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Ensuring human rights in Ukraine based on the case law of the European Court of Human Rights

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Abstract. The study aimed to analyse how the Ukrainian legal system implements the decisions of the European Court of Human Rights, as well as to identify problems and prospects for improving this process. The article used methods of legal analysis of the decisions of the European Court of Human Rights, comparison of national legislation with the European Convention on Human Rights, analysis of the statistics of the European Court of Human Rights, research on the implementation of European Court of Human Rights decisions at the national level, hermeneutics to identify terminological gaps, analysis of the implementation of European standards in the national legal system, and deduction to identify key issues in cases against Ukraine. An analysis of the decisions of the European Court of Human Rights revealed numerous systemic human rights violations in Ukraine, particularly in the areas of conditions of detention, unlawful arrests and lengthy court proceedings. Problems with non-enforcement of court decisions and violations of the rights to liberty and dignity have been confirmed by numerous cases, such as Gongadze v. Ukraine and Kharchenko v. Ukraine. Amendments to the Criminal Code of Ukraine following the decisions of the European Court of Human Rights, in particular the limitation of the term of pre-trial detention, have reduced the number of cases of prolonged detention

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without sufficient grounds. However, the article also pointed to difficulties in the enforcement of European Court of Human Rights decisions, such as lack of resources, political will and insufficient reforms in the judicial sphere. The role of international cooperation and civil society in the process of implementing the decisions of the European Court of Human Rights in Ukraine is critical for the further development of the human rights situation in the country. The practical significance of the article lies in the fact that it provides valuable recommendations for improving human rights practices in Ukraine, in particular in the area of implementing the decisions of the European Court of Human Rights

Keywords: justice; implementation; legislation; freedom of speech; war; international standards

Introduction

The relevance of study is determined by the complex and multifaceted nature of the human rights situation in Ukraine, which continues to deteriorate under the impact of the Russian Federation's full-scale military aggression. Systemic problems such as limited access to justice, prolonged non-enforcement of court decisions, inadequate conditions of detention, and repeated violations of freedom of expression highlight the structural fragility of the Ukrainian legal system. These challenges are further exacerbated by the consequences of hybrid warfare, the annexation of Crimea, and the ongoing armed conflict, all of which significantly disrupt the legal and institutional frameworks responsible for safeguarding fundamental rights.

According to the Council of Europe & Committee of Ministers (2024), Ukraine remains among the member states with the highest number of judgments of the European Court of Human Rights (ECtHR) pending execution. Particularly problematic are judgments concerning torture and ill-treatment, ineffective investigations, poor detention conditions, and delays in enforcing national judicial decisions. The Report on the Human Rights Situation in Ukraine (2024) documents widespread violations of international humanitarian and human rights law between 1 February and 30 June 2024. These include arbitrary detentions, ill-treatment of civilians, restrictions on freedom of movement, and insufficient progress in investigating wartime human rights abuses. Against this background, recourse to the case law of the ECtHR emerges not only as a critical analytical tool but also as a practical guide for reforming Ukraine's national human rights protection system. The standards developed by the Court provide concrete benchmarks for legal adaptation and institutional transformation both during the war and in the context of post-war recovery.

Problems with access to justice, delays in the enforcement of court decisions, inadequate conditions of detention, and numerous cases of violations of freedom of speech are part of a broader systemic problem highlighted by human rights organisations (Sopelnyk, 2025). According to the OHCHR (2024), human rights violations remain a serious problem in Ukraine, particularly with regard to ensuring adequate conditions of detention for prisoners and protecting the rights of persons in state institutions. This particularly concerns inadequate conditions in detention facilities, human rights violations during court proceedings, and restrictions on freedom of expression, which is one of the fundamental tools of a democratic society.

According to a Human Rights Watch (2023) cases of unlawful detention and poor conditions of detention in places of deprivation of liberty continue to be recorded in Ukraine, which are serious violations under international law. In addition, the war has given rise to new challenges for human rights, in particular through the intensification of repressive practices, restrictions on media freedom, and internet censorship. Restrictions on freedom of speech became even more evident after the introduction of emergency measures during the conflict, when new rules were introduced for the media, giving the state significant powers to regulate the information space, which could lead to abuse (Taran & Hryha, 2024). This highlights the need to improve legislation to ensure a balance between security and citizens' rights.

The topic of human rights protection in Ukraine through the prism of European Court of Human Rights (ECtHR) practice is substantially researched. One of the key areas is the implementation of ECtHR judgments into Ukrainian legislation. The role of the judiciary in ensuring compliance with international human rights norms is an important point of analysis, as noted by N.V. Mishyna (2023), who explored the practical aspects of applying ECtHR judgments in Ukrainian courts. These works stress the importance of harmonising national judicial procedures with the European Convention on Human Rights (1950) (Convention), particularly regarding judicial independence, procedural fairness, and the enforceability of court rulings. The military context makes it difficult to respect human rights in Ukraine, but research highlights how Ukraine is overcoming this challenge by adapting its legal system to international human rights obligations. V. Barvinenko *et al.* (2023) explored the intersection of human rights protection and decentralisation in the context of Ukraine's militarisation, examining how local authorities and institutions balance national security and human rights in wartime. Their findings underscore that while emergency measures are sometimes necessary, there remains a normative and institutional commitment to European legal standards. This commitment is reflected in the continued participation of Ukraine in the Council of Europe's monitoring bodies and the gradual adaptation of administrative and criminal procedures to reflect proportionality, necessity, and non-discrimination.

R.I. Blahuta *et al.* (2024) analysed how national law enforcement practices comply with European Union (EU) human rights standards, focusing in particular on police conduct, the right to privacy, and protection from torture and inhuman treatment. Their study highlighted systemic issues in the functioning of Ukrainian law enforcement agencies and identified institutional shortcomings in internal oversight and accountability mechanisms. A central conclusion of the study was that Ukraine's path toward full integration with EU human rights standards requires not only formal legislative alignment but also deep structural reform of the police and security services. V. Cherneha *et al.* (2024) examined the implementation of the right to respect for private life under Article 8 of the European Convention on Human Rights (1950) by comparing Ukrainian legislation with the standards established in ECtHR case law. The study underscored that although Ukraine has adopted key legal frameworks concerning personal data protection and state

surveillance, gaps remain in their application and enforcement. Particularly problematic are the legal mechanisms governing access to and control over personal data by state security bodies. The authors noted insufficient judicial oversight in surveillance cases and the need to improve legal remedies for violations of privacy rights.

N. Malhotra (2023) examines the role of microfinance as a tool for ensuring social justice and realising human rights in developing countries, particularly in Bangladesh, India, and Kenya. The author analyses how alternative financial models integrated with human rights approaches contribute to strengthening the economic autonomy of vulnerable groups and create institutional conditions for expanding access to basic rights such as education, employment, and protection from discrimination. M. Buijsen (2023) offers a comparative analysis of the Dobbs v. Jackson Women's Health Organization (2022) from the perspective of the European approach to human rights, focusing on reproductive rights and the right to privacy. The author demonstrates how the jurisdictions of countries such as France, the Netherlands, and Germany ensure compliance with the standards of the European Convention on Human Rights (1950) through legislative and judicial mechanisms that may be useful for Central and Eastern European countries, including Ukraine, in the process of harmonising their legal systems with European norms.

Lastly, the ECtHR jurisprudence on specific rights, such as the right to a fair trial and procedural fairness, is an important topic for Ukraine's human rights obligations (Semeniuk & Horbach-Kudria, 2024). V. Hvozdiuk and N. Morhun (2024) examine the application of ECtHR jurisprudence by Ukrainian investigators, in particular concerning searches and seizures. The study demonstrated how the court's decisions on procedural rights have influenced the Ukrainian law enforcement system, although problems remain with the consistent application of these standards. The study concludes that despite progress in aligning investigative practices with ECtHR standards particularly regarding legal grounds and judicial oversight of searches systemic problems remain. Inconsistent application of procedural safeguards continues to hinder effective rights protection. The authors stress the need for not only further legislative harmonisation but also institutional reforms, including training for legal professionals and stricter judicial control over investigative actions, to ensure full compliance with ECtHR jurisprudence. S.M. Smokov *et al.* (2022) examined the rule of law in criminal proceedings, focusing on the ECtHR. The analysis provided valuable information on how the Court's judgments affect the development of national criminal justice systems following international human rights standards. These studies confirm that Court jurisprudence serves as a powerful driver for the transformation of Ukrainian legal practices, particularly in criminal and administrative justice. The findings highlight that while significant advances have been made in aligning procedural norms with European standards especially in the areas of search and seizure, fair trial guarantees, and legal protection for vulnerable populations practical implementation remains uneven. The literature suggests that sustained legal harmonisation and institutional commitment are needed to ensure that ECtHR principles are applied uniformly across all levels of the Ukrainian legal system.

A study by U.A. Kos (2023) analyses the mechanisms used by the European Union (EU) to influence member states that deviate from the rule of law, using Hungary and Poland as examples. The main focus is on so-called "signaling" – that is, political and legal messages that the EU conveys to these countries through legal mechanisms, in particular Suspension clause (Article 7 of the Treaty on European Union (2016)), decisions of the EU Court, and through funding instruments. The author argues that, although EU legal norms and decisions remain important, without support from domestic actors (courts, civil society, opposition) and consistent political will on the part of the EU, legal signals are often ignored or circumvented by national governments. This study aimed to analyse the ECtHR's practice on human rights protection in Ukraine, with an emphasis on how the Court's judgments affect the development of national laws, court practice and mechanisms for protecting citizens' rights. The objectives of the study were:

1. to analyse key ECtHR judgments that have had an impact on the development of the Ukrainian legal system;

2. to study the process of adapting national legislation to ECtHR standards;

3. to identify factors that facilitate or hinder the effective implementation of ECtHR judgments at the national level.

Materials and methods

In the study of human rights in Ukraine based on the ECtHR case law, the analysis of the main legislative acts of Ukraine and their compliance with international human rights standards was central. In particular, the Code of Administrative Judicial Procedure of Ukraine (2005) and the Criminal Code of the Republic of Ukraine (2001), which are key regulatory acts in the context of ensuring the legal protection of citizens, were considered. In methodological terms, the study examined not only the case law of the ECtHR concerning Ukraine but also legislative amendments adopted in response to key judgments. Notable changes to the Criminal Code of Ukraine (2001) and the Code of Administrative Judicial Procedure (2005) followed rulings such as Kharchenko v. Ukraine (2011), Ivanov v. Ukraine (2006), and Oleksandr Volkov v. Ukraine (2013), addressing issues of pre-trial detention, judicial independence, and enforcement of court decisions. The methodology also included a comparative analysis with neighbouring countries. In Poland and Romania, ECtHR judgments have led to substantial reforms in access to justice and the prevention of ill-treatment. In contrast, Hungary has shown resistance to implementing Court rulings, as seen in the limited follow-up to Baka v. Hungary (2016), despite formal legal adjustments. This comparative dimension enabled an assessment of both the normative alignment of Ukraine's legal framework with ECtHR standards and the practical effectiveness of their implementation.

The analysis was based on the EtCHR judgments concerning human rights violations in Ukraine, in particular: Kharchenko v. Ukraine (2011) – issues of unlawful detention; Afanasiev v. Ukraine (2005) – the effectiveness of the investigation of ill-treatment; Gongadze v. Ukraine (2005) – violation of the right to life and ineffective investigation; Oleksandr Volkov v. Ukraine (2013) – unlawful dismissal of a judge; Kaverzin v. Ukraine (2012) – torture while in custody; Ivanov v. Ukraine (2006) – violation of the right to enforce a court decision; Karabet and Others v. Ukraine (2013) – ill-treatment of prisoners; Nevmerzhitsky v. Ukraine (2005) – violations of prison conditions.

In addition to the analysis of landmark ECtHR judgments concerning Ukraine, the methodology also included a focused examination of five recent cases from 2020 to 2025: Spivak v. Ukraine (2025), Malyeyev v. Ukraine (2025), Derdin v. Ukraine (2025), Ryaska v. Ukraine (2024), and Medvid v. Ukraine (2025). These cases were selected due to their relevance to systemic issues such as arbitrary detention, lack of judicial oversight in psychiatric confinement, and procedural violations during criminal proceedings. The analysis involved a detailed review of the facts, legal reasoning, and the Court's assessment of Ukraine's compliance with Articles 5, 6, and 8 of the European Convention on Human Rights (1950). By incorporating these recent judgments, the study ensured an up-to-date understanding of the evolving human rights landscape in Ukraine and provided a basis for evaluating the effectiveness of legal reforms undertaken in response to the ECtHR's findings.

The research methods included a legal analysis of ECtHR judgments and, a comparison of national legislation with the provisions of the European Convention on Human Rights (1950). The interpretation of the Convention by the ECttHR and its application to specific situations in Ukraine was highlighted. The statistics of the European Court of Human Rights (2024) for 2023 were used to analyse the dynamics of cases filed against Ukraine, which identified key problematic issues in the field of human rights protection. The study also included an analysis of the implementation of ECtHR judgments at the national level and their impact on changes in legislation and court practice in Ukraine. This assessed how effectively the national courts implement the provisions of the ECtHR and what measures are needed to further improve the human rights protection system in Ukraine. The study also analysed the impact of ECtHR judgments on the development of judicial practice in Ukraine, as well as how effectively national courts implement these judgments. The study employed hermeneutical methods to identify terminological gaps and generalise the legal framework, analysing the implementation of European standards in the national legal system. Particular attention was paid to the role of the ECtHR in interpreting international law applicable in Ukraine and assessing the measures needed to improve the legal protection system. Deduction identified the main problems that systematically arise in cases considered by the ECtHR against Ukraine.

Results

The core principles of the European Convention on Human Rights (1950) establish the rights and freedoms safeguarded by the ECtHR. The Guide on Article 2 of the European Convention on Human Rights (2025), the prohibition of torture and inhuman or degrading treatment (Article 3), and the ban on slavery and forced labor (Article 4). It also guarantees significant rights, including the right to a fair trial (Article 6), freedom of thought, conscience, and religion (Article 9), freedom of expression (Article 10), and the right to peaceful assembly and association (Article 11). Additionally, the Convention protects the right to private and family life (Article 8) and ensures effective legal remedies (Article 13). The ECtHR emphasises the prohibition of discrimination (Article 14) in the exercise of these rights. The Protocols to the Convention further expand these rights to encompass protection of property, education, and free elections. In its rulings, the ECtHR is guided by principles of universality, equality, and non-discrimination, guaranteeing protection for all individuals, irrespective of nationality or social status. The Court consistently takes into account the proportionality of state interference with human rights, aiming to strike a balance between societal interests and individual rights.

One of the most important functions of the ECtHR is to develop case law that creates common European human rights standards. Through its judgments, the Court interprets the provisions of the European Convention on Human Rights (1950), considering contemporary social, political and technological challenges. For instance, its interpretation of the right to freedom of expression, privacy or fair trial is adapted to the modern context, including the digital age. The Court also contributes to strengthening the independence of the judiciary and the rule of law in member states. The Court's judgments often aim to eliminate corruption, political pressure on judges and other problems that undermine confidence in the judiciary. The ECtHR thus ensures that the principles enshrined in the European Convention on Human Rights (1950) are effectively applied. It stipulates human rights institutions at the national level, promotes reforms and ensures justice even where national mechanisms fail.

Following the landmark pilot judgment in Rutkowski and Others v. Poland (2015), the Court identified systemic delays in Polish judicial processes and inadequate domestic remedies under Article 6 § 1 and Article 13. In response, Poland introduced legislative reforms in 2016 obliging courts to expedite proceedings, enhancing judicial case management, and significantly improving compensation mechanisms for excessive delays (Ploszka, 2022). This legal overhaul not only led to the processing of over 600 backlog cases but also strengthened public confidence in the institutional ability to deliver justice within a reasonable timeframe.

The principles established in Barbu Anghelescu v. Romania (2004), particularly the state's positive obligation under Article 3 of the European Convention on Human Rights (1950) to conduct effective investigations into ill-treatment, were subsequently incorporated into Romanian law through legislative and procedural reforms. These legal developments were documented by the European Committee for the Prevention of Torture (CPT) following its 2006 visit to Romania, which noted improvements in the treatment of persons in custody and the regulatory framework governing police conduct (Council of Europe anti-torture..., 2024a). The Committee of Ministers of the Council of Europe, in its supervision of the implementation of the Barbu Anghelescu judgment, also recognized that Romania had taken meaningful steps to address the systemic shortcomings identified by the European Court, culminating in its adoption of resolution confirming substantial compliance with Article 3 standards (Directive of European Comission No. 2011/69/EU, 2011).

Hungary presents a contrasting third example: despite the ECtHR's condemnation of judicial interference in Baka v. Hungary (2016), domestic implementation has been inconsistent. While Hungary made formal amendments accommodating Strasbourg doctrine, political resistance and institutional inertia have hampered meaningful enforcement. This case underscores the importance of complementing legal alignment with robust judicial independence and civic engagement lessons directly applicable to Ukraine as it seeks to consolidate its own reforms under ECtHR influence.

According to the official annual report of the European Court of Human Rights, as of December 31, 2024, the total number of cases examined without preliminary distribution and in priority was approximately 60,350, while at the end of 2023 there were 68,450, indicating a decrease of 8,100 (-12%). Ukraine is among the top five countries with the highest number of open cases, ranking third after Turkey and Russia, with approximately 7,700 applicants as of the end of 2024 (European Court of Human Rights, 2025). Regarding cases related to the armed conflict, the ECtHR reports that as of February 2025, there were 9,264 individual applications filed in connection with the conflict in Ukraine. In addition, three inter-state cases, including the important case of Ukraine and the Netherlands v. Russia (2022), have been referred to the Grand Chamber, with a decision expected on July 9, 2025 (Applications concerning the conflicts…, 2025). Ukraine continues to be one of the main respondent countries in the ECtHR, with most cases concerning important issues: the right to liberty and security, the right to a fair trial, protection from torture, and violations of privacy. Despite a slight decrease in the overall caseload, the lack of a significant reduction in the number of complaints indicates existing systemic problems with justice and human rights compliance.

Many cases against Ukraine before the Guide on Article 3 of the European Convention on Human Rights (2025), which prohibits torture and inhuman or degrading treatment. These cases frequently concern systemic problems in the penitentiary system, including overcrowded detention facilities, lack of access to medical care, unsanitary conditions, and inadequate food provision. In addition, Ukraine has been repeatedly criticised for the excessive use of force by law enforcement officers, particularly during arrest and interrogation, as well as for the absence of effective, prompt, and independent investigations into allegations of ill-treatment. The failure to meet minimum standards of detention conditions has been established in numerous judgments, such as Karabet and Others v. Ukraine (2013) and Nevmerzhitsky v. Ukraine (2005), where the Court underlined the structural character of these violations.

The Court has also repeatedly found Ukraine in breach of European Convention on Human Rights – Article 5 due to unlawful or arbitrary deprivation of liberty. These violations typically concern cases of prolonged pre-trial detention without adequate judicial oversight or without sufficient justification as required by the European Convention on Human Rights (1950). In several judgments, including Kharchenko v. Ukraine (2011) and Derdin v. Ukraine (2025), the Court concluded that national authorities had failed to provide detailed reasoning for continued detention, and that detainees were often held for extended periods based on formulaic or outdated justifications. Procedural rights during detention were frequently violated, including the right to be promptly informed of the reasons for arrest, to challenge the lawfulness of detention before a court, and to have access to legal counsel (Mykhailovskyi, 2021). These findings point to persistent flaws in Ukraine's criminal justice procedures and underline the need for sustained reform of both legislative frameworks and investigative practices.

The most frequently reported violations currently concern Articles 3, 5, and 6 of the European Convention on Human Rights (1950). In particular, Ukraine continues to face widespread findings of inhuman or degrading treatment, especially in detention facilities, including issues such as overcrowding, lack of medical care, and failure to investigate allegations of ill-treatment. A recent example is the Case of Spivak v. Ukraine (2025), where the Court found violations of both Article 5 (liberty and security) and Article 3 due to unjustified psychiatric detention and insufficient procedural safeguards. In the Case of Malyeyev v. Ukraine (2025), the ECtHR concluded that the applicant had been subjected to arbitrary confinement in a psychiatric facility without adequate judicial review, violating his rights under Articles 3 and 5. The Court has also continued to identify structural problems related to lengthy judicial proceedings, the non-enforcement of domestic court decisions, and weak guarantees of judicial independence under Article 6. These issues are compounded by recurrent violations of freedom of expression and peaceful assembly, particularly in politically sensitive contexts. In this regard, while the Gongadze v. Ukraine (2005) case remains emblematic of violations of Article 10, more recent cases show that constraints on media and protest rights persist. For example, in Ryaska v. Ukraine (2024), the Court found that procedural guarantees during criminal proceedings were systematically violated, reflecting ongoing weaknesses in the administration of justice.

In the case of Kharchenko v. Ukraine (2011), the European Court held that pre-trial detention lasting over two years without detailed judicial justification violated the applicant's right to liberty and security. Importantly, it signaled systemic failings in Ukraine's legal framework. Ukrainian authorities introduced legislative amendments aimed at improving procedural safeguards. Changes to the Criminal Procedure Code of Ukraine (2012) limited prosecutors' authority to order or extend detention and mandated more rigorous judicial oversight. In December 2020, further amendments empowered detainees to appeal extensions directly to appellate courts, following a Constitutional Court ruling prompted by similar ECtHR criticism. Despite these formal reforms, implementation has been inconsistent. Monitoring reports highlight that courts still rely on template reasoning when approving detention, and pre-trial detention periods remain excessive in many cases. As noted by the Supreme Court in early 2025, Kharchenko continues to "serve as a benchmark" against which courts evaluate detention justifications, yet systemic practices have not fully aligned with Strasbourg standards. This suggests that legislative change must be accompanied by cultural and institutional reform targeted judicial training, standardised decision-making, and stronger enforcement mechanisms to ensure effective compliance with ECtHR jurisprudence (Litoshenko *et al.*, 2023).

The ECtHR considered the case of Afanasiev v. Ukraine (2005) in the context of ill-treatment by law enforcement officers. The applicant claimed that during detention, police officers had used physical violence to extract a confession. The Court found that the state had violated Article 3 of the Convention (1950), which prohibits torture and inhuman or degrading treatment. The ECtHR also highlighted the ineffectiveness of the investigation into these allegations of ill-treatment. legislative changes introduced between 2012 and 2014, particularly with the adoption of the new Criminal Procedure Code (2012), strengthened procedural safeguards for detainees: mandatory medical examinations after arrest, requirements for legal counsel, and limits on pre-trial detention without court oversight.

Despite these legal adjustments, the systemic shortcomings identified in Afanasiev v. Ukraine (2005) including the

ineffectiveness and lack of independence in investigations of police abuse persist. Monitoring by the European Committee for the Prevention of Torture (CPT) (Council of Europe anti-torture…, 2024b) and annual reports of the Kharkiv Human Rights Protection Group (2024) from 2020-2024 confirm ongoing impunity for law enforcement officers, delayed investigations, and insufficient prosecutorial response to credible allegations of torture. This indicates that while the decision served as a catalyst for legal reform, the implementation gap remains significant, and the investigative bodies responsible for responding to allegations of torture still often lack functional independence from the police. Thus, Afanasiev v. Ukraine (2005) continues to function as a key reference point in evaluating Ukraine's obligations under Article 3, and its legacy reveals the enduring challenge of transforming formal legal commitments into institutional accountability.

The case of Gongadze v. Ukraine (2005) is one of the most famous in the ECtHR case law concerning Ukraine. The case concerned the murder of journalist Georgiy Gongadze and the lack of an effective investigation into the crime. The Court found that Ukraine had violated Guide on Article 2 of the European Convention on Human Rights (2025) by failing to protect the applicant's life and Article 13 (right to an effective remedy) by failing to conduct an effective investigation. In the aftermath of the judgment, Ukraine undertook several legislative and institutional reforms. In 2006-2008, the authorities arrested and convicted three police officers directly involved in the murder, with former Interior Ministry General Pukach receiving a life sentence in 2013 (CPJ concerned by irregularities..., 2011). The Parliament reinforced investigative procedures for crimes against journalists through amendments to the Criminal Code and Criminal Procedure Code in 2007-2009, mandating stricter oversight and assigning responsibility to specialised units for such cases (Zamboni, 2011).

However, despite these formal changes, implementation remains uneven. The Committee to Protect Journalists and other monitoring bodies continue to report ongoing impunity and stalled progress in prosecuting the intellectual perpetrators of high-profile crimes against journalists. Investigative inefficiencies, political interference, and sluggish prosecutions suggest that while the Gongadze judgment generated significant legislative activity, the substantive culture of investigative accountability and respect for press freedom is still underdeveloped. Thus, Gongadze remains a critical legal and symbolic touchstone for evaluating Ukraine's commitment to protecting journalists and the broader rule of law.

In the case of Oleksandr Volkov v. Ukraine, No. 21722/11 (2013), the ECtHR examined the independence of the judiciary. The applicant, a former judge of the Supreme Court of Ukraine, claimed that dismissal from office violated the principle of judicial independence and under pressure from political interests. The Court found that Ukraine had violated A guide to the implementation of Article 6 of the European Convention on Human Rights (2006), as the procedures for dismissing the judge did not meet the requirements of fairness. The Oleksandr Volkov v. Ukraine judgment exposed systemic problems in the independence and impartiality of Ukraine's judiciary, finding violations of Article 6 due to the opaque and politically influenced dismissal of a Supreme Court judge. In response, Ukraine launched a comprehensive judicial reform in 2016: Law of Ukraine No. 1401VIII (2016), amended Articles 124-131 of the Constitution. These amendments restructured the judiciary by consolidating higher specialized courts into a strengthened Supreme Court, established the constitutional basis for the new three-tier court system, provided for competitive and transparent judicial selection and dismissal procedures, introduced the constitutional complaint, and enshrined the binding nature of court decisions with state oversight of their execution. Building on this foundation, the Law of Ukraine No. 31 (2016) implemented the new court structure, reorganized the High Council of Justice, and enhanced public and professional oversight through the High Qualification Commission and the Public Integrity Council. One immediate consequence was the reinstatement of Judge Volkov in February 2015, implementing the ECtHR's individual measure. These changes have not fully eradicated structural weaknesses. While the Volkov judgment served as a catalyst for legal reforms, the transformation of judicial culture requires deeper institutional independence enforced by transparent governance, rigorous training, and consistent enforcement of appointments and dismissals, in line with ECtHR standards.

Another key issue is the lengthy enforcement of domestic court decisions, which violates Article 6 of the Convention (1950) (right to a fair trial) and Article 13 (right to an effective remedy). This problem has been the subject of numerous cases against Ukraine, such as Ivanov v. Ukraine (2006), which demonstrate that citizens are forced to wait for years for the enforcement of court decisions already delivered, even if they relate to vital issues such as the payment of wages or social assistance. In its judgments, the Court emphasises that the state is responsible for ensuring the proper functioning of the enforcement system and must take measures to remedy this systemic violation. An equally substantial issue is the inadequate conditions of detention in places of detention, which violate Article 3 of the Convention, which prohibits torture and inhuman or degrading treatment. In Karabet and Others v. Ukraine (2005), the ECtHR found that detention conditions, such as overcrowding, lack of access to medical care and inadequate food, constituted a serious violation of international standards. Several cases were also documented cases of excessive use of force against prisoners and the lack of proper investigation of complaints about such treatment.

In response to these cases, Ukraine made certain amendments to the Criminal Code of Ukraine (2001) in 2014-2016, which formally strengthened control over conditions of detention and medical care. Monitoring commissions were established and regular visits by the national preventive mechanism were introduced. However, according to human rights defenders (2023-2025), the problem of overcrowding, lack of medicines, and improper treatment of prisoners remains systemic due to lack of funding, ineffective monitoring, and low standards of implementation. Thus, legislative changes have taken place, but their implementation remains fragmented and insufficiently effective. These recurring problems are interrelated and often reflect a systemic crisis in the functioning of state institutions. They require not only a targeted solution in each case but also a comprehensive approach, including reform of law enforcement, and judicial and penitentiary systems. The ECtHR judgments in these cases have become important benchmarks for Ukraine in implementing such reforms aimed at ensuring respect for human rights at all levels.

The implementation of ECtHR judgments in Ukraine is an important part of ensuring compliance with international human rights standards. According to Article 46 of the Convention (1950), ECtHR judgments are binding on the states in respect of which they are delivered. In Ukraine, several mechanisms were established for this purpose, including the Ministry of Justice and other national authorities responsible for implementing decisions. The Ministry of Justice of Ukraine is central in the implementation of ECtHR judgments. This body coordinates the interaction between the ECtHR, the Committee of Ministers of the Council of Europe, which monitors the implementation of judgments, and national authorities. The Ministry develops action plans or reports on measures to be taken by the state to implement a particular judgment. These plans include both individual and general measures. Individual measures are aimed at restoring the rights of a particular applicant, such as the payment of compensation, review of court decisions or re-investigation of cases. For instance, in cases of ill-treatment, the Ministry coordinates the prosecution of perpetrators or organises appropriate corrective measures. General measures include changes in legislation, and reform of administrative procedures or institutions to prevent repeat violations. For instance, the enforcement of decisions related to the longstanding non-enforcement of court rulings has led to the creation of a special fund to partially compensate applicants.

National authorities, such as courts, prosecutors, law enforcement agencies and the penitentiary system, are also involved in the enforcement process, depending on the nature of the case. The Supreme Court of Ukraine has recently taken notable steps to integrate ECtHR jurisprudence into its rulings, illustrating active judicial engagement in aligning domestic practice with international human rights standards. For instance, in the case of Ignatov v. Ukraine (2016) group of cases, the Supreme Court, together with the Council of Europe and OSCE, organised a roundtable to develop clear guidelines for implementing ECtHR-mandated safeguards related to the right to liberty and security. This initiative reflects a practical shift toward judicial collaboration and the creation of unified procedural standards across Ukrainian courts. In the recent Case of Ukrkava, Tov v. Ukraine (2025), the Supreme Court explicitly interpreted national legislation in light of domestic law's compatibility with ECtHR precedents, setting an important precedent for legal foreseeability and ECtHR adaptation. This decision highlights an evolving judicial methodology: Ukrainian law is not merely interpreted within national boundaries, but also in direct dialogue with Strasbourg case law.

The Supreme Court has published annual reviews summarising the impact of ECtHR decisions (2023 and 2024) on national jurisprudence. These reviews include targeted reflections, such as in cases concerning Figurka v. Ukraine (2023), where the Supreme Court examined procedural compliance and addressed gaps in Article 6 application. Such reviews provide a powerful instrument for judges at all levels, encouraging internalisation of ECtHR standards in future rulings. Permanent interagency working groups have been established to coordinate the work between the authorities, which work on the enforcement of judgments, increasing the efficiency of this process and the development of comprehensive approaches to address the causes of violations (Tymoshenko, 2022; Najafli *et al.*, 2024). However, the implementation of ECtHR judgments in Ukraine faces several challenges, including insufficient resources, coordination problems and systemic shortcomings in the functioning of state institutions. Nevertheless, the active involvement of the Ministry of Justice and other authorities is an important step towards improving Ukraine's compliance with international human rights standards. The process of implementing ECtHR judgments is an important indicator of a state's legal maturity and willingness to fulfil its international obligations. However, Ukraine faces certain systemic obstacles that affect not only the effectiveness of the enforcement of judgments but also the overall credibility of the legal system (Table 1).

Table 1. Obstacles and problems of implementation of ECtHR judgments in Ukraine

Obstacle	The essence of the problem	Consequences	Examples
Insufficient funding	Lack of resources for compensation, implementation of reforms or improvement of conditions in places of detention	Delays in the execution of judgements, including payments under the Court's decisions, and the inability to implement appropriate institutional changes	The inadequate funding of the penitentiary system leads to the persistence of inadequate conditions of detention, which the Court has recognised as a violation in several cases, e.g., Nevmerzhitsky v. Ukraine (2005) and Malyeyev v. Ukraine (2025).
Lack of political will	Politicians and officials are not always interested in quick implementation of decisions, especially if it affects their interests.	Slowing down reforms, avoiding addressing systemic human rights issues	In cases involving politically sensitive issues, e.g., the independence of the judiciary, as in Oleksandr Volkov v. Ukraine (2013), Ryaska v. Ukraine (2024), Derdin v. Ukraine (2025), the decisions are often not fully implemented.
Lack of systemic reforms	Many ECtHR judgments require changes at the level of legislation or administration that are not implemented.	Violations persist, and the number of complaints to the ECtHR on systemic problems increases.	Failure to comply with systemic decisions, such as Ivanov v. Ukraine (2006), Spivak v. Ukraine (2025), Afanasiev v. Ukraine (2005), Gongadze v. Ukraine (2005), where the ECtHR stated the need to reform the system of enforcement of national judgments.

Source: compiled by the authors

The introduction of amendments to the Criminal Code of the Republic of Ukraine (2001) and the Code of Administrative Judicial Procedure of Ukraine (2005) was a response to systemic violations identified in cases examined by the ECtHR. For example, following numerous judgments of the Court concerning unlawful detention, the Criminal Code of the Republic of Ukraine (2001) was amended to limit the duration of pre-trial detention and improve the procedures

for justifying such measures. This has reduced the number of cases of arbitrary detention, which was previously a common problem identified in cases such as Kharchenko v. Ukraine (2011).

Amendments to the Code of Administrative Judicial Procedure of Ukraine (2005) contributed to strengthening the guarantees of protection of citizens' rights in relations with state authorities. Such innovations as simplified access to court proceedings in administrative cases and the introduction of clearer rules on the liability of public authorities were steps towards improving the effectiveness of legal protection in the administrative sphere. Increased transparency in the Ukrainian judicial system has also been an important result of the impact of ECtHR case law. The Court's judgments concerning violations of the right to a fair trial (Article 6 of the Convention), such as Oleksandr Volkov v. Ukraine (2013), have contributed to reforms that have made court proceedings more open. One of the achievements was the introduction of electronic document management in courts, which enabled citizens to track the progress of their cases. In addition, transparency in the selection and appointment of judges has been enhanced, reducing the risk of political influence. This has become particularly important in the context of implementing ECtHR judgments that emphasise the need for judicial independence. Modern mechanisms for declaring judges' assets and monitoring their integrity have contributed to increased trust in the judiciary.

Despite legislative improvements following the ECtHR's judgments such as amendments to the Criminal Code (2001) and the Code of Administrative Judicial Procedure (2005) the overall decrease in applications to the European Court of Human Rights from Ukraine in the relevant categories remains modest. For instance, while some reduction has been observed in the number of admissible cases concerning prolonged pre-trial detention or lack of judicial justification, as in Kharchenko v. Ukraine (2011), these issues have not been fully resolved, and new complaints with similar procedural violations continue to appear. The introduction of stricter procedural safeguards and electronic court administration has improved access to justice and transparency, particularly in administrative proceedings and judicial oversight, yet the number of ECtHR cases related to Article 6 (right to a fair trial) and Article 13 (right to an effective remedy) remains high. Key findings of the 2023 Report on Ukraine (2023) still classify Ukraine among the leading countries by volume of pending applications, many of which pertain to systemic issues previously identified. This indicates that although individual reforms have positively influenced judicial practice and institutional culture, they have not yet resulted in a significant or sustained decline in complaints, particularly in categories involving judicial independence, enforcement of domestic judgments, and conditions of detention. Thus, while the reforms mark progress, their incomplete and inconsistent implementation continues to generate new litigation before the Strasbourg Court. These positive developments demonstrate that the implementation of ECtHR judgments is not only an obligation of Ukraine, but also an important step towards modernising the legal system, ensuring the rule of law and strengthening democratic institutions.

The improvement of human rights protection mechanisms in Ukraine depends significantly on the effective implementation of ECtHR recommendations addressing legislative, administrative, and educational shortcomings. Ensuring compliance of national legislation with the European Convention on Human Rights (1950) is a key priority, requiring regular revision of legal acts and alignment with ECtHR jurisprudence. Particular emphasis should be placed on reforming criminal and civil justice and enhancing access to justice. Equally important is the professional training of judges, prosecutors, and law enforcement officers in ECtHR standards, as insufficient expertise often leads to violations. Public legal education, especially among youth, is also vital, as many violations remain unaddressed due to low legal awareness (Bocheliuk *et al.*, 2020). Overall, harmonising legislation, enhancing institutional capacity, and fostering legal culture are essential for reducing ECtHR applications and strengthening Ukraine's position in the international human rights framework.

Ukraine's prospects for improving human rights protection hinge not only on domestic reforms but also on the capacity to institutionalize ECtHR-driven changes (Fedorchenko *et al.*, 2020). Neighbouring countries provide instructive case studies in this regard. In Poland, structural judicial reforms prompted by ECtHR and EU concerns over court independence were instituted in stages starting in 2017 with a major overhaul of the National Council of the Judiciary (NCJ), Supreme Court, and ordinary courts. Although the Venice Commission raised concerns about excessive parliamentary control, Poland's newly adopted 2024 "Rule of Law Action Plan" reaffirms the primacy of EU and Strasbourg standards and signals a renewed commitment to judicial autonomy (Urgent Joint Opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law of the Council of Europe No. 1181/2024, 2024).

Romania has also undertaken significant reforms following its experience with ECtHR cases, particularly regarding the enforcement of court decisions. Since the 2013 Code of Civil Procedure of Romania (2016) overhaul validated by the Court in case Ciocodeică v. Romania (2018) has streamlined enforcement mechanisms, cut unreasonable delays, and introduced stringent remedies for victims of protracted litigation. Moreover, in June 2024, co-operation between Romanian judges and EU/ECtHR bodies was reinforced through Council of Europe help training programs, aiming to deepen judicial familiarity with ECtHR case law (EU-ECHR Interplay…, 2024). By contrast, Hungary offers a cautionary tale: despite the Case of Baka V. Hungary (2016) ECtHR finding against politically driven judicial dismissals, domestic resistance has persisted, undermining efforts to safeguard judicial independence. The Hungarian experience underscores that formal legal changes must be accompanied by genuine political commitment and cultural shifts within judicial systems to avoid superficial compliance. These regional examples highlight that while legislative alignment with ECtHR standards is necessary, effective implementation ultimately depends on reinforcing institutional independence, ensuring consistent judicial training, and fostering a systemic shift toward accountability. Ukraine can draw on these lessons especially from Poland and Romania to design reforms that are not only legally compliant but resilient and sustainable in practice.

International cooperation is an important tool for improving Ukraine's legal system, especially in the area of human rights. Interaction with European institutions, and experts and the use of the experience of other countries helps to adapt national legislation to international standards,

improve human rights protection mechanisms and enhance the skills of specialists. Engaging European experts is one of the most effective ways to integrate best legal practices. Experts from the Council of Europe, the EU, and other international organisations have experience in different legal systems and can provide Ukraine with valuable advice. For example, their involvement in the development of legislative reforms ensures that new regulations comply with the European Convention on Human Rights (1950) and ECtHR case law. In addition, experts conduct trainings and seminars for judges, prosecutors, lawyers and other legal professionals, focusing on specific issues such as combating torture, effective investigation of violations or ensuring the right to a fair trial.

By leveraging the experience of other countries, Ukraine can incorporate best practices that have proven effective in similar social or legal contexts. Poland is one of the most successful countries in Central and Eastern Europe that conducted judicial reforms in preparation for EU accession. The creation of transparent mechanisms for selecting judges and the development of independent anti-corruption bodies, such as the Central Anti-Corruption Bureau of Poland, have been important aspects of Polish reforms. These practices have inspired the creation of similar structures in Ukraine (Kos, 2023; Balynska *et al.*, 2024). After joining the EU, the Czech Republic also underwent significant judicial reform. One of the main changes was the improvement of mechanisms for controlling the judicial system, which ensured greater transparency and independence of judges. The Czech Republic also introduced new procedures for selecting judges that consider European standards (McWhirter & Clark, 2023). In the case of Estonia, the country prioritised the development of e-justice and the digitisation of court proceedings, which has significantly improved the efficiency and transparency of the judicial system. Ukraine can draw on Estonia's experience to introduce innovations in the judicial process (Gosztonyi, 2019). Romania has also set an example for Ukraine by establishing specialised anti-corruption bodies, such as the National Anti-Corruption Directorate. Romania's experience in fighting corruption and strengthening the independence of the judiciary is important for Ukrainian reformers. Bulgaria has implemented several reforms in the judicial system, including changes to the selection procedure for judges and increasing their independence, as well as reforms to anti-corruption activities that could be useful for Ukraine (Stepanian, 2022).

Judicial reforms in Poland, the Czech Republic, Romania, and other neighbouring states have been closely tied to rulings of the European Court of Human Rights, serving both as catalysts for change and as indicators of persistent challenges. In Poland, decisions such as Case of Xero Flor w Polsce sp. z o.o. v. Poland (2021) highlighted systemic violations of judicial independence under Article 6 of the Convention. These judgments prompted legal and institutional reforms, including changes to judicial appointments and disciplinary mechanisms, though implementation remains partial and contested. In the Czech Republic, the 2023 judgment in case of Grosam v. The Czech Republic (2023) led to significant adjustments in the disciplinary oversight of judicial and quasi-judicial officials, reinforcing procedural guarantees and judicial review standards. Romania, although not recently subject to high-profile ECtHR cases, has taken consistent steps since the 2010s to align with Strasbourg jurisprudence, including reforms of civil and criminal procedure codes and the strengthening of anti-corruption structures, largely influenced by earlier ECtHR findings on ineffective investigations and delays in enforcement. In all these cases, the impact of Court judgments is evident not only in specific legislative changes but also in the evolution of legal culture, with a growing emphasis on fair trial guarantees, judicial transparency, and institutional accountability (Santosh *et al.*, 2023). Ukraine, facing similar challenges, can draw valuable lessons from these experiences, particularly in ensuring that legal harmonisation is accompanied by structural reforms and sustained political commitment to the rule of law.

Ukrainian legislation has been transformed under the influence of the decisions of the ECtHR, but despite a series of reforms, systemic problems in law enforcement remain (Yuzheka, 2023). Thus, following the decision in the case of Kharchenko v. Ukraine (2011), which found a violation of Article 5 of the Convention due to prolonged pre-trial detention without proper justification, amendments were made to the criminal procedure legislation Ukraine in 2012 and 2020. Law of Ukraine No. 113-IX (2019) amended the Criminal Procedure Code (2012) to replace the term "local prosecutor's office" with "district prosecutor's office", reflecting administrative restructuring, while also enhancing procedural guarantees related to the justification of arrests. In 2020, the Law of Ukraine No. 3509-IX (2023) further amended the Criminal Procedure Code (2012) to strengthen procedural protections and allow for appeals against the extension of pre-trial detention. These amendments impose stricter requirements for justifying arrests and allow for appeals against their extension. However, in practice, courts still often use template wording, and the problem of "automatic" detention remains widespread.

Following the Afanasiev v. Ukraine (2005) judgment, in which the Court found a violation of Article 3 concerning torture by the police and the ineffectiveness of the investigation, Article 127 was added to the Criminal Code of Ukraine (2001), which clearly prohibits torture. Procedures for independent medical examinations and mechanisms for recording bodily injuries were also introduced. However, even in 2025, human rights organisations continue to report impunity for police officers and a lack of prompt and impartial investigations, indicating a failure to implement the Court's decisions at the institutional level. The Gongadze v. Ukraine (2005) decision, which became symbolic in the protection of journalists, sparked discussions about reforming the prosecutor's office and strengthening guarantees for independent investigations of crimes against journalists. Despite formal changes, including the reform of the prosecution service, the effectiveness of investigations into attacks on journalists remains low, and the political will to ensure full accountability of high-ranking officials is limited. Ukraine needs further legislative changes by 2025. These include standardising the reasoning behind court decisions on arrest, strengthening the procedural independence of investigative bodies, reviewing the disciplinary responsibility of judges with guarantees of independence, and digitising the enforcement of court decisions with strict deadlines and mechanisms for accountability for violations. Only the real implementation of legal norms and bringing institutional practice into line with European standards will be able to ensure a reduction in the number of new cases against Ukraine in the ECtHR.

Discussion

Discussing ECtHR decisions in the context of Ukraine is extremely important for assessing the effectiveness of law enforcement practices and identifying key problems in the implementation of international standards. As Ukraine actively seeks to adapt its legislation to the requirements of the Court, studying existing research allows us to understand where the greatest difficulties arise – whether in the interpretation of decisions by courts or in coordination between authorities. This makes it possible to identify systemic problems that affect the implementation of ECtHR decisions and points to the need for comprehensive reforms that will ensure more effective implementation of international obligations and improve legal protection at the national level.

The study by V. Barvinenko *et al.* (2023) examines the impact of decentralisation on the implementation of ECtHR decisions at the local government level, noting that local authorities often lack the institutional capacity to implement them, especially under martial law. The current study also highlights problems with ECtHR implementation in Ukraine, particularly regarding pre-trial detention and inadequate conditions of detention. However, it broadens the focus to include nationwide coordination between the Ministry of Justice, courts, and penitentiary institutions, addressing systemic problems in public administration. While agreeing with Barvinenko *et al.* (2023) the current study argues that the problem lies not only in decentralisation but also in the lack of coordination at the central authority level.

The research by V. Cherneha *et al.* (2024) on the right to respect for private life and A.V. Denysova *et al.* (2022) on the right to a fair trial analyses specific ECtHR case, highlighting Ukraine's achievements and failures in implementing the Court's decisions. The authors point to difficulties in interpreting and implementing these decisions by the courts. The current study also notes challenges in implementing ECHR decisions, particularly regarding prolonged pre-trial detention and inadequate detention conditions. However, unlike Cherneha *et al.* (2024), the current study focuses not only on the level of courts but also on nationwide coordination between the Ministry of Justice, courts, and penitentiary institutions. The current study broadens the focus to systemic problems in public administration.

The study by U. Huliam (2022), V. Hvozdiuk and N. Morhun (2024) highlights the difficulties faced by Ukrainian authorities in translating ECtHR judgments into concrete actions, particularly due to the gap between legal theories and actual practices. This research correlates with the findings of the current study, which also identified difficulties in the implementation of human rights, especially in criminal cases, where Court principles are not always fully integrated into national practice. However, the current study focuses on specific ECtHR cases, such as problems with prolonged pre-trial detention and violations of rights in penitentiary institutions, while authprs focus on the general difficulties of integrating ECHR decisions into law enforcement and judicial practice. The conclusions of these authors regarding the gap between theory and practice in the application of ECtHR standards are supported, but the generalised approach, which reduces the problem to a mere inconsistency between legal theories and their application, is not supported.

The study by H. Keller and C. Heri (2022) focuses on the impact of ECtHR decisions in the context of climate litigation, while M. Cousins (2020) explores social security issues, highlighting the evolution of the application of ECtHR decisions in various legal areas. This research shows how the protection of human rights is increasingly intertwined with new global challenges such as climate change and digital technology. The current study also examines the implementation of ECtHR decisions, but focuses on more traditional areas such as pre-trial detention and conditions of detention in penitentiary institutions. The difference is study emphasises the interaction of human rights with contemporary global issues, while our study focuses on Ukraine's internal legal challenges, particularly judicial and law enforcement practices. A conclusion has been made regarding the importance of adapting legal standards to new realities, but the idea of extending this adaptation to so-called new global problems is not supported, since existing problems should be solved within the framework of traditional legal institutions.

M. Buijsen's (2023) study raises the issue of subjective interpretation of ECtHR decisions, especially in cases where different judicial opinions can lead to inconsistent application of decisions in member states. The current study also examines problems with the implementation of ECtHR decisions in Ukraine, but the main focus is on systemic legal and administrative shortcomings that cause difficulties in enforcing decisions. While Buijsen emphasises judicial subjectivity, the current study draws attention to the lack of proper coordination between state authorities, which complicates the implementation of ECtHR standards. The author's general conclusions regarding the difficulties associated with interpreting ECtHR decisions are supported, but the idea that judicial subjectivity is the main problem is not supported.

The study by N. Mazaraki and T. Tsuvina (2023) highlights the need to balance national sovereignty and international responsibility in addressing business-related human rights violations in Ukraine, particularly in the context of war. The current study also considers decentralisation, focusing on institutional challenges like insufficient vertical coordination between authorities. The key difference is that Mazaraki and Tsuvina address business and human rights in relation to national sovereignty, while the current study focuses on legal aspects and national mechanisms for implementing ECtHR decisions. While supporting the need for balancing sovereignty and responsibility, the current study does not focus on business issues, as they are not the main topic.

This section discusses various studies that examine the problems of implementing ECtHR decisions in Ukraine and the interaction of these decisions with national legal and administrative systems. All authors agree that Ukraine faces serious difficulties in implementing ECtHR judgments, in particular due to problems with coordination between authorities, subjective interpretation of judgments, and lack of adequate legal support. While some studies highlight specific aspects such as decentralisation, militarisation, or the interpretation of decisions by courts, the current study broadens the focus to systemic problems that span all levels of government and require comprehensive reforms. The different approaches in these studies highlight the need to consider both domestic and international factors for effective enforcement of ECtHR judgments and the adaptation of national legislation to international standards.

Conclusions

The research successfully addressed the key tasks outlined in the introduction, providing valuable insights into the

impact of ECtHR judgments on the Ukrainian legal system, the adaptation of national legislation to ECHR standards, and the factors influencing the effective implementation of Court decisions. The study thoroughly analysed key ECtHR judgments that have influenced the development of Ukrainian law, particularly in areas such as pre-trial detention, penitentiary conditions, and judicial independence. Specific cases like Karabet and Others v. Ukraine and Gongadze v. Ukraine were explored, highlighting both the progress made and the ongoing challenges in implementing ECtHR standards. These judgments have played a critical role in shaping Ukraine's legal framework, though systemic problems persist.

The study examined the process of adapting national legislation to ECHR standards. While significant legal reforms have been introduced in Ukraine such as amendments to the Criminal Procedure Code and the establishment of new mechanisms for judicial oversight there is still a gap between legislative changes and their practical enforcement. The analysis reveals that, despite reforms, issues like excessive pre-trial detention and inadequate conditions in detention facilities continue to be widespread. The implementation of ECHR judgments often faces obstacles due to insufficient coordination among national authorities, which undermines the effectiveness of these reforms.

The study identified factors that both facilitate and hinder the effective implementation of ECtHR judgments in Ukraine. The research highlights the importance of institutional coordination, particularly between the Ministry of Justice, courts, and penitentiary institutions. While some positive steps have been made in judicial and legislative reforms, systemic issues such as political interference, lack of resources, and inadequate enforcement mechanisms persist. The study concludes that further reforms are necessary to ensure the consistent and effective application of ECtHR standards in Ukraine, particularly in light of ongoing human rights challenges in areas like judicial independence and the protection of vulnerable groups. The research successfully fulfilled the outlined objectives by providing a comprehensive analysis of the challenges and progress in aligning Ukraine's legal system with ECtHR standards, while also offering a critical examination of the institutional and systemic barriers that hinder the full implementation of human rights protections.

The prospective significance of the Article lies in the fact that it provides valuable insights for the further development of the Ukrainian legal system through the integration of international standards, in particular the decisions of the ECtHR. The work contributes to a deeper understanding of the problems that hinder the effective implementation of these decisions, in particular due to imperfect coordination between state bodies and systemic shortcomings in law enforcement. This can serve as a basis for further research and practical recommendations on improving judicial reform, enhancing the effectiveness of legal protection, and ensuring respect for human rights in Ukraine.

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Забезпечення прав людини в Україні на основі практики Європейського суду з прав людини

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Анотація. Дослідження мало на меті проаналізувати, як українська правова система виконує рішення Європейського суду з прав людини, а також виявити проблеми та перспективи вдосконалення цього процесу. У статті були використані методи юридичного аналізу рішень Європейського суду з прав людини, порівняння національного законодавства з Європейською конвенцією з прав людини, аналіз статистики Європейського суду з прав людини, дослідження реалізації рішень Європейського суду з прав людини на національному рівні, герменевтичний метод для виявлення термінологічних прогалин, аналіз впровадження європейських стандартів у національну правову систему та дедукція для виявлення основних проблем у справах проти України. Аналіз рішень Європейського суду з прав людини показав наявність численних системних порушень прав людини в Україні, зокрема у сфері умов утримання в місцях позбавлення волі, незаконних арештів і тривалих судових процесів. Проблеми з невиконанням судових рішень та порушеннями прав на свободу і гідність були підтверджені численними справами, такими як Гонгадзе проти України та Харченко проти України. Внесення змін до Кримінального кодексу України після рішень Європейського суду з прав людини, зокрема обмеження терміну попереднього ув'язнення, дозволило зменшити випадки довготривалих затримань без достатніх підстав. Однак в статті також вказуються труднощі у виконанні рішень Європейського суду з прав людини, такі як брак ресурсів, політична воля та недостатні реформи в судовій сфері. Роль міжнародного співробітництва та громадянського суспільства в процесі реалізації рішень Європейського суду з прав людини в Україні є критично важливою для подальшого розвитку правозахисної ситуації в країні. Практичне значення статті полягає в тому, що вона надає цінні рекомендації для удосконалення правозахисної практики в Україні, зокрема у сфері виконання рішень Європейського суду з прав людини

Ключові слова: правосуддя; імплементація; законодавство; свобода слова; війна; міжнародні стандарти