemented by Final Resolution CM/ResDH(2026)258 adopted on 7 October 2026.

II. INDIVIDUAL MEASURES

Just satisfaction

Kryvitska and Kryvitskyy case: The just satisfaction in the amount of EUR 12000 (UAH 142292, 16) was transferred to the applicants' bank accounts on 05 May 2011.

Yesichko and others case: By the letter of 15 February 2024, the Ministry of Justice of Ukraine informed the representative of the applicants about the judgment and requested the applicants to provide their banking details. Due to the applicants' failure to submit their banking details in due time, on 11 April 2024, the sum in the amount of EUR 6500 (UAH 275 287, 35) was transferred to the special deposit account of the Ministry of Justice of Ukraine. On 12 April 2024, the state bailiff forwarded a letter to the representative of the applicants, requesting applicants to

provide their banking details. Due to the applicants' failure to submit their banking details the awarded sums were transferred to the State Budget (on 01 May 2025 – as for Ms. Polikhovskaya; and on 28 November 2025 – as for Ms. Oksana Yesichko). As for Ms. Sofiya Yesichko the enforcement proceedings are still pending.

Moroz case: The applicants did not submit a claim for just satisfaction. Accordingly, the Court did not award them any sum on that account.

Restitutio in integrum

- ***Kryvitska and Kryvitskyy case***

By the letter of 18 March 2011 the Government informed the applicants about the possibility provided by the legislation to apply for the review of the impugned proceedings.

The applicants lodged a claim for review of their case before the Supreme Court of Ukraine.

On 26 September 2011, the Supreme Court of Ukraine satisfied the claim, quashed the previous decisions of the national courts, and remitted the case for review to the court of the first instance.

On 2 November 2012[1], the Sviatoshynskyi District Court of Kyiv left without consideration the lawsuit of the State Tax Inspection in the Svyatoshynsky District of Kyiv (the - **State Tax Inspection**) against the applicants for the invalidation of their residence registration and eviction from the residential premises. The court's decision states that the representative of the State Tax Inspection failed to appear at the court hearing scheduled for 2 November 2012. The representative also failed to appear at the court hearings on 20 June 2012, 18 July 2012, and 7 August 2012. The State Tax Inspection and its representative were duly notified of the place and time of the hearing. The repeated failure of the plaintiff's representative to appear at the court hearings makes it impossible to consider the case on its merits. No requests were received from the plaintiff or his representative to hear the case in the absence of the plaintiff's representative, and the court concluded, taking into account the case materials and circumstances, that the lawsuit should be left without consideration.

On 6 February 2013[2], the Kyiv Court of Appeal dismissed the Tax Administration appeal and upheld the decision of the Sviatoshynskyi District Court of Kyiv of 2 November 2012.

On 24 July 2013[3], the Supreme Court dismissed the Tax Administration cassation appeal and upheld the decision of the Sviatoshynskyi District Court of Kyiv of 2 November 2012 and the decision of the Kyiv Court of Appeal of 6 February 2013.

As noted in the Court's judgment, the flat had been sold to Mrs. G.D., a co-owner of the building. The applicants did not apply to the court to restore their rights to ownership of the flat.

The Government would also like to emphasise that the Court in its judgment clarified that the applicants had found permanent housing after their eviction. Taking into account the above, as well as the fact that the events in this case took place more than 20 years ago and the applicants received the awarded just satisfaction in full, the Government believe that no further individual measures are required in this case and respectfully ask the Committee of Ministers to close the supervision of individual measures in this case.

- ***Yesichko and others case***

[1] https://reyestr.court.gov.ua/Review/138459018
[2] https://reyestr.court.gov.ua/Review/29353765
[3] https://reyestr.court.gov.ua/Review/32667547

On 15 February 2024, the Government informed the representative of the applicants about the possibility provided by the legislation in force to apply for the review of the impugned proceedings in the light of the Court's finding in the applicant's case.

The applicants have not applied to the Grand Chamber to review the decisions of the previous courts in their cases in connection with the Court's judgment.

With regard to the provisions of the Code of Administrative Procedure of Ukraine set out above, the Government would like to note that the time limit for submitting an application for the review of the decisions in exceptional circumstances procedure has expired.

Moreover, their premises were located in Crimea (see § 2 of the judgment), which is temporarily occupied by the Russian Federation. As it was mentioned above, Crimea is not under the control of the Government of Ukraine. Additionally, the Government have no contact with the Russian authorities in the temporarily occupied territories of Ukraine.

Thus, no additional individual measures are possible in this case.

- ***Moroz case***

Referring back to the facts of the applicants' case, the Government would like to reiterate that in February 2012 the applicants filed a lawsuit against the Lviv Regional Council and the Lviv Regional Council's Joint Property Management Department (the – **Property Department**) seeking recognition of their right of ownership by adverse possession in respect of flat No. 1.

The Property Department filed a counterclaim, asking for a decision to reclaim the non-residential premises on the ground floor, measuring 68.7 square meters, and the underground premises, measuring 59.8 square meters, from the applicants' unlawful possession.

By the decision of 10 April 2013, the Lychakiv District Court of Lviv dismissed both the original lawsuit and the counterclaim on the grounds that the claims were unfounded.

By the decision of 11 November 2013, the Court of Appeal of Lviv Region dismissed the applicants' appeal against the decision of 10 April 2013 and upheld the appeal lodged by the Property Department.

On 19 September 2024, the Government informed the applicants about the possibility provided by the legislation in force to apply for the review of the impugned proceedings in the light of the Court's finding in the applicants' case.

On 11 October 2024, the representative of the applicants applied to the Grand Chamber for the review of the decision of the Court of Appeal of Lviv Region dated 11 November 2013 and the decision of the Higher Specialised Civil and Criminal Court dated 12 February 2014 in connection with the Court's judgment. In their appeal, the applicants requested to adopt a new decision that would restore their rights to own and use flat No. 1, or alternatively, to provide them with equivalent accommodation and to reimburse them for the legal and enforcement costs incurred, as well as the costs of legal assistance.

On 11 December 2024[4], the Grand Chamber partially satisfied the application, quashed the decisions of the Court of Appeal of Lviv Region and of the Higher Specialised Civil and Criminal Court, and remitted the case for a retrial to the court of appeal.

On 12 September 2025[5], the Lviv Court of Appeal concluded that, in the decision of the Lychakiv District Court of Lviv dated 10 April 2013, the court had correctly dismissed the original lawsuit and that the contested decision, as regards the decision on the original lawsuit, should be upheld, and that the applicants' appeal should be dismissed.

At the same time, with regard to the counterclaim, the Lviv Court of Appeal quashed the decision of the Lychakiv District Court of Lviv dated 10 April 2013, relating to the resolution of the counterclaim in the part of the recovery of the underground premises, and issued a new decision in

[4] https://reyestr.court.gov.ua/Review/124522582
[5] https://reyestr.court.gov.ua/Review/130166711

this regard, thereby upholding the counterclaim brought by the Property Department against the applicants for the recovery of property from unlawful possession in this respect.

The Lviv Court of Appeal noted that, indeed, the owner of the disputed premises had applied to the court to deprive the defendants of their right to occupy the premises in accordance with the law, given that the defendants were residing there without having complied with all the necessary formal procedures (without a tenancy agreement for themselves and the family members who had been living there prior to their arrival). The owner is indeed pursuing a legitimate aim, as it intends to regain possession of and use of the library premises as a whole in order to enable the premises to be fully utilised for a socially beneficial purpose, namely the proper functioning of the library as a whole, its branches, collections, clubs, and so on.

It is worth noting that, having considered the library's interests as set out above against the applicants' right to housing, the panel of judges considers that such an interference with their fundamental right is not necessary in a democratic society and that depriving them of their home (flat No. 1) without providing alternative accommodation, given their long-standing connection with this dwelling - which has been recognised by the State for an exceptionally long period - would constitute an excessive burden on them, as was noted in the decision of the court of first instance and is also stated in the Court's judgment concerning them.

However, this relates only to the furnished living areas of flat No. 1.

Nevertheless, as can be seen from the materials of the inventory file and the materials of this civil case, in particular from the breakdown of internal areas against the building plan as at July 2004, the premises of the Lviv Regional Scientific and Pedagogical Library include residential flat No. 1, which consists of numerous rooms.

Any other evidence to show that the disputed premises with an area of 59.8 square metres were part of Flat No. 1, or whether they were provided for the applicants' family or their relatives to live in, or that they themselves or their relatives paid rent for the use of these premises or part thereof, or carried out repairs there, is not contained in the case file or the inventory records.

Photographs provided by the applicants themselves show that the underground premises are in a dilapidated condition, unfit for habitation, and therefore unsuitable for use as accommodation.

Furthermore, it is evident from these photographs and the materials in the inventory file that the aforementioned underground premises contain utility services, sewerage drains, water supply pipes, an electrical distribution board, and so on, which serve the entire building; in other words, these premises could not have been made available to the applicants or members of their families for residential purposes.

It is also apparent from the utility bills submitted to the court of appeal by the applicants that the area for which utility bills were charged in flat No. 1 amounts to 45 square metres. Therefore, as regards the disputed underground premises measuring 59.8 square metres, there is no evidence to suggest that these were ever made available to the applicants' family or to the applicants themselves for their use, or that they formed part of flat No. 1, or were allocated for the applicants or their family members to live in. Consequently, the underground premises measuring 59.8 square metres do not constitute the applicants' residence, have never been such, have not been used by them as a residence, and are not currently used as such.

In view of the above, the Lviv Court of Appeal considered that the arguments of the counterclaim and the appeal lodged by the Property Department shall be deemed partially well-founded in relation to the disputed underground premises, and these shall be partially satisfied.

The decision of 12 September 2025 was not appealed in cassation and has become final.

Therefore, the Government consider that no additional individual measures are possible in this case.

The Government consider that no further individual measures are required within the execution of the Court's judgments in the following cases: *Kryvitska and Kryvitskyy* (app. no. 30856/03) and *Moroz* (app. no. 63648/14) and kindly request the Committee of Ministers to close supervision in these cases.

III. GENERAL MEASURES

Violation of Article 8 of the Convention and of Article 1 to Protocol 1 to the Convention

1. Legislation

As it was mentioned in the Action Plan dated 19 July 2024[6], Article 41 of the Constitution of Ukraine[7] establishes that everyone has the right to own, use and dispose of their property, the results of their intellectual and creative activities. Paragraph 5 of this Article states that forced expropriation of objects of private property can be applied only as an exception for reasons of public necessity, on the basis and in the manner established by law, and on the condition of prior and full compensation of their value. Compulsory expropriation of such objects with subsequent full compensation of its value is allowed only under conditions of martial law or a state of emergency.

According to Article 47 of the Constitution of Ukraine everyone has the right to housing. The state shall create the conditions under which every citizen will be able to build housing, buy it as a property or rent it. Citizens in need of social protection are provided with housing by the state and local self-government bodies free of charge or at a fee affordable to them in accordance with the law. No one can be forcibly deprived of housing other than on the basis of the law by a court decision.

The Government would like to emphasize that on 15 February 2026, the Law of Ukraine "On the Basic Principles of Housing Policy"[8] came into force, and the Housing Code of Ukraine of 1983[9] (the – **HCU**) lost its force, except for some articles.

It is worth noting that this law was drafted in cooperation with international partners in accordance with the Ukraine Facility (Reform 7: 'Ensuring access to housing for those in need'). The European Commission, the World Bank, the European Investment Bank, the United Nations Economic Commission for Europe (UNECE), the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Organisation for Migration (IOM), Habitat for Humanity, the Norwegian Refugee Council (NRC) and the Council of Europe Office in Ukraine were involved in the drafting process.

The law provides for a transition from the outdated Soviet model of housing policy to modern European approaches centred on people's needs, transparent rules and the long-term development of the housing sector.

The Government would also like to emphasise that, as a result of the Russian Federation's full-scale armed invasion of Ukraine, thousands of families have been forced to leave their homes because these have been destroyed or damaged as a result of hostilities, as well as due to the temporary occupation of the relevant territories. The lack of access to safe and habitable accommodation, in turn, makes it necessary for the state to support such families, in particular by providing them with temporary accommodation. Specifically, the new law provides for the possibility of granting such persons temporary accommodation from the state housing stock or the local community's housing stock, as well as access to other state support mechanisms to realise their right to housing.

Thus, while improving national legislation in line with European standards, the legislator is also responding to the pressing needs of Ukrainian society and seeking to meet the urgent housing needs of the Ukrainian people.

The issue of eviction of persons from housing is regulated by Article 33 of the new law. In particular, no one may be evicted from their current home or have their right to use their home

[6] https://hudoc.exec.coe.int/eng?i=DH-DD(2024)836E
[7] https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text
[8] https://zakon.rada.gov.ua/laws/show/4751-20#Text
[9] https://zakon.rada.gov.ua/laws/show/5464-10#Text

restricted except by a court decision and on the grounds and in accordance with the procedure established by law.

Evictions, relocations and resettlements are prohibited in respect of persons covered by this Law who, in accordance with the law, have been provided with accommodation from the state housing stock or the housing stock of a local authority and who actually live in such accommodation, provided that the circumstances which formed the basis for the provision of such accommodation to them continue to exist and/or they have not lost the right to use such accommodation, and, in the cases provided for by law, the right to receive, free of charge, accommodation for permanent residence or as freehold property, without the entities carrying out the eviction, resettlement or relocation first providing such persons (or their families) with alternative accommodation suitable for habitation, except where the eviction is carried out voluntarily or on the basis of a court decision.

Eviction, relocation and resettlement of persons from dwellings in the private housing stock may only take place pursuant to a court decision and on the grounds and in accordance with the procedure established by law.

It is prohibited to evict, relocate or resettle persons who are a party to a dispute concerning the grounds for their eviction and/or their occupation of the dwelling, and/or their eviction from the dwelling, - until such a dispute has been resolved through pre-trial or judicial proceedings in accordance with the law, except in cases specified by law where relocation is necessary in connection with the elimination of the consequences of accidents, fires, other emergencies or armed aggression.

Eviction from accommodation in the state housing stock or the local authority housing stock, with the provision of alternative accommodation in accordance with the procedure set out in the relevant tenancy agreement, shall take place on the following grounds:

1) the reconstruction, restoration or major repair of the accommodation, if the relevant works cannot be carried out without evicting the tenant (occupier);

2) demolition of the dwelling following the results of an inspection of the condition of residential buildings in accordance with the procedure approved by the Cabinet of Ministers of Ukraine;

3) the dwelling being in a state of disrepair that poses an immediate risk of collapse or endangers the life and health of the occupants, as confirmed by the results of a technical inspection carried out in accordance with the law;

4) the conversion of residential premises into non-residential premises due to their technical condition, reconstruction or other circumstances that render their continued use for residential purposes impossible because their residential functions have effectively been lost;

5) the declaration of the dwelling as unfit for habitation in accordance with the procedure established by law;

6) on other grounds specified by law.

If the tenant (occupier) refuses to move to alternative accommodation on the basis of a court order, they shall be subject to compulsory eviction.

In accordance with Article 40 of the new law, disputes related to the protection of the right to housing, regardless of the form of ownership, shall be resolved in court in accordance with the law.

Out of the provisions of the HCU that remain in force, the following are worth noting:

- Article 72 of the HCU stipulates that the determination of whether a person has lost the right to use residential premises as a result of their absence for longer than the prescribed period shall be decided by a court;

- Article 132 of the HCU regulates the eviction of persons from dormitories. In particular, under this article, seasonal and temporary workers, persons who have worked under a fixed-term employment contract and have ended their employment, as well as persons who were studying at educational institutions and have left them, are subject to eviction from a dormitory without being provided with alternative accommodation. Other employees of enterprises, institutions and

organizations who have taken up residence in a dormitory in connection with their work may be evicted without being provided with alternative accommodation in the event of dismissal at their own request without valid reasons, for breach of labour discipline or for committing a criminal offence. Persons who have terminated their employment on grounds other than these may be evicted only if they are provided with alternative accommodation. Furthermore, alternative accommodation within the dormitory or other residential premises shall be provided to persons evicted from dormitories due to the demolition of the building or the conversion of the building (residential premises) into non-residential premises, as well as if the building (residential premises) is in danger of collapsing;

- Article 132-2 of the HCU regulates the procedure for the allocation and use of residential premises from the temporary accommodation housing stock. In particular, the grounds for the premature termination of a citizen's right to use residential premises from the temporary accommodation housing stock are: the provision to the citizen of, or their purchase of, another residential premises; an increase in the citizen's income to a level that enables them to enter into a tenancy agreement for another residential premises; a citizen's breach of the rules governing the use of residential premises from the temporary accommodation housing stock; a resident causing residential premises from the temporary accommodation housing stock to become unfit for use; and other grounds established by law.

Additionally, the Government would like to inform, that subparagraph 8 of paragraph 2 of Article 2 of the Code of Administrative Procedure of Ukraine provides that in cases concerning the appeal of decisions, actions or inaction of subjects of authority, administrative courts check whether they were adopted (committed) proportionately, in particular with observance of the necessary balance between any adverse consequences for the rights, freedoms and interests of a person and the goals that the decision (action) is aimed at achieving.

In the context of the *Chornienko* case, the Government would also like to note that national legislation prohibits the transfer of ownership, by any means, of the dormitories as immovable property, residential complexes and/or parts thereof, their individual buildings, structures, residential and non-residential premises and other property, as well as the relevant land plots and their adjoining territories, in favour of private individuals or legal entities governed by private law. In particular, this prohibition is enshrined in the final provisions of the Law of Ukraine 'On Ensuring the Realisation of the Housing Rights of Dormitory Residents'[10].

The Government therefore consider that the updated provisions of housing legislation, together with the principle of proportionality in administrative proceedings, will contribute to the lawful and fair resolution of issues relating to the protection of an individual's right to housing. Since the loss of a home constitutes an extremely serious interference with the right to respect for private life, the courts are obliged to carry out a particularly thorough assessment of the specific circumstances of the case and the relevant arguments put forward by the parties, applying the relevant criteria to determine whether a fair balance has been struck between the conflicting interests and whether such interference is proportionate.

The Government also consider that there is no need to take any legislative measures to avoid similar violations and that the issue giving rise of violation found in the present group of cases concerns the court practice.

The Government also consider that, in the *Sagan* case, the breach of Article 8 found by the Court in connection with the entry into the applicant's first flat was an isolated incident. There was no legal basis for such a situation under domestic law, and therefore it could not be regarded as systematic.

Additionally, the Government believe that the violation of Article 1 to Protocol 1, found by the Court in the *Braylovska* case, arose as a result of the malpractice of domestic authorities, therefore it is of isolated nature and is not of a systemic problem.

These statements are confirmed by the judicial practice set out below.

[10] https://zakon.rada.gov.ua/laws/show/500-17/ed20211020#Text

2. Judicial practice

Considering the above, the Government would like to provide up-to-date judicial practice in eviction cases.

1. The Supreme Court in case **No. 711/7673/17-ц**[11], stated that the courts reached a reasonable conclusion in dismissing the claim for eviction with the provision of another dwelling. They found no grounds to relocate the defendants to a different dormitory, as the defendant and her family were initially moved to a dormitory at one address based on a warrant. Therefore, the relocation of the defendants from the assigned room to other dormitory rooms, despite being in violation of the warrant, did not justify their eviction to another dormitory at a different address.

The Supreme Court in the decision dated 22 May 2019 stated that the courts correctly determined that the defendants had violated the procedure for room allocation by independently changing their assigned rooms. The courts reasonably concluded that the claims were unfounded, as this procedural violation did not warrant eviction to another dormitory, especially considering the rooms were within the same dormitory boundaries. Furthermore, the courts upheld the principle of proportionality in this case, ruling that the plaintiff's demand to evict the defendants to another dormitory constituted an unjustified interference with their right to respect for their home, which is in line with the Court's consistent case law.

2. In case **No. 153/1393/17**[12], on the claim of the Village Council against the defendants to remove obstacles to the use and disposal of property through eviction from the house, it was established that the defendants had legally resided in the disputed house since 1988, prior to its transfer from communal property to the plaintiff. They originally moved in as collective farm workers. Given that the plaintiff failed to provide evidence confirming the availability of alternative habitable housing for the defendants, the court the court of first instance correctly concluded that there were no legal grounds to satisfy the claim.

The court of appeal did not uphold the conclusions of the court of first instance, but the Supreme Court by the decision dated 29 January 2020 quashed the decision of the court of appeal and upheld the decision of the court of first instance to dismiss the claim.

3. In the case **No. 490/12384/16-ц**[13], on the claim of the executive committee of the City Council against the defendants for recognition of their having lost the right to use the residential premises, the Supreme Court in the decision dated 24 October 2018 noted that the analysis of Articles 71 and 72 of the HCU gives grounds to conclude that a person may be recognised as having lost the right to use a residential premise under two conditions: the person has not lived in the residential premises for more than six months and in the absence of valid reasons. The Supreme Court pointed out that procedural Law imposes an obligation on the plaintiff to prove that the defendant has been absent from the premises without valid reasons for more than the period established by Article 71 of the HCU, which the plaintiff, in this case, failed to prove. The Supreme Court proceeded from the premise that the start of the absence period is determined from the day when the person left the dwelling. The return of a person to the residential premises they occupied interrupts the period of temporary absence. In the case of temporary absence, the person continues to intend to consider the dwelling as their permanent place of residence; therefore, when considering a claim for recognition of a person as having lost the right to living space, the courts must carefully examine the circumstances relevant to establishing the reasons for the prolonged absence. The Supreme Court agreed with the conclusions of the courts of previous instances that the defendant's utility arrears and violations of the procedure for using the residential premises (lack of a lock on the entrance door to the entrance, dirt) are not grounds under Articles 71 and 72 of the HCU to declare them to have lost the right to use the residential premises, as they do not indicate that the defendant has lost interest in the disputed premises. In addition, the defendant did not lose interest in the room due to the nature of his work; he periodically came to the room, his furniture and belongings were kept there, and he had no other housing.

[11] https://reyestr.court.gov.ua/review/82156818
[12] https://reyestr.court.gov.ua/review/87423813
[13] https://reyestr.court.gov.ua/review/77653773

The Supreme Court also agreed with the conclusions of the courts that there was no proper and admissible evidence to prove that the defendant had not lived in the dormitory room for more than six months without good reason.

4. In the case **No. 395/872/20**[14], a private joint-stock company, "Kirovohradoblenergo", filed a lawsuit to eliminate obstacles in the exercise of their right to use and dispose of the building by evicting the defendants. The lawsuit was motivated by the fact that the private joint-stock company was the owner of a complex of buildings, in particular a residential building, a part of which was occupied by the defendants, without having any legal grounds for living in it. On 14 November 2020, the Malovyskyi District Court of the Kirovohrad Region rejected the company's lawsuit. In order to justify the decision, the Malovyskyi District Court of the Kirovohrad Region noted, in particular, that according to the principles of application of Article 8 of the Convention and Article 1 to Protocol 1 to the Convention, which are set out in the relevant Court's judgments, eviction of a person from housing without providing another living space is possible under the conditions that such interference in the right of a person to respect for private and family life and in the right for housing is provided for by law, pursues a legitimate goal defined by paragraph 2 of Article 8 of the Convention, and is necessary in a democratic society. Taking into account the above, the Malovyskyi District Court of the Kirovohrad Region agreed with the statements of the defendants that they legally moved into the disputed residential premises, used it properly for a long time, had no other housing, and therefore were not subject to eviction without providing another equivalent residential premise. At the same time, the Malovyskyi District Court of the Kirovohrad Region noted the need to maintain a fair balance between the protection of property rights and the protection of the right of a former employee of the enterprise to use the house provided for living.

On 07 March 2023, the Kropyvnytskyi Court of Appeal upheld the decision of the Malovyskyi District Court of the Kirovohrad Region of 14 November 2020.

On 18 August 2023, the Supreme Court upheld the decisions of the Malovyskyi District Court of the Kirovohrad Region dated 14 November 2020 and the Kropyvnytskyi Court of Appeal dated 07 March 2023.

5. In the case **No. 753/10891/20**[15], a joint-stock company, "National Public Broadcasting Company of Ukraine", filed a lawsuit against defendants for eviction from their apartment without providing other housing. The lawsuit was motivated by the fact that the "National Public Broadcasting Company of Ukraine" and the Person_3 concluded an agreement on the use of official residential premises. According to the terms of the contract, the "National Public Broadcasting Company of Ukraine" transferred an apartment to the defendants for indefinite use. The apartment belonged to the company was transferred based on a certificate of ownership under the state's right. In case of termination of employment with the company, the defendant agreed to vacate the apartment along with all cohabitants. However, after the dismissal of the Person_3 as a result of a reduction in the number of employees, the defendants refused to voluntarily leave the apartment. On 06 July 2021, the Darnytskyi District Court of Kyiv rejected the company's claim. When making its decision, the Darnytskyi District Court of Kyiv separately assessed the proportionality of the interference with the rights of the defendants in the event of their eviction, taking into account the relevant case-law of the Court, in particular the decision in the *Kryvitska and Kryvitskyy* case. The Darnytskyi District Court of Kyiv took into account the fact that the Person_3 had worked in good faith at the company for more than 10 years, the apartment where the defendants lived was their only premise and that they rented an apartment in good faith. Taking into account the above, the Darnytskyi District Court of Kyiv came to the conclusion that the eviction of the defendants from the house will not meet the criteria set forth in paragraph 2 of Article 8 of the Convention.

On 07 October 2021, the Kyiv Court of Appeal upheld the decision of the Darnytskyi District Court of Kyiv dated 06 July 2021.

On 26 January 2022, the Supreme Court upheld the decisions of the Darnytskyi District Court of Kyiv dated 06 July 2021 and of the Kyiv Court of Appeal dated 07 October 2021.

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[14] https://reyestr.court.gov.ua/Review/107658734
[15] https://reyestr.court.gov.ua/Review/98379029

6. In the case **No. 725/7731/21-ц**[16], the Chernivetskyi Circuit Administrative Court filed a lawsuit against defendants for eviction from their apartment without providing other housing. The lawsuit was motivated by the fact that the Person_2 worked in the Chernivetskyi Circuit Administrative Court as a judge from 22 May 2008 to 13 February 2012, but was dismissed from the position of judge in connection with his election as a judge of the Court of Appeal of Ivano-Frankivsk Region. For the period from 11 October 2011 to 13 March 2012, the Person_2 was assigned with official housing, for which a warrant was issued for the Person_2 and his family members to move in. The defendants were required to vacate the service apartment after Person_2 was terminated from employment, but they did not comply. The Person_2 received monetary compensation for the purchase of housing, and also received a three-room apartment in the city of Ivano-Frankivsk on an extraordinary basis as a military judge. Therefore, the Person_2 was twice provided with housing at the expense of the state fund. Moreover, there was an urgent public necessity to evict the defendants, as there was a queue of court employees in need of housing. On 23 February 2022, the Pershotravnevyi District Court of Chernivtsi satisfied the claim of the Chernivetskyi Circuit Administrative Court.

On 05 May 2022, the Chernivtsi Court of Appeal quashed the decision of the Pershotravnevyi District Court of Chernivtsi dated 23 February 2022.

On 23 November 2022, the Supreme Court quashed the decision of the Chernivtsi Court of Appeal dated 05 May 2022 and upheld the decision of the Pershotravnevyi District Court of Chernivtsi dated 23 February 2022. The Supreme Court emphasized that the defendants did not use the disputed apartment as a single premise, and also actually lived in the territory of another region at the time the case was considered.

7. In the case **No. 756/16223/18**[17], the communal company, “Management Company for maintenance of the housing fund of the Obolonskyi District of Kyiv”, filed a lawsuit against Person_3 for eviction. The lawsuit was motivated by the fact that since 2001, the defendant has been provided with an apartment for temporary residence on the basis of a temporary housing rental agreement from the temporary residence fund, but after the expiration of the contract on 03 April 2013, the Person_3 refused to vacate the apartment, despite the fact that he was not employed by the company. On 29 September 2021, the Obolonskyi District Court of Kyiv satisfied the claim of the communal company, “Management Company for maintenance of the housing fund of the Obolonskyi District of Kyiv”.

On 31 May 2022, the Kyiv Court of Appeal quashed the decision of the Obolonskyi District Court of Kyiv dated 29 September 2021 and rejected the company’s claim. The Kyiv Court of Appeal took into account the conclusions of the Court in the *Kryvitska and Kryvitskyy* case, in particular, that the failure of national courts to take into account the principle of proportionality in cases of eviction of a person from their premises is the basis for concluding that Article 8 of the Convention has been violated in relation to such a person.

The court of appeal also took into account that the state, which has undertaken the constitutional duty to protect the right to housing of an individual, cannot violate such right of a citizen who has lawfully enjoyed such housing for over 20 years, with the intention of future use of the property as official housing by allocating it to another person, since according to the Constitution of Ukraine, the defendant has equal rights with another person, who is not even specifically identified at present.

On 08 December 2022[18], the Supreme Court upheld the decision of the Kyiv Court of Appeal dated 31 May 2022. Having established that the defendant moved into the disputed apartment in 2001 under a temporary housing agreement in accordance with the law, and had been living there permanently, the Supreme Court upheld the correct conclusion of the court of appeal that there were grounds to dismiss the claim. The court of appeal also rightly noted that the plaintiff did not provide evidence of the defendant having alternative housing at the time of filing the eviction claim. Therefore, it was justified to affirm that since the defendant had sufficient and continuous ties to the

[16] https://reyestr.court.gov.ua/Review/103668162
[17] https://reyestr.court.gov.ua/Review/101171134
[18] https://reyestr.court.gov.ua/Review/107984712

specific place of residence, the mentioned apartment constituted his "home" within the meaning of Article 8 of the Convention.

8. In the case **No. 761/18365/20**[19], the Administration of the State Border Guard Service of Ukraine filed a lawsuit against Person_2, Person_3, Person_4, and Person_5 for eviction and deregistration. On 12 August 2022, the Shevchenkivskyi District Court of Kyiv refused the claim of the Administration of the State Border Guard Service of Ukraine. In justifying its decision, the Shevchenkivskyi District Court of Kyiv referred to the case-law of the Court under Article 8 of the Convention and Article 1 to Protocol 1 to the Convention, in particular, to the conclusions of the Court in the *Sadovyak* and *Kryvitska and Kryvitskyy* cases. Summarizing the Court's conclusions on the principles of application of the mentioned provisions of the Convention, the Shevchenkivskyi District Court of Kyiv noted that eviction of a person from housing without providing another living space is possible under the conditions that such interference with the right of a person to respect for private life and the right to housing, provided for by law, pursues a legitimate aim defined by Article 8 of the Convention, and is necessary in a democratic society. Taking into account the above, in this case the Shevchenkivskyi District Court of Kyiv assessed the eviction of the defendants in the context of the proportionality of the application of such a measure, taking into account the violation of the latter's right to housing, as a result of which the defendants could lose not only the right to use housing, but lose such a right altogether and become homeless. Given the fact that in this case the defendants acquired the right to use the disputed housing in accordance with the law, that is, they acquired the legally protected right to peaceful use of the property, and the case materials did not contain evidence to confirm the existence of another residential premises of the defendants, the Shevchenkivskyi District Court of Kyiv concluded that there were no grounds for satisfying the claim.

On 16 May 2023, the Kyiv Court of Appeal quashed the decision of the Shevchenkivskyi District Court of Kyiv dated 12 August 2022 and satisfied the claim of the Administration of the State Border Guard Service. Relying, in particular, on the case-law and judgments of the Court in *Kryvitska and Kryvitskyy* and *Karakutsia* cases, the Kyiv Court of Appeal also drew attention to the need to observe the principle of proportionality, which, according to the Court, consists in assessing a fair balance between the interests of the state (society) related to interference with the human right to respect for housing, and the interests of the person who suffers the negative consequences of this interference. Therefore, in the light of above and the dismissal of Person_1 from military service, his exclusion from the personnel lists, removal from all types of security, as well as the fact that he was provided with another housing that was provided to him before, he did not rent it and it was privatized lastly, the Kyiv Court of Appeal decided that the claims of the Administration of the State Border Guard Service of Ukraine to recognize the defendants as having lost the right to live in the disputed service apartment, their eviction and deregistration were justified and satisfied these claims.

On 04 October 2023[20], the Supreme Court quashed the decision of the Kyiv Court of Appeal in terms of satisfying claims against Person_1 and Person_2, partially satisfying the cassation appeals of these defendants, in the other part upheld the decision of the Kyiv Court of Appeal, because Person_3 and Person_4 did not use their right to file a cassation appeal. The Supreme Court underlined the fact that, in accordance with the subparagraph 2 of paragraph 1 of Article 12 of the Law of Ukraine "On the Social and Legal Status of Military Servicemen and Members of Their Families"[21], military servicemen are accommodated in barracks (on ships) in accordance with the Statute of the Internal Service of the Armed Forces of Ukraine[22]. They cannot be deregistered as citizens in need of improved living conditions. Taking into account the judgments of the Court under Article 8 of the Convention, in particular, in the *Globa*, *Sadovyak* and *Kryvitska and Kryvitskyy* cases, the Supreme Court noted that the Kyiv Court of Appeal, establishing that Person_1 at the time of consideration of the case was in military service, wrongly concluded that the claim for eviction of Person_1 and Person_2 shall be satisfied, since such interference with the

[19] https://reyestr.court.gov.ua/Review/105817681
[20] https://reyestr.court.gov.ua/Review/114020810
[21] https://zakon.rada.gov.ua/laws/show/2011-12#Text
[22] https://zakon.rada.gov.ua/laws/show/548-14#Text

right to respect for housing did not comply with the provisions of the Law of Ukraine "On the Social and Legal Status of Military Servicemen and Members of Their Families").

9. In the case **No. 359/4376/22**[23], the Boryspil City Council filed a lawsuit against defendants for eviction from their apartment without providing other housing. The lawsuit was motivated by the fact that the Boryspil City Council owned the paramedic and midwifery station. Defendants - Person_2 and his family (wife - Person_3 and daughter - Person_4) moved into this premises on their own right, which prevented the Boryspil City Council from owning the paramedic and midwifery station and using it for its intended purpose. On 18 October 2022, the Boryspilskyi City District Court of Kyiv Region refused the claim of the Boryspil City Council, considering the judgments of the Court in the *Sadovyak* and *Kryvitska and Kryvitskyy* cases, concluded that the eviction of the defendants from the premises of the paramedic and midwifery station without providing other housing cannot be considered as that is carried out "in accordance with the law" within the meaning of Article 8 of the Convention. In addition, the adoption of this measure was in no way justified by the interests of national and public security or economic well-being of the country, was not related to the prevention of riots or crimes, and also was not related to the protection of health or morals or the protection of the rights and freedoms of other persons. Therefore, the eviction of the defendants from the premises of the paramedic and midwifery station was not "necessary in a democratic society" within the meaning of Article 8 of the Convention. Moreover, witnesses were questioned at the court session and confirmed that Person_2, Person_3 and Person_4 did not have another home. This fact indicated that evicting them from the premises of the paramedic and midwifery station without providing other housing would lead to a disproportionate state interference with the defendants' right to respect for their housing, guaranteed by Article 8 of the Convention.

On 18 April 2023, the Kyiv Court of Appeal upheld the decision of the Boryspilskyi City District Court of Kyiv Region dated 18 October 2022. The Kyiv Court of Appeal followed the principles of Article 8 of the Convention and Article 1 to Protocol 1 to the Convention set out in the Court's judgments, according to which eviction of a person from housing without providing another living premise is possible under the conditions that such interference with the person's right to respect for private life and the right to housing, provided for by law, pursues a legitimate aim defined by Article 8 of the Convention and is necessary in a democratic society. The Kyiv Court of Appeal also noted that even if the legal right to occupy a dwelling is terminated, a person is entitled to expect that his eviction will be assessed for proportionality in the context of the relevant principles of Article 8 of the Convention. Therefore, when considering the case of eviction of a person, based on the principle of the rule of law, the court shall in each specific case assess whether the interference with the person's right to respect for his home is not only lawful, but also necessary, corresponds to an urgent need and is proportionate to the legitimate aim pursued. The Kyiv Court of Appeal found that the conclusion of the Boryspilskyi City District Court of Kyiv Region was well-founded and that the disputed premises indeed were the defendants' residence in an autonomous sense, as they are connected to this dwelling as a result of living in it for a long time.

On 15 September 2023[24], the Supreme Court upheld the decisions of the Boryspilskyi City District Court of Kyiv Region dated 18 October 2022 and of the Kyiv Court of Appeal dated 18 April 2023, recognising the conclusions of the courts that the defendants' long-term residence in the disputed premises is a sufficient reason to consider this premise as belonging to them in the sense of Article 8 of the Convention, and therefore their eviction from this premise recognised an unjustified interference in their private life, and a violation of the right to respect for housing.

10. In the case **No. 641/6111/23**[25], the Joint-Stock Company Commercial Bank "PrivatBank" filed a lawsuit against Person_1, who acts in her own interests and in the interests of the minors - Person_2, Person_3, Person_4, in which requested to evict the defendants, who were registered and/or live in the apartment, citing the fact that the plaintiff, through an out-of-court foreclosure on the subject of the mortgage, acquired ownership of the apartment through mortgage

[23] https://reyestr.court.gov.ua/Review/107084656
[24] https://reyestr.court.gov.ua/Review/113626771
[25] https://reyestr.court.gov.ua/Review/123193706

agreement. After the registration of the right of ownership of the specified real estate, the plaintiff tried to get access to this apartment, but the registration and residence in the apartment of the defendants became an obstacle to the execution of the specified actions. On 22 February 2024, the Kominternivskyi District Court of Kharkiv dismissed the application of the plaintiff. This decision was motivated by the fact that the plaintiff acquired ownership of the disputed apartment, which was mortgaged, partly with loan funds and partly with his own funds, therefore eviction from housing, which was the subject of the mortgage and also purchased with personal funds, was possible only with the provision of another permanent housing, in accordance with the requirements of Article 109 of the HCU, and such permanent housing shall be indicated in the decision of the court. However, the plaintiff did not indicate in their statement any other housing provided to the defendants in connection with their eviction from the mortgaged housing.

On 05 June 2024, the Kharkiv Court of Appeal upheld the decision of the Kominternivskyi District Court of Kharkiv and drew attention to the fact that the eviction of the defendants would be a disproportionate interference in the context of the provisions of Article 8 of the Convention, since the defendants had been living in the disputed apartment for a long time and consider the specified housing to be their only place of residence, and the plaintiff had not provided proper evidence, and the case files did not contain such evidence, that the defendants had other housing.

On 21 November 2024, the Supreme Court upheld the decisions of the Kominternivskyi District Court of Kharkiv and of the Kharkiv Court of Appeal. This decision is final.

11. In the case **No. 760/139/17**[26], the State Institution "Service Centre for Units of the Ministry of Internal Affairs of Ukraine" filed a lawsuit against Person_3, Person_4, Person_5, Person_6, in which the plaintiff requested to terminate the contract for renting a residential premises in a dormitory, to recognise the defendants as having lost the right to live in the disputed dormitory of the Ministry of Internal Affairs of Ukraine, to evict them from the room in the specified dormitory, referring to the fact that the police officer, Person_1, and his wife, Person_2, were provided with a room in the departmental dormitory of the Ministry of Internal Affairs of Ukraine and a settlement order was issued. Subsequently, a rental agreement for residential premises in a dormitory was concluded between Person_3 and the Housing and Communal Services Department of the Ministry of Internal Affairs of Ukraine, according to which the rental agreement was terminated due to the dismissal of the Person_3 from the internal affairs bodies. Person_3 resigned from the internal affairs bodies. The defendants did not actually live in the dormitory. They did not remove their belongings, arbitrarily replaced the lock on the front door and did not provide the key to it. Person_3 and Person_4 owned another apartment under the right of joint private ownership. The other defendants were not in an employment relationship with the Ministry of Internal Affairs and did not receive a separate permit from the Housing and Utilities Commission to move into the dormitory, but were family members of Person_3, and their right to reside in the dormitory was derived from the right of Person_3. Since Person_3 lost the right to continue living in the dormitory, accordingly, his family members also lost the right to live in the disputed residential premises. On 06 September 2023, the Solomyanskyi District Court of Kyiv partially satisfied the claim. When terminating the contract for the use of residential premises and evicting the defendants, the court proceeded from the fact that Person_3 resigned from the Ministry of Internal Affairs of Ukraine, which was a basis for terminating the rental agreement, did not live in the dormitory, did not have a registered place of residence in the disputed dormitory, was registered at a different address, while Person_4, Person_5 and the minor Person_6 were registered at a different address as well.

On 16 April 2024, the Kyiv Court of Appeal upheld the decision of the Solomyanskyi District Court of Kyiv and noted that the eviction of a person from a dormitory after the termination of the employment relationship with the employer pursues a legitimate aim within the meaning of Article 8 of the Convention. In addition, the Kyiv Court of Appeal noted that the urgent social need for the defendant's eviction existed, as there were other employees and/or students, who might qualify for housing in the dormitory.

On 25 September 2024, the Supreme Court upheld the decisions of the Solomyanskyi District Court of Kyiv and of the Kyiv Court of Appeal. The Supreme Court drew attention to the fact that the eviction of the defendants from the disputed living room in the dormitory did not constitute an

[26] https://reyestr.court.gov.ua/Review/122153515

excessive burden for them, was necessary to ensure, in accordance with the procedure established by law, the implementation of the housing rights of other citizens working or studying at the Ministry of Internal Affairs institution, who need improved housing conditions, was proportionate to the specified goal and would constitute a reasonable balance between the interests of the individual and society, and, therefore, would not constitute an unjustified interference with their right to respect for their home. The Supreme Court also noted that the courts correctly assessed that there was an urgent social need to evict the defendants from the dormitory, and that such interference with their right to housing was proportionate to the pursued legitimate goal. This decision is final.

12. In the case **No. 346/705/15-ц**[27], the state educational institution "Kolomiyskiy professional lyceum of sphere of services" filed a lawsuit against Person_1, Person_2, in which the plaintiff requested to evict the defendants from the lyceum's student dormitory without providing them with other housing, citing the fact that the court decision declared that the contract on the temporary placement of the family in the student dormitory was invalid, and evicted the defendants and their minor children from the student dormitory without providing them other housing. The defendants, together with their minor children, after the decision entered into legal force, illegally resided in a student dormitory, which was an obstacle to providing housing for students of the lyceum, and the birth of a daughter could not be an obstacle to their eviction. On 06 June 2023, the Kolomyiskyi Interdistrict Court of Ivano-Frankivsk Region satisfied the claim of the plaintiff. The court decision was motivated by the fact that the birth of the defendants' fourth child could not be an obstacle to the eviction of Person_2's family from the premises of block No. 31 of the lyceum's student dormitory, in which they had been illegally residing for a long time, and that the decision of the Ivano-Frankivsk Court of Appeal has entered into legal force, therefore there were grounds for satisfying the claims of the plaintiff.

On 28 November 2023, the Ivano-Frankivsk Court of Appeal upheld the decision of the Kolomyiskyi Interdistrict Court of Ivano-Frankivsk Region, citing the fact that one of the children's parents owned an apartment; the couple owned an unfinished house suitable for habitation and a residential building at the place of their registration. That is, the eviction would not be an excessive burden on the defendants' family and would be an adequate measure, given the objective need for the "Kolomiyskiy professional lyceum of sphere of services" itself to use the rooms in which the defendants and their daughter lived for student accommodation.

On 31 July 2024, the Supreme Court upheld the decisions of the Kolomyiskyi Interdistrict Court of Ivano-Frankivsk Region and of the Ivano-Frankivsk Court of Appeal. The Supreme Court agreed with the conclusions of the courts and drew attention to the fact that, having assessed the balance of interests of the parties, having examined the issue of eviction for proportionality to the legitimate aim pursued in the light of Article 8 of the Convention, the courts made the correct conclusion about satisfying the claims, since the defendants' residence in the dormitory constituted an obstacle to providing the students of the lyceum with appropriate housing. This decision is final.

13. In the case **No. 756/6124/22**[28], the Centre for Ensuring Service Activities of the Ministry of Defence and the General Staff of the Armed Forces of Ukraine (the - **Centre**) filed a lawsuit against Person_1, Person_2, requesting that the defendants be ordered to vacate a room in the building and Person_1 be ordered to transfer the specified room to the plaintiff, citing the fact that the building (barracks) of the military camp was assigned to him on the right of operational management. Person_1, together with his family, was housed for the period of service at the Centre. Subsequently, Person_1 was dismissed from his position and was appointed as a deputy battalion commander. Despite written notices to voluntary vacate the occupied premises, in violation of the terms of the contract, the defendants continued to use the room at their own discretion and against the plaintiff's will, thereby limiting the plaintiff's rights to exercise the right to possess, use and dispose of the disputed premises.

On 23 May 2023, the Obolonskyi District Court of Kyiv dismissed the application of the plaintiff, citing the fact that, when assessing the proportionality of such a measure as the defendants' obligation to vacate the room and transfer the specified room to the plaintiff in the light

[27] https://reyestr.court.gov.ua/Review/120805318
[28] https://reyestr.court.gov.ua/Review/122638044

of the relevant principles of Article 8 of the Convention, the court proceeded, in particular, from the fact that the dispute that arose between the parties regarding the use of the residential premises existed between two legally unequal subjects - individuals (the family of a serviceman) and the state represented by authorised bodies, each of which had its own interest, being in the civil law field. The court also took into account the fact that the defendant and his family moved into the disputed room on legal grounds, had been using this housing for a long time, their minor children had been living in the disputed room with the defendants since birth, who was studying in the city of Kyiv, had an established life and stable social ties. Moreover, the defendant, Person_2, continued to serve in the ranks of the Armed Forces of Ukraine of the Ministry of Defence of Ukraine in wartime in the area of military (combat) operations, protecting the integrity and sovereignty of the state of Ukraine, his family did not have permanent housing, Person_2 was not provided with service housing at the new place of service, and was registered as a citizen in need of improved living conditions. Under such conditions, satisfying the claim and obliging the defendants, together with their minor children, to vacate the occupied premises would be a violation of Article 8 of the Convention, as it did not pursue a legitimate aim, such as protecting the interests of other persons serving in the Centre; and it was not "necessary in a democratic society", because it does not correspond to an "urgent public necessity".

On 07 November 2023, the Kyiv Court of Appeal upheld the decision of the Obolonskyi District Court of Kyiv and noted that, as a result of the defendant's eviction without providing them with other housing due to a job transfer involving a transfer to another locality, without providing housing, the right of these individuals and their family members to housing would be violated.

On 23 October 2024, the Supreme Court upheld the decisions of the Obolonskyi District Court of Kyiv and of the Kyiv Court of Appeal. The Supreme Court noted that the courts had correctly concluded that the satisfaction of the claim and the obligation of the defendants, together with their minor children, to vacate the occupied premises actually constituted an eviction, which would lead to a violation of Article 8 of the Convention. The Supreme Court also took into account that the deprivation of the defendants' right to housing in connection with the transfer of Person_1 to another military unit, due to the introduction of martial law in Ukraine, and the impossibility of providing housing for the family members of the specified serviceman at the place of his service, in view of the security situation, was disproportionate to the goal pursued by the plaintiff (granting the right to disputed housing to other servicemen and their family members). In such circumstances, a disproportionate interference with the defendants' right to housing may amount to a violation of Article 8 of the Convention. This decision is final.

14. In the case No. 462/7300/20[29], Person_1, Person_2, Person_3 filed a lawsuit against the Lviv City Council to recognise their right to use the apartment, citing the fact that Person_1, as a shift worker at the "Lorta" factory, being on the preferential list of wounded persons (participated in the military operations in Afghanistan), received a temporary order to equip a one-room apartment without removing it from the apartment registration and the preferential list. However, the allocation of the specified apartment did not resolve the issue of improving the housing conditions of the plaintiff and his family members, so they contacted the administration of the "Lorta" factory, from which they received verbal permission to move into another apartment where they had been living for a long time. The building, in which the disputed apartment was located, belongs to the territorial community of the city of Lviv; the previous owner did not interfere with the plaintiffs' use of the apartment. The plaintiffs were not provided with housing in accordance with the norms of the housing legislation of Ukraine, therefore they were in need of improved housing conditions. Person_4 filed a lawsuit against Person_1, Person_2 and Person_3 to remove obstacles of using the disputed apartment and to evict them, citing the fact that his mother was issued a warrant for a family of four, which was subsequently surrendered and a rental agreement was concluded, under which his mother was the main tenant for whom personal accounts were opened. Later, he learned that the defendants lived in the apartment, who, taking advantage of his family's difficult living circumstances, illegally moved into the disputed housing. The Zaliznychnyi District Administration of the Lviv City Council filed a lawsuit against Person_1, Person_2 and Person_3 for eviction,

[29] https://reyestr.court.gov.ua/Review/121570421

citing the fact that the disputed apartment was the property of the Lviv City Council and, according to the act of the Lviv Municipal Enterprise "Nove", was illegally occupied by the defendants. The Lviv Municipal Enterprise "Nove" asked the defendants about voluntary eviction, but such requirements were not met.

On 07 March 2023, the Zaliznychnyi District Court of Lviv dismissed the application of the Person_1, Person_2, Person_3 and Person_5, but satisfied the claim of the Zaliznychnyi District Administration of the Lviv City Council instead. The court decision was motivated by the fact that Person_1 and his family members moved into the disputed housing without providing them with this premises and without obtaining permission from the owners of the housing – of the "Lorta" factory and, subsequently, of the Lviv City Council. At the same time, homeowners took certain actions to eliminate obstacles to the use of their property (appealing to law enforcement agencies, sending letters demanding to vacate the premises, filing a lawsuit). The satisfaction of the claims of the Zaliznychnyi District Administration of the Lviv City Council pursued a legitimate goal - compliance with the norms of legislation, and there was a reasonable proportionality between the restriction of the right of Person_1, Person_2 and Person_3, who were provided with housing and were not deprived of the right to contact the owner of the disputed apartment to resolve the issue of using the housing in accordance with the procedure established by law, and the interference with the owner's right to free possession, use and disposal of their property.

On 13 February 2024, the Lviv Court of Appeal upheld the decision of the Zaliznychnyi District Court of Lviv and noted that there was indeed a reasonable proportionality between the satisfaction of the claims of the Zaliznychnyi District Administration of the Lviv City Council and the restriction of the rights of Person_1, Person_2 and Person_3, since the defendants were provided with housing and were not deprived of the right to apply to the owner of the disputed apartment to resolve the issue of housing use in accordance with the procedure established by law, while they lived in the relevant housing without legal grounds.

On 21 August 2024, the Supreme Court quashed the decisions of the Zaliznychnyi District Court of Lviv and of the Lviv Court of Appeal in part, regarding resolution of the claims of the Zaliznychnyi District Administration of the Lviv City Council for eviction, and adopted a new decision in this part refusing to satisfy those claims, referring to the fact that Person_1, Person_2 and Person_3 were not those, who had illegally moved into the residential premises, therefore, there were no grounds for their eviction without providing them with other housing. The Supreme Court also noted that the eviction of the defendants could lead to negative consequences and would be an excessive burden for them, since the established circumstances of the case, in particular, the duration of their residence in the disputed apartment, constitute sufficient grounds to consider the relevant apartment to be their home within the meaning of Article 8 of the Convention. Thus, the courts did not establish a sufficient and proportionate need to protect the rights of the territorial community of the city of Lviv as the owner of the disputed housing to dispose of the apartment, which was distributed by the previous owner to the family of Person_5, but was not inhabited by the latter, by interfering with the right of the family of Person_1 to respect for the housing they had used for 16 years, where they had carried out repairs, paid utility bills, and thus considered the disputed apartment to be their housing. Moreover, in satisfying the claims of the Zaliznychnyi District Administration of the Lviv City Council, the courts did not motivate their conclusions on how the decision to evict Person_1, Person_2 and Person_3 balances the interests of the homeowner and the defendants. This decision is final.

15. In the case **No. 369/218/22**[30], the National Police of Ukraine filed a lawsuit requesting to evict Person_1, Person_2, Person_3, and Person_4 from their service residential premises – apartments without providing them with other residential premises, citing the fact that Person_1 was provided with an service apartment for a family of 4 and that a warrant was issued. Subsequently, Person_1 was dismissed from police service, in connection with the implementation of a disciplinary sanction in the form of dismissal from service. The defendants used the premises for purposes other than the intended purpose, did not live in the service residential premises of the National Police of Ukraine, and had other housing. The defendants' behaviour indicated a violation

[30] https://reyestr.court.gov.ua/Review/120247358

of the rules of residence in service premises and violated the interests of the plaintiff and police officers, who needed to improve their living conditions at the expense of the police.

On 31 July 2023, the Kyiv-Svyatoshynskyi District Court of Kyiv Region satisfied the claim of the plaintiff, noting that the defendant did not vacate the service premises provided for the period of work, did not withdraw from the registration, thereby violating the plaintiff's legal rights and interests.

On 08 February 2024, the Kyiv Court of Appeal quashed the decision of the Kyiv-Svyatoshynskyi District Court of Kyiv Region and adopted a new decision refusing to satisfy those claims, reasoning that the court did not establish whether the principle of proportionality was observed while depriving the defendants of their housing and evicting them from the occupied service apartment, and did not take into account the length of the service of Person_1 in the internal affairs bodies, and, therefore, came to a premature conclusion about the satisfaction of the claim.

On 03 July 2024, the Supreme Court upheld the decision of the Kyiv Court of Appeal, noting that, in accordance with the requirements of Article 125 of the HCU (Persons who cannot be evicted from the service residential premises without providing another residential premises), the defendants could not be evicted from their service housing without providing them with other housing, the plaintiff did not offer other housing for the defendants to which they could be relocated, the service apartment was the defendants' only housing, no evidence of the defendants having other housing was provided to the court. This decision is final.

16. In the case No. **576/639/24**, the State Educational Institution 'Hlukhiv Higher Professional College' (the - **College**) filed a lawsuit requesting the recovery of arrears for housing and utility services and the eviction of the defendant from three rooms in the College's student dormitory without the provision of alternative accommodation. The College stated that the employment relationship with the defendant had been terminated, that she had been notified of the expiry of the contract for the provision of housing and utility services to residents of the dormitory, yet she had not vacated the premises and continued to occupy the rooms free of charge.

On 23 April 2024, the Hlukhiv City and District Court in the Sumy Region partially satisfied the claim and ordered the defendant to pay the outstanding debt for housing and communal services. The court dismissed the remainder of the claims. The court held that the existence of a minor debt for housing and communal services as grounds for eviction constituted a manifestly disproportionate interference with her right to housing.

The Sumy Court of Appeal quashed the decision of the court of first instance with regard to the refusal to satisfy the claims for the defendant's eviction without the provision of alternative accommodation, and issued a new decision in this regard, satisfying these claims.

However, on 6 May 2026[31], the Supreme Court noted that, in light of the Court's case law – in particular the judgments in the cases of *McCann v. the United Kingdom* and *Kryvitska and Kryvitskyy v. Ukraine* – the loss of one's home constitutes the most extreme form of interference with the right to respect for one's home. The Supreme Court also emphasized that, in its work, the Court is guided by the principle of proportionality – maintaining a 'fair balance' between the needs of the general public interest and the need to safeguard an individual's fundamental rights, bearing in mind that the person concerned must not bear a disproportionate and excessive burden. A specific private interest must be weighed against another interest, which may be not only public (societal, state) but also another private interest; that is, there must be a dispute between two legally equal parties, each of whom has their own private interest, within the sphere of civil law.

The Supreme Court concluded that there were no grounds for satisfying the claim for the defendant's eviction, as she had been dismissed from the college by mutual agreement; she had worked at the enterprise for over ten years, meaning she is a person who cannot be evicted from her current accommodation without being provided with alternative accommodation. In view of this, the Supreme Court quashed the decision of the court of appeal. The Supreme Court considered the findings of the court of first instance regarding the dismissal of the claim in this part of the proceedings to be correct, but did not agree with the grounds for such dismissal; consequently, the Supreme Court amended the reasoning section of the court of first instance's decision.

[31] https://reyestr.court.gov.ua/Review/136347904

17. In the case **344/3204/21**[32], the Supreme Court also dismissed the claim brought by the State Institution 'Ivano-Frankivsk Penitentiary Institution (No. 12)' seeking the eviction of the defendant. The Supreme Court held that the defendant had worked for the State Penitentiary Service of Ukraine in the Ivano-Frankivsk Region for over 10 years and, therefore, in accordance with paragraph 2 of Part 1 of Article 125 of the HCU, she could not be evicted, together with her family, from their room in a dormitory without being provided with alternative accommodation. In its decision, the court duly assessed the proportionality of such requirements and referred to the positions and conclusions of the Court in its judgments in the cases of *Gillow v. the U.K.*, *Larkos v. Cyprus*, *Sadovyak v. Ukraine* and *Kryvitska and Kryvitskyy v. Ukraine*.

18. In the case No. **362/7244/15-ц**, the Ministry of Defence of Ukraine (the - **MOD**) and the Kyiv Housing Maintenance Department (the - **Department**) filled a lawsuit seeking to remove obstacles to the use of residential premises – an apartment – by evicting the defendants without providing them with alternative accommodation. The statement of the lawsuit was based on the fact that the MOD is the owner of the disputed flat, which was transferred to the Department for subsequent allocation. However, the defendants have been residing there since 2009 without proper legal grounds.

By a decision of the Vasylkiv City and District Court of Kyiv Region dated 8 February 2024, the claim was satisfied.

The Kyiv Court of Appeal, by a decision dated 12 March 2025, quashed the decision of the court of first instance and dismissed the claim, finding that the defendants' family had moved into the disputed flat on lawful grounds – on the basis of a search warrant for official premises, as well as an order from the garrison commander allocating the disputed flat as official accommodation for the military serviceman and his family members. These circumstances refuted the local court's findings that the defendants had occupied the disputed flat without authorization. The court of appeal also took into account that the defendants had been living in the disputed flat since December 2009, and that the case file did not prove that they had alternative accommodation.

On 16 December 2025[33], the Supreme Court upheld the court of appeal's decision to dismiss the claim.

The Supreme Court noted that the court of appeal had correctly taken into account that Article 8 of the Convention enshrines the right to respect for the home, and that any interference with this right must not only be lawful but also 'necessary in a democratic society', that is, it must meet a 'pressing social need' and be proportionate to the legitimate aim pursued. Referring to the Court's judgment in the case of *Kryvitska and Kryvitskyy v. Ukraine*, the Supreme Court noted that the concept of 'home' is not limited to the premises in which a person lawfully resides or which have been lawfully established, but depends on the factual circumstances, namely the existence of sufficient and long-standing ties to a specific place. The loss of a home by any person constitutes an extreme form of interference with the right to housing.

Having established that the defendants had no other accommodation and that the disputed flat had been their sole residence since 2009, the Supreme Court agreed with the conclusion of the court of appeal that the defendants' long-term residence in the disputed flat, irrespective of its legal status, constituted a sufficient ground in itself regard the disputed flat as the defendants' home within the meaning of Article 8 of the Convention, and that their eviction from that home without the provision of alternative accommodation constitutes an unjustified interference with their private life and a breach of the fundamental requirements of the Convention.

19. In the case No. **572/3908/24**, PERSON_1 filed a lawsuit against the Nemovitska Village Council of the Sarny District, Rivne Region (the - **Village Council**) and asked the court to declare unlawful the Village Council's decision to refuse permission for the privatization of the flat. The Village Council filed a counterclaim and asked the court to rule that PERSON_1 had lost the right to use the residential premises. The counterclaim was based on PERSON_1's absence in the

[32] https://reyestr.court.gov.ua/Review/135576876
[33] https://reyestr.court.gov.ua/Review/132828445

residential premises for longer than the prescribed period and their voluntary choice of another place of residence.

On 29 May 2025, the Sarny District Court of the Rivne Region partially satisfied the lawsuit brought by PERSON_1. It found that the contested decision of the Village Council to refuse permission for the privatization of the flat on the grounds of the absence of a residential property allocation order was unlawful. The court dismissed the claim insofar as it sought to oblige the Village Council to grant permission for the privatization of the flat, and also dismissed the Village Council's counterclaim. On 2 December 2025, the Rivne Court of Appeal upheld the decision of the court of first instance.

On 30 June 2026[34], the Supreme Court agreed with the findings of the lower courts, emphasizing that the loss of a home is the most extreme form of interference with the right to respect for one's home. When resolving a dispute concerning the existence of grounds provided for by law for the eviction of a person or for recognizing that they have lost the right to use their home – which, in essence, constitutes a deprivation of the right to housing – the court, in each specific case and in accordance with the principle of the rule of law, must assess whether the interference with a person's right to respect for their home is not only lawful but also 'necessary in a democratic society', in other words, it must correspond to a 'pressing social need' and, in particular, be proportionate to the legitimate aim pursued.

The Supreme Court took into account that the disputed flat is PERSON_1's sole residence; she has no other accommodation, and the Village Council failed to prove, with sufficient evidence, that she has not actually been living in the disputed flat for over 10 years without valid reasons. The Supreme Court agreed that the mere fact that the defendant in the counterclaim was temporarily residing at another address could not, in itself, constitute a lawful ground for finding that she had forfeited her right to use the disputed flat, as this would amount to a disproportionate interference with her right to housing and would upset the fair balance of interests between the parties. In the absence of convincing evidence that PERSON_1 had, for a prolonged period and deliberately, failed to reside in the disputed dwelling without valid reasons, depriving her of her right to use this dwelling would be contrary to the guarantees enshrined in Article 8 of the Convention.

20. In the case No. **359/10101/20**, the MOD filed a lawsuit asking the court to declare that the military serviceman's former wife and their two sons, born in 2004 and 2012, had lost their right to use the residential premises, namely the service flat. The lawsuit was based on the fact that on 30 December 2015, the military serviceman, PERSON_4, was allocated a two-room service flat from the MOD fund, pursuant to an allocation order, for a family of four: himself, his wife and their two sons. By a court decision dated 1 July 2020, the marriage between the military serviceman and his wife was ended. The plaintiff argued that the defendants should be evicted from the service accommodation without being provided with alternative accommodation, as they were former members of the military serviceman's family who had continued to live there.

On 15 June 2022, the Boryspil City and District Court of Kyiv Region dismissed the claims. This decision was upheld by the court of appeal.

The Supreme Court[35] agreed with the findings of the lower courts and noted that the defendants had moved into the flat on the basis of a special warrant, were permanently residing and registered there, and had no other accommodation at the time the claim was brought, therefore there are grounds to assert that they have sufficient and ongoing links with that specific place of residence, and that the flat in question constitutes their 'home' within the meaning of Article 8 of the Convention. Referring to the Court's judgment in the case of *Kryvitska and Kryvitskyy v. Ukraine*, the Supreme Court emphasized that the loss of a home is the most extreme form of interference with the right to respect for one's home, and therefore the court must determine whether eviction from service accommodation, without the provision of alternative accommodation, meets the criteria set out in paragraph 2 of Article 8 of the Convention. State interference constitutes a breach of Article 8 of the Convention if it does not pursue one or more of the legitimate aims listed in paragraph 2 of Article 8, is not carried out 'in accordance with the law' and cannot be regarded as necessary in a democratic society.

[34] https://reyestr.court.gov.ua/Review/137961738
[35] https://reyestr.court.gov.ua/Review/125876167

The Supreme Court also noted that even if the lawful right to occupy residential premises has ceased, the individual is entitled to have their eviction assessed by a court as to its proportionality in accordance with the relevant principles of Article 8 of the Convention. The Supreme Court held that, by dismissing the claim seeking a declaration that the defendant and her sons had lost the right to use the residential premises which they had acquired in accordance with the law, the courts had upheld the principle of proportionality and ensured a balance of interests between the parties in the disputed legal relationship. In view of the above, on 10 March 2025, the Supreme Court upheld the decisions of the local court and the court of appeal.

21. In the case No. **464/377/24**, the plaintiff, who is an internally displaced person (the - **IDP**), asked the court to declare unlawful and quash the order issued by the Centre for Social Support of Orphans and Children Deprived of Parental Care, and Internally Displaced Persons (the - **Social Support Centre**) ordering his eviction from a temporary structure comprising prefabricated modules. The lawsuit was based on the fact that on 24 March 2023, the plaintiff entered into an agreement with the Social Support Centre and the Lviv municipal enterprise 'Rembud' for the use of temporary structures made of prefabricated modules, intended for the compact settlement of IDPs, with the option to extend the term of the agreement to six months. On 10 October 2023, the defendant issued an order for the eviction of the plaintiff from the temporary structure on the grounds that he had failed to register for military service within 24 hours at his actual place of residence and had systematically breached the Rules for the Temporary Accommodation of IDPs in Temporary Structures. The plaintiff stated that, as a result of the defendant's actions, he was left homeless, having lost his own home due to the Russian Federation's armed aggression against Ukraine.

On 14 May 2024, the Sykhiv District Court of Lviv dismissed the claim.

On 3 December 2024, the Lviv Court of Appeal quashed the decision of the court of first instance and issued a new decision satisfying the claim; the eviction order against the plaintiff was declared unlawful and quashed. The court of appeal noted that the dispute directly concerned housing legal relations, as the contested order had effectively made it impossible for the plaintiff to reside at the premises in question. Taking into account the Court's case law, the court recognised a temporary structure made of prefabricated modules as 'housing' and noted that even in the event of the termination of the right to occupy residential premises, a person is entitled to have their eviction assessed by the court for proportionality in the light of the relevant principles of Article 8 of the Convention. The court of appeal found that the plaintiff had been forcibly evicted through an out-of-court procedure, whilst he had no alternative accommodation. The court of appeal concluded that such interference with the plaintiff's right to respect for his home was not proportionate to the aim pursued.

On 26 March 2025[36], the Supreme Court agreed with the findings of the court of appeal and emphasised that, when deciding on the eviction of a person, the courts must determine whether such a measure complies with the requirement of proportionality as set out in Article 8 of the Convention.

The Supreme Court found that the terms of the contract and the relevant regulations did not provide for such a direct ground for the eviction of an IDP as failure to register for military service, and that national legislation does not provide for a sanction such as eviction for failure to fulfil this obligation. The Supreme Court therefore agreed with the court of appeal's conclusion that the plaintiff could not be evicted from the temporary accommodation solely on the grounds of failing to fulfil the obligation to register for military service at his place of actual residence or accommodation, and noted that the appeal court's decision had been made in accordance with the principle of fair trial – maintaining a fair balance between the interests of the parties to the case, with the aim of preventing disproportionate interference by state and local government bodies in the plaintiff's right to housing as an IDP.

Thus, the national courts, when considering certain categories of cases related to the exercise by individuals of their housing rights and alleged interference by the authorities with the right to respect for housing, assess the relevant criteria to determine the proportionality of the challenged

[36] https://reyestr.court.gov.ua/Review/126485824

interference. Considering that the loss of housing is the most extreme form of interference with the right to respect for housing, the courts carefully ascertain and assess the relevant and specific circumstances of the case and the arguments of the parties, taking into account the criteria developed by the Court's established case-law under Article 8 of the Convention.

The courts exercise independent discretion in assessing the proportionality of eviction, taking into account the individual circumstances of the case, and provide reasons for ensuring a fair balance, including in cases where the formal legal grounds for occupying the property have ceased to exist.

The Government would also like to note that the case law on the application of these approaches in eviction disputes is widespread and is not limited to the above-mentioned court decisions.

Additionally, considering the circumstances of the *Braylovska* case, the Government would like to present the examples of judicial practice on eviction based on the establishment of an emergency condition of a residential building or real estate object threatening to collapse. At the same time the Government would like to note that the number of court cases specifically concerning the eviction of individuals on the grounds that a residential building is in a state of disrepair and at risk of collapse is insignificant.

1. In the case **No. 438/887/16-ц**[37] on taking measures to provide housing, the Supreme Court noted the correctness of the conclusion of the court of appeal that there were grounds for partial satisfaction of the claims, since the house in which the plaintiffs' apartment was located and which belonged to the housing stock of the Boryslav City Council (i.e., was communal property) was in fact unfit for habitation, and the defendant did not provide any evidence to confirm its unfitness for habitation, and did not provide any evidence to indicate his unlawful actions, belonged to the state.

2. In the case **No. 308/21102/13-ц**[38], concerning the obligation to provide another comfortable dwelling, the actual unsuitability of the plaintiffs' apartment in a house that belonged to the housing stock of the Uzhhorod City Council, its emergency condition and the fact of demolition, as well as the failure of the garbage collector to provide proper evidence that their actions caused such a condition of the plaintiffs' house or apartment, the courts came to a reasonable conclusion that there were legal grounds for satisfying the claims. The Supreme Court agreed with this conclusion.

3. The Supreme Court agreed with the conclusion of the court of appeal in case **No 461/6005/17**[39] on the provision of other improved housing instead of the apartment since the defendant, Lviv City Council, did not resolve the issue of providing the plaintiffs, who are registered and reside in an apartment located in a building that is threatened with collapse, with other improved housing, which indicates a violation by the local government of the plaintiffs' constitutional right to housing.

4. The Supreme Court upheld the decision of the court of appeal to quash the decision of the court of first instance to dismiss the plaintiffs' claim in case **No. 501/4871/13-ц**[40] and to uphold the decision in this part, as the plaintiffs provided evidence to prove their residence in the disputed building. The court of appeal considered that half of the house was destroyed due to the demolition. The physical condition of the structural elements of the remaining part of the house was unsatisfactory, as confirmed by the conclusion of the Illichivsk City Council of Odesa Region, and the house had not been serviced since 01 December 2003. Thus, the court of appeal reasonably concluded that the plaintiffs' right to housing had been violated and needed to be protected.

[37] https://reyestr.court.gov.ua/review/90872536
[38] https://reyestr.court.gov.ua/review/104373386
[39] https://reyestr.court.gov.ua/review/89180475
[40] https://reyestr.court.gov.ua/review/84694163

5. In the case **No. 761/29679/18**[41], Person_1 filed a lawsuit against the Kyiv City Council, citing the fact that she worked as a janitor at Housing and Maintenance Office No. 1001 and moved into the apartment, in which she lived at the time of filing the lawsuit. Considering that she has been in good faith and continuously owning and openly using the specified apartment for a long time, maintaining it, she requested to be recognised as having ownership of the disputed apartment by acquisitive prescription. The Kyiv City Council filed a counterclaim against Person_1, who acts in her own interests and in the interests of her minor child Person_2, as well as against Person_3, Person_4 and Person_5, who acts in her own interests and in the interests of her minor children: Person_6, Person_7, Person_8 and Person_9, for eviction without providing other housing, citing the fact that the Kyiv City Council was the balance holder of a house that was recognised as a building in a state of emergency and was in the communal property of the territorial community of the city of Kyiv. The defendants illegally occupied an apartment in this building. Therefore, they were subject to eviction without providing other premises.

On 14 June 2023, the Shevchenkivskyi District Court of Kyiv dismissed both claims, citing the fact that, in claiming recognition of ownership of the disputed apartment by acquisitive prescription, Person_1 referred to the fact that since November 2005 she had been in good faith and continuously owning and openly using the specified apartment, maintaining it, however, these circumstances did not provide grounds for recognising her ownership of the specified property, in accordance with the provisions of Article 344 of the Civil Code of Ukraine (Acquisitive prescription). Person_1's reference to the fact of her continuous use of the disputed housing since 2005 was not a reason for her to have a right of ownership by acquisitive prescription. The plaintiff's use of the disputed apartment with the permission of the head of Housing and Maintenance Office No. 1001 did not contain signs of untitled possession of the apartment, which was a necessary for the correct application of Article 344 of the Civil Code of Ukraine. In addition, the court noted the absence of signs of good faith in the plaintiff's actions, since she could not have been unaware that the disputed apartment belonged to the territorial community of the city of Kyiv. Dismissing the counterclaim, the court proceeded from the fact that no one may be evicted from occupied residential premises or restricted in the right to use residential premises other than on the grounds and in accordance with the procedure provided for by law. Person_1 had been living in the apartment since November 2005 on the basis of the permission of the head of Housing and Maintenance Office No. 1001 as his employee, and the defendants in the counterclaim, Person_3 and Person_9, did not live in the disputed apartment, and, therefore, the claims of the counterclaim were not a subject to satisfaction.

On 12 September 2023, the Kyiv Court of Appeal upheld the decision of the Shevchenkivskyi District Court of Kyiv.

On 02 May 2024, the Supreme Court upheld the decisions of the Shevchenkivskyi District Court of Kyiv and of the Kyiv Court of Appeal, noting that, having fully and comprehensively investigated the circumstances of the case in the part that was reviewed, having verified them with evidence that was assessed for relevance, admissibility, reliability, sufficiency and mutual connection, having established that at the time the plaintiff moved into the disputed apartment, the apartment had an owner (the territorial community of the city of Kyiv), the Shevchenkivskyi District Court of Kyiv came to the correct conclusion that there was no grounds for satisfying the claim due to the failure of the plaintiff to prove the conditions for acquiring ownership rights by acquisitive prescription to real estate on the basis of Article 344 of the Civil Code of Ukraine, since such a fact of titular possession by the territorial community of the city of Kyiv excludes the possibility of applying the specified norm. This decision is final.

6. In the case **No. 216/3579/21**[42], Person_1 and Person_2 filed a lawsuit against the State Enterprise "Kryvbasshakhtozakrytiya" (the - **State Enterprise "KSZ"**) to force them to fulfil the obligation to relocate. The lawsuit was motivated by the fact that on 12 March 2008, by the decision of the executive committee of the Kryvyi Rih City Council on granting consent to the resettlement of residents registered in residential buildings of the village of Karnavatka, located in

[41] https://reyestr.court.gov.ua/Review/118961078
[42] https://reyestr.court.gov.ua/Review/122091736

the landslide zone as a result of mining operations at the "Saksagan" mine and the former Kirov Mining and Quarrying Management, upon the application of the State Enterprise "KSZ" , consent was granted to the resettlement of residents (in the case of obtaining their written consent), who were registered in residential buildings located in the landslide zone as a result of mining operations at the "Saksagan" mine of the former Kirov Mining and Quarrying Management. Person_2 was the owner of a house, which was located within the "Karnavatka" residential area, the territory of which fell into the landslide zone as a result of mining operations at the "Saksagan" mine.

On 26 September 2023, the Tsentralno-Miskyi District Court of the Kryvyi Rih dismissed the application of the plaintiffs, noting that there was no funding for work under the state program to resettle residents of the village of Karnavatka, whose houses were located in the landslide zone as a result of past mining operations, and, therefore, the State Enterprise "KSZ", as the executor of the liquidation project works, was deprived of the opportunity to carry out such measures.

On 27 March 2024, the Dnipro Court of Appeal quashed the decision of the Tsentralno-Miskyi District Court of the Kryvyi Rih and satisfied the claim of the plaintiff in part, noting that the responsibilities for the resettlement of residents of the "Karnavatka" residential area from the zone of landslides from underground mining were assigned to the State Enterprise "KSZ". The Dnipro Court of Appeal rejected the reference of the defendant's representative to the lack of funds and state funding for the budget program for the restructuring and liquidation of facilities of underground iron ore mining enterprises, as such violates the plaintiff's right to receive other housing and payment of compensation for the demolished home, which was provided for by law.

On 25 September 2024, the Supreme Court upheld the decision of the Dnipro Court of Appeal, noting that the obligations to resettle residents of the "Karnavatka" residential area from the landslide zone from underground mining were imposed on the State Enterprise "KSZ" and that the long-term lack of funding for the program to resettle residents of the "Karnavatka" settlement did not cancel the obligation of the State Enterprise "KSZ" to resettle residents of the "Karnavatka" residential area from the landslide zone from underground mining. This decision is final.

7. In the case No. **676/5641/23**, the Kamianets-Podilskyi Technical College of Construction, Architecture and Design (the - **College**) filed a lawsuit requesting the eviction of the defendant from a room in the student dormitory without the provision of alternative accommodation. In support of the lawsuit, it was stated that on 25 November 2019, the Director of the College received a letter from a Member of the Ukrainian Parliament requesting to consider the possibility of providing the defendant with a room in one of the College's dormitories for temporary accommodation on standard terms and in accordance with the rules in force at the institution, due to the unfitness of her current accommodation for habitation and the inability of the Kytayhorod United Territorial Community, within whose territory she resided, to provide alternative accommodation. On 26 November 2019, the College decided to enter into an agreement with the defendant for the temporary use of accommodation in a student dormitory assigned to the College under the right of economic management, and to grant her temporary use of a room in that dormitory. Upon expiry of the contract, it was not renewed; however, the defendant, who was not in an employment relationship with the College and was not a student there, refused to leave the accommodation she was occupying.

On 24 November 2025, the Kamianets-Podilskyi City and District Court in Khmelnytskyi Region satisfied the claim and evicted the defendant from a room in a student dormitory without providing alternative accommodation.

On 12 February 2026, the Khmelnytskyi Court of Appeal[43] disagreed with the local court's findings and noted that the College's dormitory is state property and has been assigned to the College on the basis of the right of economic management. The court of appeal drew attention to the fact that, according to the report on the defendant's living conditions dated 27 August 2019, the residential building in which she lived with her family is in a state of disrepair, living there is dangerous, and there is a risk of its collapse due to a landslide. The defendant has no other accommodation.

[43] https://reyestr.court.gov.ua/Review/134053680

Having analyzed the findings set out in the Court's judgments concerning the principles governing the application of Article 8 of the Convention and Article 1 of the First Protocol to the Convention, the court of appeal noted that the eviction of a person from their home without the provision of alternative accommodation is permissible provided that such an interference with the person's right to respect for private life and the right to housing, as provided for by law, pursues a legitimate aim as defined in Article 8(2) of the Convention and is necessary in a democratic society. The Court also observed that even where a person's lawful right to occupy a premise has ceased, that person is entitled to expect that their eviction will be assessed for proportionality in the light of the relevant principles of Article 8 of the Convention.

The court of appeal took into account that, following the expiry of the tenancy agreement, the defendant continued to live in the dormitory room as she had no other suitable accommodation. There were no outstanding arrears in respect of utility bills or dormitory accommodation fees, and the defendant had settled any previous arrears in full. Taking into account the established facts of the case and the Court's practice, as well as the fact that the defendant moved into the disputed room in accordance with the law in 2019 on the basis of a temporary tenancy agreement and had no other suitable accommodation, neither at the time the eviction lawsuit was filed nor at the time of the hearing, the court of appeal concluded that the defendant has sufficient and ongoing ties to the disputed room in the dormitory, which constitutes her 'home' within the meaning of Article 8 of the Convention.

The court of appeal noted that, taking into account the requirements of Article 8 of the Convention, the plaintiff had failed to demonstrate that there was a pressing social need for the defendant's eviction; consequently, such an eviction would constitute an unlawful interference with her right to housing. In view of the above, the court of appeal quashed the decision of the court of first instance and issued a new decision dismissing the claim. The decision of the court of appeal is final.

The Government would like to emphasize that the above judicial practice confirms the consideration of the requirements of Article 8 of the Convention by national courts, when considering issues of eviction of a person, as this is an extreme measure of interference with their right to housing and respect for private life. The Supreme Court in its practice has repeatedly emphasized the requirement for national courts to establish that such evictions comply with the requirements of proportionality within the meaning of Article 8 of the Convention and the case law of the Court, and with the observance of a fair balance of interference with the right to peaceful possession of property. Within the framework of considering such cases, it is taken into account that interference with the rights of the individual requires the following conditions to be met: the interference must be carried out "in accordance with the law", it must have a "legitimate aim" and be "necessary in a democratic society". Of particular importance in the consideration of such cases is the observance of proportionality to the pursued legitimate goal in the light of Article 8 of the Convention. Also, when considering eviction cases, national courts take into account the conclusions of the Court in cases relevant to the issue of eviction, namely the *Kryvitska and Kryvitskyy*, *Sadovyak*, *Dakus*, *Yesichko and others*, *Mukovoz* cases, etc. The Government consider that this demonstrates the consistency and coherence of the relevant national judicial practice with the case-law of the Court in eviction cases.

Furthermore, the Government would also like to note that, with a view to disseminating the Supreme Court's case law amongst national courts, thematic reviews of the Supreme Court's case law are regularly published on the Supreme Court's website. For example, in 2020, the Civil Cassation Court within the Supreme Court published a review of case law on eviction and tenancy[44]. Also, the general reviews of 2024[45], 2025[46] and 2026[47] contain entire chapters devoted to disputes arising from housing legal relationships.

[44] https://supreme.court.gov.ua/userfiles/media/Oglyad_KCS_viselennya.pdf
[45] https://court.gov.ua/storage/portal/supreme/ogliady/Oglyad_KCS_2024.pdf
[46] https://court.gov.ua/storage/portal/supreme/ogliady/Oglyad_KCS_2025.pdf
[47] https://court.gov.ua/storage/portal/supreme/ogliady/Oglyad_KCS_05_2026.pdf

Additionally, the Government would like to reiterate that the violations found by the Court in the *Kryvitska and Kryvitskyy* group of cases were not stemmed from the shortcomings of the national legislation. However, they resulted from the deficiencies in the national courts' practice in 2002 – 2013. In the light of recent judicial practice, which demonstrates that national courts take into account the Convention provisions and the case-law of the Court, in particular the conclusions of the Court in the judgments of the *Kryvitska and Kryvitskyy* group of cases, the principle of proportionality, specific circumstances of individual cases, the Government strongly believe that the national judicial practice is well-established and comply with the principles set forth in the Convention and the case-law of the Court. Moreover, the Government would like to note that violations found in this group of cases occurred in 2002 – 2013 and that the Court has not found violations similar to the ones mentioned in this group of cases that happened after 2013. The Government also emphasize that the events in the cases of the present group occurred more than 10 years ago and that judicial practice of national courts has changed since 2013.

The Government consider that that all necessary general measures within this group of cases have been taken and that Ukraine has thus complied with its obligations under Article 46 § 1 of the Convention.

Separately, the Government would also like to note that in March 2026, Ukraine, exercising the right provided for in Protocol No. 16 to the Convention, received an advisory opinion from the Court[48] for the first time.

The sought advisory opinion concerned a dispute pending before the Supreme Court between a monastery of the Ukrainian Greek Catholic Church and Ms F., a former nun. Ms F. had been a member of a cloistered religious community of sisters since 2004. Since 2011, her official place of residence had been registered as premises belonging to the monastery. Ms F. left the monastery in 2017 due to differences of opinion and a conflict with the leadership of the religious organisation. Since then, she has attempted to return on several occasions, but was unable to do so as the locks had been changed. Ms F. applied to the national courts asking to be allowed to return unrestricted to her former living space. She claimed that the religious organisation was obstructing her from using the premises.

The Supreme Court asked the Court to provide guidance on issues relating to the Convention that have arisen in the case, including, *inter alia*, the right of a person who previously belonged to a monastery to reside there.

The Court noted that a cell in a monastery or convent may be regarded as a 'home' within the meaning of Article 8 of the Convention, interpreted in the light of Article 9 of the Convention, for persons who maintain sufficient and continuous links with that premises. If these links are based exclusively on religious grounds, the status of these persons within the religious community occupying the premises is of particular importance.

The Government would like to conclude that the above demonstrates that the Ukrainian judiciary not only complies with and takes into account the Court's case-law in resolving legal disputes, but also makes use of the opportunities available to seek advisory opinions from the Court to ensure the utmost fairness in resolving a specific case.

3. Trainings and awareness-raising activities

The Government would like to inform the Committee of Ministers about the most recent trainings and awareness-raising activities that were conducted for judges and were related to the violations found by the Court in the present group of cases.

On 09 June 2023, the National School of Judges of Ukraine conducted training for assistants of judges "The right to respect for private and family life: application of Article 8 of the Convention on the Protection of Human Rights and Fundamental Freedoms"[49].

[48] https://hudoc.echr.coe.int/ukr?i=003-8474673-12010815
[49] https://nsj.gov.ua/ua/news/pravo-na-povagu-do-privatnogo-i-simeynogo-jittya/

In June 2023, during an online workshop, the judge of the Supreme Court, Serhiy Pogribnyi, highlighted the decision of 22 February 2023 in the case No. 206/5891/16-ts, in which the Supreme Court concluded that a fair balance should be observed during the claim of the property: the courts did not establish the inconsistency of the measure of state interference in the defendants' property rights with the criteria of lawful interference in the individual's right to peaceful possession of property, formed by the case-law of the Court[50].

In February 2024, the judge of the Supreme Court, Vasyl Krat, analysed the issue of eviction at the XXII scientific-practical conference "The State and Principles of Reforming the Civil and Housing Legislation of Ukraine" using examples of judicial practice[51].

The issues raised in the *Kryvitska and Kryvitskyy* case were also discussed within the framework of a roundtable for judges of appellate and local courts of Zhytomyr, Sumy, and Chernihiv regions to review the current case-law of the European Court in cases against Ukraine, which took place in July 2024. In his speech, the Head of the Supreme Court, Mr. Kravchenko, focused on cases in which Ukraine had been found to have violated Article 8 of the Convention (right to respect for private and family life). These decisions concerned issues such as the failure of the national courts to provide sufficient grounds to prove the existence of an urgent social need for the applicants' eviction and the proportionality of such eviction for the purposes of Article 8 of the Convention, in particular from the dormitories owned by state.

The National School of Judges of Ukraine, in cooperation with the OSCE Project Coordinator in Ukraine, within the framework of the project "Safeguarding Human Rights through Courts", has developed a training course on the topic "The right to respect for private and family life: Application of Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms and the Case Law of the European Court of Human Rights" for judges of civil, criminal and administrative specialisation", which has been included in the training programs of judges since 2017. This training course, like other courses on the Convention, involves a preliminary study of a number of judgments of the European Court before the start of the training, in particular, the judgment in the *Kryvitska and Kryvitskyy* case.

In addition, the judgment in the *Kryvitska and Kryvitskyy* case was included in the collection "The right to respect for private and family life: key judgments of the European Court of Human Rights concerning Ukraine", which contains the established case law of the European Court regarding Article 8 of the Convention, and which is posted on the website of the National School of Judges of Ukraine in the "Knowledge Centre" section in the sub-section "To Help a Judge".

During 2025–2026, a series of training activities were organised and conducted for judges of local and appeal courts, as well as for judicial assistants, which addressed issues relating to compliance with the guarantees of Article 8 of the Convention, in particular regarding the balance between an individual's right to housing and the public interest in cases of eviction or interference with the right to housing. In particular, training sessions were held on the following topics:

- The application of the Convention and the case law of the Court in the administration of justice;

- Protection of the right to property in civil proceedings in accordance with the requirements of national legislation and in the light of Article 1 of Protocol No. 1 to the Convention and the case law of the Court for judges in civil courts;

- Conventional law in national proceedings: the civil aspect;

- The right to respect for private and family life: the application of Article 8 of the Convention;

- The application of the Convention and the case law of the Court in the administration of justice. The Court's judgments against Ukraine (civil aspect).

The total number of judges and judicial assistants who completed training in 2025–2026 on the specified topics was 761 (672 judges and 89 judicial assistants).

[50] https://supreme.court.gov.ua/supreme/pres-centr/news/1436667/
[51] https://supreme.court.gov.ua/supreme/pres-centr/news/1555579/

Also, in December 2025[52], the Supreme Court discussed 75 years of European and 30 years of national experience in implementing the Convention: achievements, challenges and prospects for strengthening the Convention's standards. Judge of the Supreme Court Olga Stupak focused on the application of Article 8 of the Convention in the resolution of family disputes. Judge of the Supreme Court Nataliia Kovalenko noted that in 2025, the Supreme Court had, for the first time, referred a case to the Court requesting an advisory opinion on the removal of obstacles to the enjoyment of housing in the context of Articles 6, 8 and 9 of the Convention.

In March 2026[53], as part of the Science Days organised by the National University of Kyiv-Mohyla Academy, in collaboration with the Supreme Court and with the support of the OSCE Support Programme for Ukraine, a round-table discussion was held entitled 'The Radbruch Formula: a theoretical construct or a practical tool in the pursuit of justice'. Judge of the Grand Chamber Vitalii Urkevych, in his address entitled 'The Rule of Law versus Formalism in the Practice of the Grand Chamber', noted that disputes brought before the Supreme Court often require a delicate balance between the rule of law, its interpretation and specific practical circumstances. Among the examples cited, the judge focused on a case concerning the payment of compensation to a co-owner where it was impossible to allocate a share in kind. Although the claims formally complied with the provisions of civil law, the Grand Chamber took Article 8 of the Convention into account and concluded that the enforcement of such a court decision could result in persons with disabilities losing their only home. In this regard, priority was given to the protection of the right to housing as the more compelling interest.

In April 2026[54], during a presentation on the course 'Admissibility Criteria for Applications Submitted to the European Court', organised by the Council of Europe's 'HELP (Human Rights Education for the Legal Professions) for Ukraine' project, Vitaliy Urkevych, a judge of the Grand Chamber, drew attention to the fact that on 5 March 2026, the Court had issued the first advisory opinion in Ukraine's history in response to a request from the Supreme Court. The opinion concerned, in particular, the question of whether the monastery premises fell within the category of 'home' within the meaning of Article 8 of the Convention, as well as the question of the jurisdiction of the national court in such disputes.

In June 2026[55], a judge of the Supreme Court Vasyl Krat gave a lecture to students of the Faculty of Law at the National University of Kyiv-Mohyla Academy on the topic 'Eviction in the practice of the Court of Cassation'.

Thus, taking into account the above, as well as the judicial practice, which demonstrates that no violations that were found by the Court in the *Kryvitska and Kryvistkyy* group of cases can be found in judicial practice starting from 2014, the Government consider that trainings and awareness-raising measures carried out by national authorities are effective.

IV. PUBLICATION AND DISSEMINATION

The Court's judgment in the *Kryvitska and Kryvistkyy* case was translated into Ukrainian and published in the Official Herald of Ukraine [*Ofitsiinyi Visnyk Ukrainy*], No. 43 of 15 June 2012. The judgment was put on the Ministry of Justice official web-site[56].

Ukrainian translation of the Court's judgment was published on the official web-site of the Parliament of Ukraine[57] and HUDOC database[58].

The summary of the judgment was published in the official Government's print outlet – Government's Courier [*Uriadovyi Kurier*], no. 61 of 05 April 2011.

[52] https://supreme.court.gov.ua/supreme/pres-centr/news/1939307
[53] https://supreme.court.gov.ua/supreme/pres-centr/news/1994785
[54] https://supreme.court.gov.ua/supreme/pres-centr/news/2003573
[55] https://supreme.court.gov.ua/supreme/pres-centr/news/2057316
[56] https://minjust.gov.ua/m/rishennya-schodo-suti-za-alfavitom
[57] https://zakon.rada.gov.ua/laws/show/974_774#Text
[58] https://hudoc.echr.coe.int/ukr?i=001-213652

By the letters of 18 March 2011 explanatory notes as to the conclusions of the Court in the abovementioned judgment together with its summary were sent to the Supreme Court, Kyiv Court of Appeal and Svyatoshynskyi District Court of Kyiv.

Moreover, the Court's conclusions in the above judgment were included into the submission to the Cabinet of Ministers of Ukraine as to execution of ECHR judgments (as of April 2011). The Supreme Court reported conclusions in the above case to the judges of these and lower courts.

As to *Dakus* case, the judgment was translated into Ukrainian and published in the Official Herald of Ukraine [*Ofitsiinyi Visnyk Ukrainy*], No. 32 of 27 April 2021.

The judgment's translation[59] was put on the Ministry of Justice official web-site. The Ukrainian translation of the judgment was also published on the official web-site of the Parliament of Ukraine[60] and HUDOC database[61].

The summary of the judgment was published in the official Government's print outlet – Government's Courier [*Uriadovyi Kurier*], No. 13 dated 19 January 2018.

As to *Sadovyak* case, the judgement was translated into Ukrainian and published in the Official Herald of Ukraine [*Ofitsiinyi Visnyk Ukrainy*], No. 56 of 24 July 2018.

The judgment's translation[62] was put on the Ministry of Justice official web-site. The Ukrainian translation of the judgment was also published on the official web-site of the Parliament of Ukraine[63] and HUDOC database[64]

The summary of the judgment was published in the official Government's print outlet – Government's Courier [*Uriadovyi Kurier*], No. 123 of 05 July 2018.

As to *Sagan* case, the judgement was translated into Ukrainian and published in the Official Herald of Ukraine [*Ofitsiinyi Visnyk Ukrainy*], No. 32 of 26 April 2019.

The judgment's translation[65] was put on the Ministry of Justice official web-site. The Ukrainian translation of the judgment was also published on the official web-site of the Parliament of Ukraine[66] and HUDOC database[67].

The summary of the judgment was published in the official Government's print outlet – Government's Courier [*Uriadovyi Kurier*], No. 36 of 22 February 2019.

As to *Braylovska* case, the judgement was translated into Ukrainian and published in the Official Herald of Ukraine [*Ofitsiinyi Visnyk Ukrainy*], No. 83 of 29 October 2019.

The judgment's translation[68] was put on the Ministry of Justice official web-site. The Ukrainian translation of the judgment was also published on the official web-site of the Parliament of Ukraine[69] and HUDOC database[70].

The summary of the judgment was published in the official Government's print outlet – Government's Courier [*Uriadovyi Kurier*], No. 137 of 20 July 2019.

As to *Chornenko* case, the judgement was translated into Ukrainian and published in the Official Herald of Ukraine [*Ofitsiinyi Visnyk Ukrainy*], No. 27 of 14 March 2023.

The Ukrainian translation of the judgment was also published on the official web-site of the Parliament of Ukraine[71] and HUDOC database[72].

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[59] https://minjust.gov.ua/files/general/2023/03/28/20230328112040-29.pdf
[60] https://zakon.rada.gov.ua/laws/show/974_f58#Text
[61] https://hudoc.echr.coe.int/ukr?i=001-192194
[62] https://minjust.gov.ua/files/general/2023/07/07/20230707092125-31.pdf
[63] https://zakon.rada.gov.ua/laws/show/974_c59#Text
[64] https://hudoc.echr.coe.int/ukr?i=001-191245
[65] https://minjust.gov.ua/files/general/2023/05/31/20230531121146-45.pdf
[66] https://zakon.rada.gov.ua/laws/show/974_d29#Text
[67] https://hudoc.echr.coe.int/ukr?i=001-191995
[68] https://minjust.gov.ua/files/general/2023/03/16/20230316092057-53.pdf
[69] https://zakon.rada.gov.ua/laws/show/974_d93#Text
[70] https://hudoc.echr.coe.int/ukr?i=001-194965
[71] https://zakon.rada.gov.ua/laws/show/974_h72#Text
[72] https://hudoc.echr.coe.int/ukr?i=001-208429

The summary of the judgment was published in the official Government's print outlet – Government's Courier [*Uriadovyi Kurier*], No. 159 of 18 August 2021.

As to *Panova and others* case, the judgement was translated into Ukrainian and published in the Official Herald of Ukraine [*Ofitsiinyi Visnyk Ukrainy*], No. 62 of 16 July 2024.

The judgment's translation[73] was put on the Ministry of Justice official web-site. Ukrainian translation of the judgment was also published on HUDOC database[74].

The summary of the judgment was published in the official Government's print outlet – Government's Courier [*Uriadovyi Kurier*], No. 159 of 18 August 2021.

As to *Mukovoz* case, the judgement was translated into Ukrainian and published in the Official Herald of Ukraine [*Ofitsiinyi Visnyk Ukrainy*], No. 64 of 25 July 2023.

The judgment's translation[75] was put on the Ministry of Justice official web-site. Ukrainian translation of the judgment was also published on HUDOC database[76].

The summary of the judgment was published in the official Government's print outlet – Government's Courier [*Uriadovyi Kurier*], No. 15 of 21 January 2023.

As to *Klymenko* case, the judgement was translated into Ukrainian and published in the Official Herald of Ukraine [*Ofitsiinyi Visnyk Ukrainy*], No. 77 of 15 September 2023.

The judgment's translation[77] was put on the Ministry of Justice official web-site. Ukrainian translation of the judgment was also published on HUDOC database[78].

The summary of the judgment was published in the official Government's print outlet – Government's Courier [*Uriadovyi Kurier*], No. 61 of 28 March 2023.

As to *Yesichko and others* case, the judgement was translated into Ukrainian and published in the Official Herald of Ukraine [*Ofitsiinyi Visnyk Ukrainy*], No. 56 of 25 June 2024.

The judgment's translation[79] was put on the Ministry of Justice official web-site. The Ukrainian translation of the judgment was also published on HUDOC database[80].

The summary of the judgment was published in the official Government's print outlet – Government's Courier [*Uriadovyi Kurier*], No. 44 of 29 February 2024.

As to *Myronyuk* case, the judgement was translated into Ukrainian and published in the Official Herald of Ukraine [Ofitsiinyi Visnyk Ukrainy], No. 19 of 06 March 2025.

The judgment's translation[81] was put on the Ministry of Justice official web-site. The Ukrainian translation of the judgment was also published on HUDOC database[82].

The summary of the judgment was published in the official Government's print outlet – Government's Courier [Uriadovyi Kurier], No. 222 of 01 November 2024.

As to *Moroz* case, the judgement was translated into Ukrainian and published in the Official Herald of Ukraine [Ofitsiinyi Visnyk Ukrainy], No. 102 of 04 December 2024.

The judgment's translation[83] was put on the Ministry of Justice official web-site. The Ukrainian translation of the judgment was also published on HUDOC database[84].

The summary of the judgment was published in the official Government's print outlet – Government's Courier [Uriadovyi Kurier], No. 201 of 04 October 2024.

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[73] https://minjust.gov.ua/files/general/2023/06/27/20230627070034-61.pdf
[74] https://hudoc.echr.coe.int/ukr?i=001-211612
[75] https://minjust.gov.ua/files/general/2023/01/25/20230125155435-72.pdf
[76] https://hudoc.echr.coe.int/ukr?i=001-223349
[77] https://minjust.gov.ua/files/general/2023/03/30/20230330155358-72.pdf
[78] https://hudoc.echr.coe.int/eng?i=001-224247
[79] https://minjust.gov.ua/files/general/2024/02/20/20240220172856-28.pdf
[80] https://hudoc.echr.coe.int/eng?i=001-233475
[81] https://minjust.gov.ua/files/general/2024/09/30/20240930080259-11.pdf
[82] https://hudoc.echr.coe.int/?i=001-237977
[83] https://minjust.gov.ua/files/general/2024/09/19/20240919151446-18.pdf
[84] https://hudoc.echr.coe.int/?i=001-237975

By the letters on various dates explanatory notes on the conclusions of the Court in these judgments together with summaries of the judgments were sent to the relevant authorities, in particular the Supreme Court, courts of appeals and courts of first instance.

In addition, the Government would like to inform that the *Kryvitska and Kryvistkyy*, *Dakus*, *Sadovyak* and *Braylovska* cases were reviewed and analysed by the Supreme Court in its digest[85].

V. CONCLUSIONS OF THE RESPONDENT GOVERNMENT

The Government of Ukraine would like to emphasise on its commitment to the European values, principles and standards of the protection of human rights when executing the Court's judgments. The Government believe that they show due diligence in fulfilment of obligations arising from the judgments in this group of cases.

The Government consider that no further individual measures are required within the execution of the Court's judgments in the following cases: *Kryvitska and Kryvitskyy* (app. no. 30856/03) and *Moroz* (app. no. 63648/14) and kindly request the Committee of Ministers to close supervision in these cases.

Taking into consideration legislation and judicial practice described in this Action Plan as well as the fact that violations of Article 8 of the Convention regarding the disproportionate interference with the applicants' right to respect for home found by the Court in the *Kryvitska and Kryvitskyy* group of cases took place in 2002-2014, the Government believe that there is no more ground for such violations. Moreover, the Government consider that the judicial practice confirms that in eviction proceedings, in particular, in connection with the emergency condition of a dwelling or a building, the courts clarify and evaluate the relevant circumstances and evidence, provide reasons for rejecting or accepting a particular argument of the parties to the dispute, which they rely on as the basis for their claims or objections, thoroughly assess the specific circumstances and living conditions of persons who may be subject to eviction, taking into account the criteria for the lawfulness of interference with the right to respect for housing guaranteed by Article 8 of the Convention, Article 1 to Protocol 1 to the Convention, in particular, those set out in the Court's judgments in the *Kryvitska and Kryvitskyy* group of cases. The legislation, as well as judicial practice will effectively prevent similar violations of the Convention in the future.

Therefore, the Government strongly believe that all general measures within this group of cases have been taken and that Ukraine has thus complied with its obligations under Article 46 § 1 of the Convention.

The Government will inform the Committee of Ministers about further developments and measures taken regarding execution of the individual measures in the case of *Yesichko and others* in further communications.

[85] https://supreme.court.gov.ua/userfiles/media/Oglyad_KCS_viselennya.pdf