

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

FIFTH SECTION

CASE OF TYSHKOVETS v. UKRAINE

(Application no. 20661/23)

JUDGMENT

STRASBOURG

16 April 2026

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



In the case of Tyshkovets 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 26 March 2026,

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 6 May 2023.

2. The applicant was represented by Ms O. Preobrazhenskaya, a lawyer practising in Strasbourg.

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

THE FACTS

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

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION

5. The applicant complained of the life sentence with no prospect of release. She relied on Article 3 of the Convention.

6. The Court reiterates that the Convention does not prohibit the imposition of a life sentence on those convicted of especially serious crimes, such as murder. Yet to be compatible with Article 3 such a sentence must be reducible *de jure* and *de facto*, meaning that there must be both a prospect of release for the prisoner and a possibility of review. The basis of such review must extend to assessing whether there are legitimate penological grounds for the continuing incarceration of the prisoner. These grounds include punishment, deterrence, public protection and rehabilitation. The balance between them is not necessarily static and may shift in the course of a sentence, so that the primary justification for detention at the outset may not be so after a lengthy period of service of sentence. The importance of the ground of rehabilitation is underlined, since it is here that the emphasis of European penal policy now lies, as reflected in the practice of the Contracting

States, in the relevant standards adopted by the Council of Europe, and in the relevant international materials (see *Vinter and Others v. the United Kingdom* [GC], nos. 66069/09 and 2 others, §§ 59-81, ECHR 2013 (extracts)).

7. In the leading case of *Petukhov v. Ukraine (no. 2),* (no. 41216/13, 12 March 2019), the Court already found a violation in respect of issues similar to those in the present case. In the case of *Medvid v. Ukraine* (no. 7453/23, 10 October 2024), it further established that such a situation of uncertainty with a lack of any clear and realistic prospects of early release persisted until 3 March 2023 – the date on which the new release on parole mechanism became fully operational and offered the applicants the realistic opportunity to have their life sentences reviewed within the well-defined timeframe and under clear conditions.

8. 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 complaints raised by the applicant in the case at hand. The Court observes that after 3 March 2023 the newly established release on parole mechanism offered the applicant the realistic opportunity to have her life sentence reviewed within the well-defined timeframe and under clear conditions. Thus, this part of the applicant's complaints related to the period after 3 March 2023 is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention (see for similar reason, *Medvid,* cited above, § 61). At the same time, the complaints, in so far as they related to the period prior to 3 March 2023, are admissible and disclose a breach of Article 3 of the Convention from the date of the applicant's final sentencing to life imprisonment (see the appended table) to 3 March 2023.

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, *Petukhov (no. 2),* cited above, § 201), the Court considers that the finding of a violation constitutes in itself sufficient just satisfaction for any non-pecuniary damage that may have been sustained by the applicant.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaints about irreducibility of life sentence under Article 3 of the Convention in respect of the period of the applicant's detention between her final sentencing to life imprisonment and 3 March 2023 admissible and the remainder of the application inadmissible;

2. *Holds* that there has been a violation of Article 3 of the Convention in respect of the period of the applicant's detention between her final sentencing to life imprisonment and 3 March 2023;

3. *Holds* that the finding of a violation constitutes in itself sufficient just satisfaction for any non-pecuniary damage sustained by the applicant.

Done in English, and notified in writing on 16 April 2026, 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 3 of the Convention (life sentence with no prospect of release)

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Name of the trial court Date of the life sentence	Judicial decision upholding the conviction
20661/23 06/05/2023	**Lyudmyla Anatoliyivna TYSHKOVETS** 1974	Preobrazhenskaya Oxana Strasbourg	Kyiv City Court 3 July 2001	Supreme Court 24 January 2002