

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:

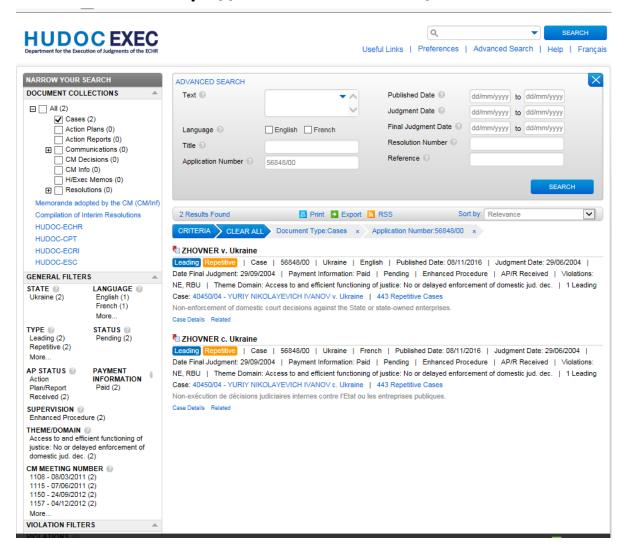
- 2007: a sector-specific approach
- 2019 7 areas:
  - 1. Calculation of the total amount of debts;
  - Review of the current system of enforcement of judgments and implementation of automatic execution of judgments;
  - Judicial control over the execution of judgments;
  - 4. Review of the system of 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!

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