

**Improving socially-oriented legislation
in the context of the execution of the European Court
of Human Rights judgments
in the *Yurii Nikolaevich Ivanov v. Ukraine*
and
Burmych and others v. Ukraine group of cases**

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Presentation overview:

- Statistics in the Zhovner/Ivanov Group
- Court's basic principles
- “Execution” history of this group of cases: social aspect

Zhovner/Ivanov Group: some numbers

- The first application before the Court in 1999
- 29,000 *Ivanov*-type applications have been submitted to the Court
- 424 judgments (including grouped ones with 250 applicants per case)
- the first case before the CM in 2001
- The Committee of Ministers' examination: 53 occasions in 18 years
- 7 interim resolutions
- 2 landmark judgments : 1 “pilot” judgment *Yuriy Nikolayevich Ivanov* in 2009 and *Burmych and Others* with 12000 applicants in 2017

Court's basic principles as regards social rights:

- **Wide margin of appreciation of the State:** the State's freedom to decide the level of social benefit (*Velikoda and Others (dec.)*, 3 June 2014)
- **The Convention as a dynamic instrument:**
 - total deprivation of social entitlements an excessive and disproportionate burden (*Kjartan Ásmundsson v. Iceland*, 12 October 2004)
 - insufficient amount of pension and the other social benefits may, in principle, raise an issue under Article 3 (*Larioshina v. Russia (dec.)*, 23 April 2002)
 - Failure of the authorities to enact secondary pension legislation leading to disrespect of property rights of pensioners (*Sukhanov and Ilchenko v. Ukraine*, 26 June 2014)

The execution process in the Burmych/ Ivanov group: social aspect

Individual measures:

- Just satisfaction
- Enforcement of the domestic judgments
- Burmych applicants: *ad-hoc solution*

The execution process in the Burmych/ Ivanov group: social aspect

General measures:

- 2007: a sector-specific approach
- 2019 - 7 areas:
 1. *Calculation of the total amount of debts;*
 2. *Review of the current system of enforcement of judgments and implementation of automatic execution of judgments;*
 3. *Judicial control over the execution of judgments;*
 4. *Review of the system of state liability, bankruptcy of state enterprises, management of state enterprises, moratoriums, etc.;*
 5. *Financing and budgeting of execution;*
 6. *Introduction of a proper mixed system for execution of judgments;*
 7. *Simplification of the execution process.*

Next examination by the Committee of Ministers:

- 1383rd meeting, September 2020(DH)

The latest information : <https://hudoc.exec.coe.int/>

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