

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

FIFTH SECTION

DECISION

Application no. 7223/18
Volodymyr Yaroslavovych FRANKIV against Ukraine
and 2 other applications
(see appended table)

The European Court of Human Rights (Fifth Section), sitting on 18 December 2025 as a Committee composed of:

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

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above applications lodged on the various dates indicated in the appended table,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicant,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The list of applicants is set out in the appended table.

The applicants' complaints under Article 6 § 1 of the Convention concerning the denial of access to higher courts were communicated to the Ukrainian Government ("the Government").

THE LAW

A. Joinder of the applications

Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision.

B. Complaints under Article 6 § 1 of the Convention (denial of access to higher courts)

In the present applications, having examined all the material before it, the Court considers that the applicants' complaints under Article 6 of the Convention about alleged limitation on access to the higher courts are inadmissible for the reasons indicated below.

In particular, in so far as application no. 7223/18 is concerned, the applicant's cassation appeals did not comply with the requirements concerning form or the obligation to enclose copies of the relevant decisions. The applicant had an opportunity to rectify these shortcomings but failed to do so without any acceptable justification.

Regarding application no. 53227/22, the applicant's cassation appeal was directed against decisions in the criminal proceedings which had been discontinued as time-barred and did not concern the determination of his civil claim. As indicated by the criminal courts, the applicant should have initiated a separate set of civil proceedings in that regard, which he failed to do without arguing that that procedural avenue was unavailable to him or would have been ineffective in his case (see *Dorogykh v. Ukraine* [Committee], no. 45240/09, § 18, 24 June 2021). Moreover, the Convention does not confer any right, as such, to have third parties prosecuted or sentenced for a criminal offence (see *Mustafa Tunç and Fecire Tunç v. Turkey* [GC], no. 24014/05, § 218, 14 April 2015).

In application no. 18484/23, the applicant admitted that she had been informed by telephone of the availability of the full text of the judgment on 26 November 2022. She did not, however, request a copy of the judgment before 13 December 2022. Furthermore, neither she nor her lawyer attempted to obtain it from the State Register of Court Decisions, where the judgment had been published on 25 November 2022. In these circumstances, it cannot be said that the applicant or her lawyer demonstrated the requisite diligence in following the developments in the proceedings (see *Krupnyk v. Ukraine* (dec.) [Committee], no. 16505/23, §§ 11-13, 24 April 2025).

In view of the above, the Court considers that, by rejecting the applicants' appeals on the basis of the applicable law, the domestic courts did not act in a manner incompatible with Article 6 of the Convention.

Accordingly, the Court finds that the applicants' complaints are manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court, unanimously,

Decides to join the applications;

Declares the applications inadmissible.

Done in English and notified in writing on 22 January 2026.

Viktoriya Maradudina Acting Deputy Registrar	Andreas Zünd President

APPENDIX

List of applications raising complaints under Article 6 § 1 of the Convention (denial of access to higher courts)

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Specific irregularity complained of	Case-law	Facts and relevant information
1.	7223/18 25/01/2018	**Volodymyr Yaroslavovych FRANKIV** 1957		arbitrary or clearly unlawful refusal to examine the applicant's appeal	*Kravchenko v. Ukraine*, no. 46673/06, 30 June 2016, *Gavrilov v. Ukraine*, no. 11691/06, 16 February 2017	By two separate rulings of 05/09/2017, the Higher Specialised Court in Civil and Criminal Matters (the "HSC") refused to examine the applicant's two cassation appeals directed against the Lviv Regional Court of Appeal's inadmissibility decisions of 03/03/2017 and 03/04/2017 and a first-instance court's judgment of 19/01/2017 regarding the Bailiffs' inactivity in the enforcement proceedings to which the applicant was a party. The HSC found that the applicant had failed to comply with the relevant procedural requirements to submit copies of the lower courts' decisions and to properly challenge the first-instance judgment on appeal.
2.	53227/22 20/10/2022	**Maksym Sergiyovych YURCHENKO** 1969		unforeseeable and/or excessively formalistic application of the relevant procedural regulations	*Mushta v. Ukraine*, no. 8863/06, 18 November 2010, *Melnyk v. Ukraine*, no. 23436/03, 28 March 2006	By a decision of 25/01/2022, the Kyiv Court of Appeal upheld the first instance ruling terminating the criminal proceedings, wherein the applicant was an aggrieved civil party, as time-barred and leaving his compensation claim against the defendant unexamined. The courts instructed the applicant to initiate a separate set of civil proceedings regarding his civil claim. By a decision of 29/07/2022, the Supreme Court dismissed the applicant's cassation appeal of 25/07/2022 as lodged out of time, as well as his request for renewal of the relevant three-month time-limit, which was based on the fact that he had received the full text of the contested decision only on 18/07/2022.
3.	18484/23 17/04/2023	**Olena Viktorivna POLYOVA** 1988	Guk Alyona Yuriyivna Kyiv	unforeseeable and/or excessively formalistic application of the relevant procedural regulations	*Melnyk v. Ukraine*, no. 23436/03, 28 March 2006, *Mushta v. Ukraine*, no. 8863/06, 18 November 2010	By a final decision of 03/01/2023 in the administrative-offence proceedings concerning breach of traffic rules, the Kyiv Court of Appeal dismissed the applicant's appeal of 22/12/2022 against the judgment of the Vyshhorod Town Court of 23/11/2022 as lodged out of time. The applicant claimed that she had received the full text of the contested decision on 13/12/2022, which was supported by the relevant delivery note. However, the judgement was published in the State Register of Court Decisions on 25/11/2022 and the applicant was informed of its availability on 26/11/2022, while the appeal was not lodged until 22/12/2022.