

## Ukraine

Last update: 15/03/2021

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

### MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION\*

#### > Actions of security forces and effectiveness of investigations

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

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

**Status of execution**  
Enhanced supervision

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

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

**Status of execution**  
Enhanced supervision

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

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

**Status of execution**  
Enhanced supervision

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

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

**Status of execution**  
Enhanced supervision

#### > Death during military service

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

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

**Status of execution**  
Enhanced supervision

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

## MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION\*

## &gt; Lawfulness of detention and related issues

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

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

**Status of execution**  
Enhanced supervision

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

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

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

**Status of execution**  
Enhanced supervision

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

**Status of execution**  
Enhanced supervision

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

**Status of execution**  
Enhanced supervision

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

**Status of execution**  
Enhanced supervision

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

**Status of execution**  
Enhanced supervision

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

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

**Status of execution**  
Enhanced supervision

## &gt; Protection against abuse of power

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

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

**Status of execution**  
Enhanced supervision

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

**Status of execution**  
Enhanced supervision

## MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION\*

## &gt; Organisation of the judiciary

## Violations related to the independence and impartiality of the judiciary:

- interference of the executive and legislature with pending cases;
- deficient system of judicial discipline;
- insufficient protection of the independence of judges from interferences by their superiors.

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

**Status of execution**  
Enhanced supervision

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

**Status of execution**  
Enhanced supervision

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

**Status of execution**  
Enhanced supervision

## &gt; Fairness of criminal proceedings

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

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

**Status of execution**  
Enhanced supervision

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

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

**Status of execution**  
Enhanced supervision

## &gt; Length of judicial proceedings

## Excessive length of judicial proceedings and absence of effective remedies:

- In civil proceedings;
- In criminal proceedings.

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

**Status of execution**  
Enhanced supervision

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

**Status of execution**  
Enhanced supervision

## MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION\*

## &gt; Enforcement of judicial decisions

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

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

and

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

**Status of execution**  
Enhanced supervision

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

**Status of execution**  
Enhanced supervision

## &gt; Freedom of assembly

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

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

**Status of execution**  
Enhanced supervision

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

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

**Status of execution**  
Enhanced supervision

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

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

**Status of execution**  
Enhanced supervision

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

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

**Status of execution**  
Standard supervision

## MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION\*

## &gt; Cooperation with the European court

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

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

**Status of execution**  
Enhanced supervision

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

**Status of execution**  
Enhanced supervision

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

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

**Status of execution**  
Enhanced supervision

## &gt; Right to property

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

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

**Status of execution**  
Enhanced supervision

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

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

**Status of execution**  
Enhanced supervision

## &gt; Effective remedy

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

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

**Status of execution**  
Enhanced supervision

## SUPERVISION CLOSED - MAIN REFORMS ADOPTED\*\*

## &gt; Functioning of justice

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

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

**Final Resolution**  
**CM/ResDH(2011)313**

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

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

**Volovik** (15123/03)  
Judgment final on 31/03/2008

**Final Resolution**  
**CM/ResDH(2010)219**

**Strizhak** (72269/01)  
Judgment final on 08/02/2006

**Final Resolution**  
**CM/ResDH(2008)65**

**Ponomarenko** (13156/02)  
Judgment final on 14/09/2007

**Final Resolution**  
**CM/ResDH(2011)35**

**Gurepka** (61406/00)  
Judgment final on 06/12/2005

**Final Resolution**  
**CM/ResDH(2010)185**

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

**Zagorodniy** (27004/06)  
Judgment final on 24/02/2011

**Final Resolution**  
**CM/ResDH(2016)92**

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

**Shapovalov** (45835/05)  
Judgment final on 31/10/2012

**Final Resolution**  
**CM/ResDH(2016)91**

## &gt; Freedom of expression

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

**Ukrainian Media** group  
(72713/01+)  
Judgment final on 12/10/2005

**Final Resolution**  
**CM/ResDH(2007)13**

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

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

## SUPERVISION CLOSED - MAIN REFORMS ADOPTED\*\*

## &gt; Protection of property

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

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

**Final Resolution**  
**CM/ResDH(2017)21**

## &gt; Discrimination

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

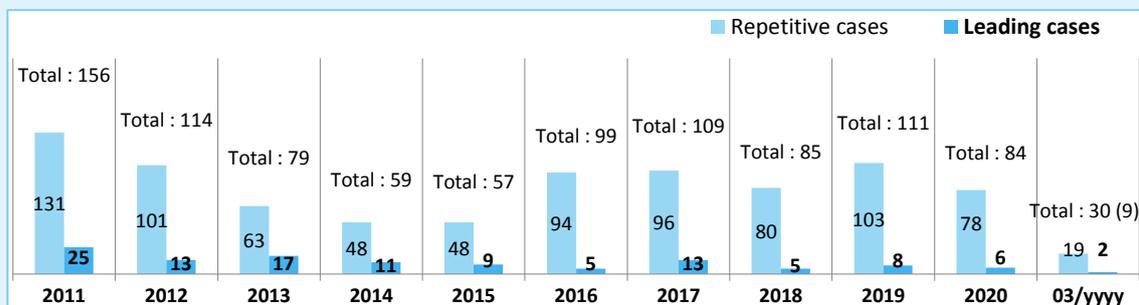
**Pichkur** (10441/06)  
Judgment final on 07/02/2014

**Final Resolution**  
**CM/ResDH(2016)36**

## STATISTICS\*\*\*

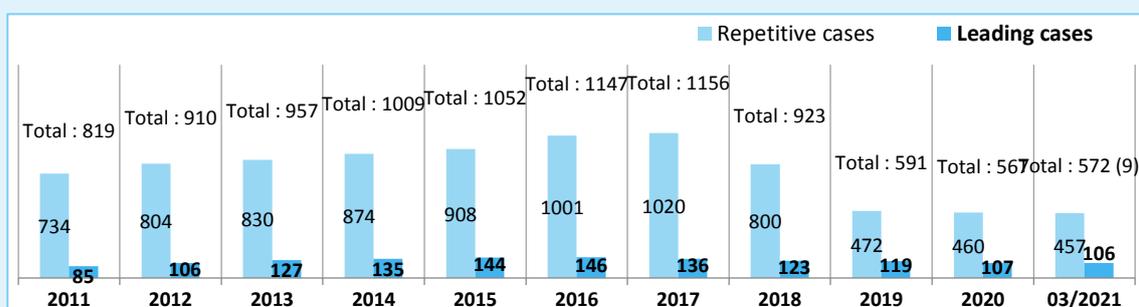
## New cases

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



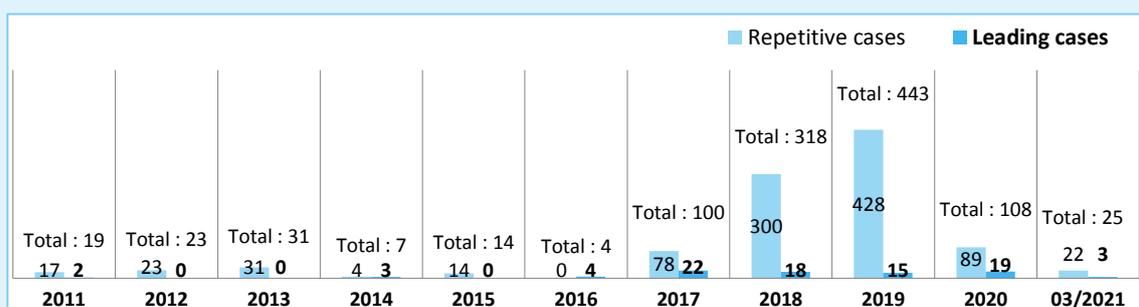
Figures bracketed correspond to the number of cases not yet classified as leading or repetitive, but they are taken into account in the total number of new cases.

## Pending cases

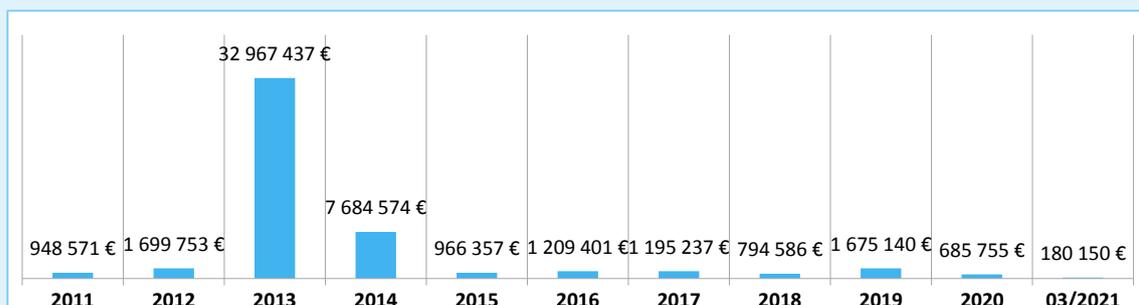


Figures bracketed correspond to the number of cases not yet classified as leading or repetitive, but they are taken into account in the total number of pending cases.

## Cases closed by final resolution



## Just satisfaction awarded by the European Court



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