Improving socially-oriented legislation in the context of the execution of the Burmych group of judgments

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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/
Thank you for your attention!