

ALBANIA ALBANIE ANDORRA ANDORRE ARMENIA ARMENIE AUSTRIA AUTRICHE AZERBAIJAN AZERBAÏDIAN BELGIUM BELGIQUE BOSNIA AND HERZEGOVINA BOSNIE-HERZEGOVINE BULGARIA BULGARIE CROATIA CROATIE CYPRUS CHYPRE CZECH REPUBLIC RÉPUBLIQUE TCHÈQUE DENMARK DANEMARK ESTONIA ESTONIE FINLAND FINLANDE FRANCE FRANCE GEORGIA GEORGIE GERMANY ALLEMAGNE GREECE GRÈCE HUNGARY HONGRIE ICELAND ISLANDE IRELAND IRLANDE ITALY ITALIE LATVIA LETTONIE LIECHTENSTEIN LIECHTENSTEIN LITHUANIA LITUANIE LUXEMBOURG LUXEMBOURG MALTA MALTE REPUBLIC OF MOLDOVA RÉPUBLIQUE DE MOLDOVA MONACO MONACO MONTENEGRO MONTÉNÉGRO NETHERLANDS PAYS-BAS NORWAY NORVÈGE POLAND POLOGNE PORTUGAL PORTUGAL ROMANIA ROUMANIE RUSSIAN FEDERATION FÉDÉRATION DE RUSSIE SAN MARINO SAINT-MARIN SERBIA SERBIE SLOVAK REPUBLIC RÉPUBLIQUE SLOVAQUE SLOVENIA SLOVÈNE SPAIN ESPAGNE SWEDEN SUÈDE SWITZERLAND SUISSE «THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA» «L'EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE» TURKEY TURQUIE UKRAINE UKRAÏNE UNITED KINGDOM ROYAUME-UNI ALBANIA ALBANIE ANDORRA ANDORRE ARMENIA ARMENIE AUSTRIA AUTRICHE AZERBAIJAN AZERBAÏDIAN BELGIUM BELGIQUE BOSNIA AND HERZEGOVINA BOSNIE-HERZEGOVINE BULGARIA BULGARIE CROATIA CROATIE CYPRUS CHYPRE CZECH REPUBLIC RÉPUBLIQUE TCHÈQUE DENMARK DANEMARK ESTONIA ESTONIE FINLAND FINLANDE FRANCE FRANCE GEORGIA GEORGIE GERMANY ALLEMAGNE GREECE GRÈCE HUNGARY HONGRIE ICELAND ISLANDE IRELAND IRLANDE ITALY ITALIE LATVIA LETTONIE LIECHTENSTEIN LIECHTENSTEIN LITHUANIA LITUANIE LUXEMBOURG LUXEMBOURG MALTA MALTE REPUBLIC OF MOLDOVA RÉPUBLIQUE DE MOLDOVA MONACO MONACO MONTENEGRO MONTÉNÉGRO NETHERLANDS PAYS-BAS NORWAY NORVÈGE POLAND POLOGNE PORTUGAL PORTUGAL ROMANIA ROUMANIE RUSSIAN FEDERATION FÉDÉRATION DE RUSSIE SAN MARINO SAINT-MARIN SERBIA SERBIE SLOVAK REPUBLIC RÉPUBLIQUE SLOVAQUE SLOVENIA SLOVÈNE SPAIN ESPAGNE SWEDEN SUÈDE SWITZERLAND SUISSE «THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA» «L'EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE» TURKEY TURQUIE UKRAINE UKRAÏNE UNITED KINGDOM ROYAUME-UNI ALBANIA ALBANIE ANDORRA ANDORRE ARMENIA ARMENIE AUSTRIA AUTRICHE AZERBAIJAN AZERBAÏDIAN BELGIUM BELGIQUE BOSNIA AND HERZEGOVINA BOSNIE-HERZEGOVINE BULGARIA BULGARIE CROATIA CROATIE CYPRUS CHYPRE CZECH REPUBLIC RÉPUBLIQUE TCHÈQUE DENMARK DANEMARK ESTONIA ESTONIE FINLAND FINLANDE FRANCE FRANCE GEORGIA GEORGIE GERMANY ALLEMAGNE GREECE GRÈCE HUNGARY HONGRIE ICELAND ISLANDE IRELAND IRLANDE ITALY ITALIE LATVIA LETTONIE LIECHTENSTEIN LIECHTENSTEIN LITHUANIA LITUANIE LUXEMBOURG LUXEMBOURG MALTA MALTE REPUBLIC OF MOLDOVA RÉPUBLIQUE DE MOLDOVA MONACO MONACO MONTENEGRO MONTÉNÉGRO NETHERLANDS PAYS-BAS NORWAY NORVÈGE POLAND POLOGNE PORTUGAL PORTUGAL ROMANIA ROUMANIE RUSSIAN FEDERATION FÉDÉRATION DE RUSSIE SAN MARINO SAINT-MARIN SERBIA SERBIE SLOVAK REPUBLIC RÉPUBLIQUE SLOVAQUE SLOVENIA SLOVÈNE SPAIN ESPAGNE SWEDEN SUÈDE SWITZERLAND SUISSE «THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA» «L'EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE» TURKEY TURQUIE UKRAINE UKRAÏNE UNITED KINGDOM ROYAUME-UNI ALBANIA ALBANIE ANDORRA ANDORRE ARMENIA ARMENIE AUSTRIA AUTRICHE AZERBAIJAN AZERBAÏDIAN BELGIUM BELGIQUE BOSNIA AND HERZEGOVINA BOSNIE-HERZEGOVINE BULGARIA BULGARIE CROATIA CROATIE CYPRUS CHYPRE CZECH REPUBLIC RÉPUBLIQUE TCHÈQUE DENMARK DANEMARK ESTONIA ESTONIE FINLAND FINLANDE FRANCE FRANCE GEORGIA GEORGIE GERMANY ALLEMAGNE GREECE GRÈCE HUNGARY HONGRIE ICELAND ISLANDE IRELAND IRLANDE ITALY ITALIE LATVIA LETTONIE LIECHTENSTEIN LIECHTENSTEIN LITHUANIA LITUANIE LUXEMBOURG LUXEMBOURG MALTA MALTE REPUBLIC OF MOLDOVA RÉPUBLIQUE DE MOLDOVA MONACO MONACO MONTENEGRO MONTÉNÉGRO NETHERLANDS PAYS-BAS NORWAY NORVÈGE POLAND POLOGNE PORTUGAL PORTUGAL ROMANIA ROUMANIE RUSSIAN FEDERATION FÉDÉRATION DE RUSSIE SAN MARINO SAINT-MARIN SERBIA SERBIE SLOVAK REPUBLIC RÉPUBLIQUE SLOVAQUE SLOVENIA SLOVÈNE SPAIN ESPAGNE SWEDEN SUÈDE SWITZERLAND SUISSE «THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA» «L'EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE» TURKEY TURQUIE UKRAINE UKRAÏNE UNITED KINGDOM ROYAUME-UNI ALBANIA ALBANIE ANDORRA ANDORRE ARMENIA ARMENIE AUSTRIA AUTRICHE AZERBAIJAN AZERBAÏDIAN BELGIUM BELGIQUE BOSNIA AND HERZEGOVINA BOSNIE-HERZEGOVINE BULGARIA BULGARIE CROATIA CROATIE CYPRUS CHYPRE CZECH REPUBLIC RÉPUBLIQUE TCHÈQUE DENMARK DANEMARK ESTONIA ESTONIE FINLAND FINLANDE FRANCE FRANCE GEORGIA GEORGIE GERMANY ALLEMAGNE GREECE GRÈCE HUNGARY HONGRIE ICELAND ISLANDE IRELAND IRLANDE ITALY ITALIE LATVIA LETTONIE LIECHTENSTEIN LIECHTENSTEIN LITHUANIA LITUANIE LUXEMBOURG LUXEMBOURG MALTA MALTE REPUBLIC OF MOLDOVA RÉPUBLIQUE DE MOLDOVA MONACO MONACO MONTENEGRO MONTÉNÉGRO NETHERLANDS PAYS-BAS NORWAY NORVÈGE POLAND POLOGNE PORTUGAL PORTUGAL ROMANIA ROUMANIE RUSSIAN FEDERATION FÉDÉRATION DE RUSSIE SAN MARINO SAINT-MARIN SERBIA SERBIE SLOVAK REPUBLIC RÉPUBLIQUE SLOVAQUE SLOVENIA SLOVÈNE SPAIN ESPAGNE SWEDEN SUÈDE SWITZERLAND SUISSE «THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA» «L'EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE» TURKEY TURQUIE UKRAINE UKRAÏNE UNITED KINGDOM ROYAUME-UNI

**HUMAN RIGHTS,  
DEMOCRACY  
AND THE RULE OF LAW**

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**DROITS DE L'HOMME,  
DÉMOCRATIE  
ET ÉTAT DE DROIT**

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

## 21 July 2020, Strasbourg

**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**

*Yulia Gendlina, Legal Officer*

Department for the Execution of Judgments of the European Court of Human Rights

## Presentation overview:

- Statistics in the Zhovner/Ivanov Group
- C o u r t ' s b a s i c p r i n c i p l e s
- “ E x e c u t i o n ” h i s t o r y o f t



## 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' exam
- 7 interim resolutions
- 2 landmark judgments *Yuriy Nikolayevich Ivanov and Others* in 2009 and *Burmych and Others* with 12000 applicants in 2017

# C o u r t ' s   b a s i c   p r i n c i p l e

- **Wide margin of appreciation of the State:** t h e   S t a t e   has 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)



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Enhanced Procedure (2)

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