

Ukraine

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, as well as lack of effective remedy in this regard.	Kaverzin group (23893/03) Judgment final on 15/08/2012 Enhanced supervision Status of execution
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 Enhanced supervision Status of execution
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 Enhanced supervision Status of execution
Lack of effective investigations into violent acts against the applicants, including into the possible discriminatory motives behind the attacks, such as: <ul style="list-style-type: none"> - possible motives of racial or religious hatred; - possible homophobic motive. 	Fedorchenko and Lozenko group (387/03+) Judgment final on 20/12/2012 Enhanced supervision Status of execution Karter (18179/17) Judgment final on 11/07/2024 Enhanced supervision Status of execution
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 these events.	Karabet and Others group (38906/07) Judgment final on 17/04/2013 Enhanced supervision Status of execution

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Multiple violations of Articles 2, 3, 5, 8, and 11, within the **deliberate strategy of the authorities to stop Maidan protests in 2013-2014** and **lack of effective investigations into these facts**.

Shmorgunov and Others group (15367/14)
Judgment final on 21/04/2021

Enhanced supervision
Status of execution

➡ **Death during military service**

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

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

Enhanced supervision
Status of execution

➡ **Protection of rights in detention**

Systemic problem of the irreducibility of life sentences as well as the authorities' failure to safeguard the applicant's **health in detention**.

Petukhov No. 2 group (41216/13+)
Judgment final on 09/09/2019

Enhanced supervision
Status of execution

Structural problems of overcrowding, inhuman and/or degrading conditions of detention, nutrition and transportation and continued absence of domestic remedies in this respect.

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

Enhanced supervision
Status of execution

Sukachov (14057/17)
Pilot judgment final on 30/05/2020

Enhanced supervision
Status of execution

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

Enhanced supervision
Status of execution

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

Enhanced supervision
Status of execution

Structural problems of lack of adequate and timely medical care in detention and continued absence of domestic remedies in this respect.

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

Enhanced supervision
Status of execution

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

Enhanced supervision
Status of execution

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Kats and Others group
(29971/04)
Judgment final on 18/03/2009

Enhanced supervision
Status of execution

➡ **Lawfulness of detention and related issues**

Detention on remand: unlawful and/or lengthy detention on remand, as well as the failure to inform the individual promptly of the reasons for arrest, 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

Enhanced supervision
Status of execution

➡ **Protection against abuse of power**

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 the applicant for having publicly claimed his innocence) notably, due to the insufficient independence of the prosecution service.

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

Enhanced supervision
Status of execution

➡ **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.

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

Enhanced supervision
Status of execution

➡ **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

Enhanced supervision
Status of execution

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

Enhanced supervision
Status of execution

➡ **Enforcement of judicial decisions**

Major structural problem of non-enforcement or delayed enforcement of domestic judicial decisions, mostly delivered against the state and

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

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against state enterprises, and to the lack of effective remedies in this respect.

Yuriy Nikolayevich Ivanov
(40450/04)

Pilot judgment final on 15/01/2010

Enhanced supervision
Status of execution

Burmych and Others
(46852/13)

Judgment final on 12/10/2017

Enhanced supervision
Status of execution

➡ **Private and family life**

State's positive obligation to ensure the applicant's effective **protection from domestic violence** and to ensure that the applicants can enjoy their homes free from harassment and violent disturbance.

Levchuk group (17496/19)
Judgment final on 03/12/2020

Enhanced supervision
Status of execution

Various irregularities in searches and seizure of property by law enforcement authorities and lack of effective remedies to challenge those actions

Koval and Others group
(22429/05+)

Judgment final on 15/02/2013

Enhanced supervision
Status of execution

➡ **Freedom of expression**

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

Enhanced supervision
Status of execution

➡ **Freedom of assembly**

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

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

Enhanced supervision
Status of execution

➡ **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

Enhanced supervision
Status of execution

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

Enhanced supervision
Status of execution

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

Salakhov and Islyamova
(28005/08)

Judgment final on 14/06/2013

Enhanced supervision

Status of execution

➡ **Migration policy – asylum-seeking procedures**

Various deficiencies in the procedures related to asylum, including lack of risk assessment before return to the country of origin, detention, 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 group
(12552/12+)

Judgment final on 12/04/2017

Enhanced supervision

Status of execution

➡ **Discrimination – LGBTI persons**

Denial to the applicants as a same-sex couple of any form of legal recognition and protection.

Maymulakhin and Markiv
(75135/14)

Judgment final on 01/09/2023

Enhanced supervision

Status of execution