

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIFTH SECTION

CASE OF MYRONENKO v. UKRAINE

(Application no. 14731/12)

JUDGMENT

STRASBOURG

25 September 2025

This judgment is final but it may be subject to editorial revision.



In the case of Myronenko v. Ukraine,

The European Court of Human Rights (Fifth Section), sitting as a Committee composed of:

Andreas Zünd*, President*,
Diana Sârcu,
Mykola Gnatovskyy*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having deliberated in private on 4 September 2025,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in an application against Ukraine lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 7 March 2012.

2. The Ukrainian Government ("the Government") were given notice of the application.

THE FACTS

3. The applicant's details and information relevant to the application are set out in the appended table.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION

4. The applicant complained of the limitations on access to a court. She relied on Article 6 § 1 of the Convention.

5. The Court reiterates that the right of access to a court – that is, the right to institute proceedings before the courts in civil matters – constitutes an element which is inherent in the right set out in Article 6 § 1 of the Convention. However, the right of access to a court is not absolute and may be subject to limitations that do not restrict or reduce the access left to an individual in such a way or to such an extent that the very essence of the right is impaired (see *Golder v. the United Kingdom,* 21 February 1975, § 36, Series A no. 18; *Ponomarenko v. Ukraine,* no. 13156/02, § 36, 14 June 2007; *Matsyuk v. Ukraine,* no. 1751/03, § 28, 10 December 2009; and *Kuzmenko v. Ukraine,* no. 49526/07, § 25, 9 March 2017).

6. In the leading case of *Tserkva Sela Sosulivka v. Ukraine* (no. 37878/02, §§ 51-53, 28 February 2008), the Court already found a violation in respect of the issue similar to that in the present case.

7. Having examined all the material submitted to it, the Court has not found any fact or argument capable of persuading it to reach a different

conclusion on the admissibility and merits of the applicant's complaint. Having regard to its case-law on the subject, the Court considers that in the instant case the very essence of the applicant's right of access to a court was impaired.

8. The complaint is therefore admissible and discloses a breach of Article 6 § 1 of the Convention.

II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

9. Regard being had to the documents in its possession and to its case-law (see, in particular, *Kuzmenko,* cited above, § 41), the Court considers it reasonable to award the sum indicated in the appended table.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;

2. *Holds* that this application discloses a breach of Article 6 § 1 of the Convention concerning the limitations on access to a court;

3. *Holds*
   (a) that the respondent State is to pay the applicant, within three months, the amount indicated in the appended table, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;
   (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

Done in English, and notified in writing on 25 September 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina Acting Deputy Registrar	Andreas Zünd President

APPENDIX

Application raising complaints under Article 6 § 1 of the Convention (limitations on access to a court)

Application no. Date of introduction	Applicant's name Year of birth	Key issue impairing access to a court	Case-law	Facts and relevant information	Amount awarded for non-pecuniary damage per applicant (in euros)[1]
14731/12 07/03/2012	**Galyna Pavlivna MYRONENKO** 1961	Disagreement between different courts regarding jurisdiction	*Tserkva Sela Sosulivka* v. Ukraine, no. 37878/02, §§ 51-53, 28 February 2008	In January 2005 the applicant brought a compensation claim for approximately 4,500 euros against the State Bailiff's Service arguing that the debt owed to her had not been recovered due to the bailiff's lack of diligence. On 24 June 2005 her claim, considered in civil proceedings, was rejected. On 24 October 2005 the Kyiv Court of Appeal quashed that decision and remitted the case for a fresh consideration. The case was subsequently re-examined under the rules of administrative procedure. The proceedings were finally terminated on 15 April 2008 on the ground that the claim was civil in nature and fell to be examined under the rules of civil procedure. On 4 October 2011 the Higher Administrative Court upheld that decision.	1,500

[1] Plus any tax that may be chargeable to the applicants.