

SUBSIDIARITY PRINCIPLE: NATIONAL IMPLEMENTATION OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS

Analytical and organisational tools developed under the CoE cooperation to strengthen national application of ECHR: <u>experience of Ukraine</u>

Rasim Babanly May 2023

The Supreme Court has been working since 15 December 2017

It is comprised of the Grand Chamber and the Administrative, Commercial, Criminal, and Civil Courts of Cassation.

Since the beginning of its functioning (within five years), the Court has considered more than 400 000 appeals. Last year, 66 000 appeals have been examined.

169 judges serve at the Court.



As regards the Ukrainian experience in the implementation of the Convention and the ECHR case law, I would like to draw attention to the following aspects:

- Application of the ECHR case law by the national courts;
- Sharing of information on the ECHR case law;
- Execution of judgements made by the ECHR

Supreme Cour

_

According to article 17 of the Law of Ukraine "On the execution of judgments and the application of the case law of the European Court of Human Rights" while adjudicating cases courts shall apply the Convention and the case law of the Court **as a source of law**.

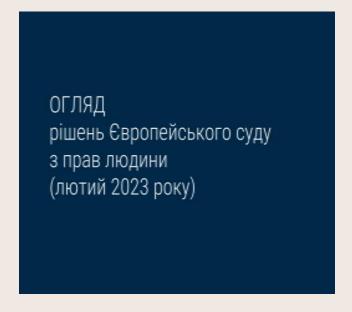
- The Superior Court Network
- Knowledge Sharing Platform

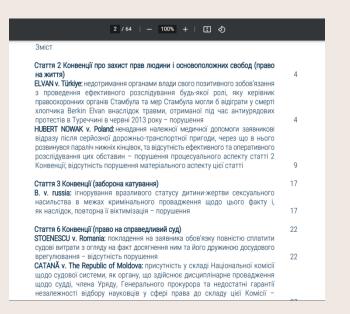
Supreme Court

About sharing of knowledge on the ECHR case law (the so-called "Gutenberg effect")

The Supreme Court has started to prepare and publish information on the ECHR case law since 2019.

Monthly Overviews on the ECHR case law





Execution of the ECHR judgements

The Supreme Court plays an active role in the execution of the ECHR judgements especially when the execution requires a change in the court practice. In recent years, thanks to the collection of information and its subsequent transfer to the Committee of Ministers of the Council of Europe it was possible to confirm that many violations have already been eliminated by the court practice. Over the past year alone, there were judgements in cases of "Bochan v. Ukraine (No. 2)", "Yaremenko v. Ukraine (No. 2)", "Shabelnyk v. Ukraine (No. 2)", "Svyato-Mykhaylivska Parafiya v. Ukraine", "Tserkva Sela Sosulivka v. Ukraine", "Yevdokimov v. Ukraine" and other cases.

upreme Court

Cooperation with projects

Supreme Court actively cooperates with projects of Council of Europe



Supreme Court





CONSEIL DE L'EUROPE



Thank you for your attention!