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

FIFTH SECTION

DECISION

Application no. 65805/17
Kostyantyn Oleksiyovych MELNIKOV
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 15 May 2025 as a Committee composed of:

Gilberto Felici*, President*,
Diana Sârcu,
Mykola Gnatovskyy*, judges*,

and Martina Keller, *Deputy Section Registrar,*

Having regard to:

the application (no. 65805/17) against Ukraine lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 30 August 2017 by a Ukrainian national, Mr Kostyantyn Oleksiyovych Melnikov ("the applicant"), who was born in 1970, lives in Kharkiv and was represented by Mr I.M. Moroz, a lawyer practising in Warsaw, Poland;

the decision to give notice of the application to the Ukrainian Government ("the Government"), represented by their Agent, Ms Marharyta Sokorenko;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns a refusal by the authorities to register the applicant's new place of residence at his chosen address in the absence of a stamp in his military service card to show that he was registered at the military registration office for the area in which his new place of residence was located. The applicant relied on Article 2 of Protocol No. 4.

2. On 30 January 2017, after he had purchased an apartment, and with the intention of selling his old one and moving into the new one, the applicant applied to the registration authority of the local council to register his place of residence at his new apartment and to deregister from his old one. He

provided the registration authority with the required documents, including his military service card. The card showed that he had been removed from the military register for the area in which his former place of residence had been located, on 27 January 2017.

3. On 31 January 2017 the authorities refused to register the applicant's new place of residence on the grounds that he had not provided all the necessary documents. In particular, they noted that the applicant's military service card did not contain an entry confirming that he was registered at the local military registration office.

4. The applicant challenged that refusal before the domestic courts, arguing that there was no legal basis for restricting his right to have his home registered. He argued that neither Law of Ukraine no. 1382-XII "on Freedom of Movement and Free Choice of Place of Residence" of 11 December 1992 ("the Freedom of Movement and Residence Act") nor the Regulations on the Procedure for Registration of Place of Residence, which had been adopted by Government Resolution no. 207 of 2 March 2016 to implement that Act, contained any obligation to submit evidence of registration with a local military recruitment office. In their response to the applicant's claim, the authorities contended that the restriction imposed on the applicant had been provided for by the Regulation on the Organisation and Maintenance of Military Registration of Conscripts and Persons Liable for Military Service, approved by Government Resolution no. 921 of 7 December 2016. That regulation allowed the competent authorities to register a place of residence of persons liable for military service only where that person's military registration documents contained an entry by the district military commissariats on deregistration or registration for the area in which that place of residence was located.

5. In the meantime, on 7 February 2017, the applicant deregistered from his old address and on 18 February 2017 he sold his old apartment and moved into his new one. Under the Freedom of Movement and Residence Act, he was required to register his residence within thirty days of deregistering from his previous residence and arriving at his new one. A failure to do so would make him liable to administrative sanctions. According to the applicant, he had until 9 March 2017 to certify his residence at his new apartment.

6. On 30 March 2017 the applicant was registered at the local military enlistment office for the area in which his new address was located, and on 5 April 2017 his residence at that address was certified by the local authorities following a new application made by him for registration. This information, which the applicant does not dispute, was submitted to the Court by the Government in their observations of 4 September 2023.

7. According to the applicant, when he registered his new place of residence, he was issued with a warning as an administrative sanction for having failed to register his new place of residence within the period prescribed by law.

8. On 27 April and 13 June 2017, the Dzerzhynskyy District Court of Kharkiv and the Kharkiv Court of Appeal found the refusal of 31 January 2017 to be lawful, upholding the reasons given by the local authorities. On 29 June 2017 the Higher Administrative Court of Ukraine refused to open cassation proceedings on the applicant's appeal on points of law, noting that the applicant had not made any submissions in support of his argument that the decisions taken by the lower courts had been wrong in law.

9. On 30 August 2017 the applicant lodged the present application with the Court.

10. On 1 December 2021 Law of Ukraine no. 1811-IX "on the Legal Framework for the Provision of Public (Electronic) Services for Residence Declaration and Registration" of 5 November 2021 ("the Residence Registration Act") came into effect. To implement this law, the Cabinet of Ministers adopted Resolution no. 265 on 7 February 2022, effective as from 14 March 2022, which introduced new regulations for declaring and registering residence, replacing those previously established by Resolution no. 207 (see paragraph 4 above). In addition to maintaining the old procedure for the registration of residence – including the requirement to provide the same documents and to make an in person visit to the registration authority, and maintaining the same grounds for a refusal – the legislation introduced a new alternative concept of "declaration of residence", allowing individuals to notify the authorities of a change of residence electronically through the state web portal for electronic services. Under this new procedure, individuals are deregistered from their previous residence and registered at the new address within one day. The new legislation allows a person to choose between these two ways of providing information on their place of residence.

11. The information required for a declaration of residence includes, where applicable, the person's military registration number recorded in the military register, or information from another military registration document (including information on the type of document being provided and details of the military enlistment office where the person is or was registered). For those liable for military service, the series and/or number of the military registration document is also required, if available. The registration authority is not authorised to reject a declaration on the basis of the person's registration status in the military register. The authority is obliged to enter the information provided in the Register of the Territorial Community and notify the competent military registration office for the area in which the person's new place of residence is located.

12. Law of Ukraine no. 2232-XII "on Military Duty and Military Service of 25 December 1991 ("the Military Service Act"), as amended by the aforementioned Residence Registration Act retains the provision allowing for the registration of the place of residence or stay of conscripts, reservists and persons liable for military service only where their military documents contain a record indicating that they have been registered at the military

enlistment office, or other specified security and intelligence agency, for the area in which their new place of residence is located. For those people who declare their residence electronically via the state web portal, the law requires the registration authorities to process their residence declaration in accordance with the Residence Registration Act.

13. The applicant complained under Article 2 of Protocol No. 4 to the Convention, that making military registration an obligatory prerequisite for registering his residence at his privately-owned property imposed an unjustified restriction on his right to freedom of movement and his freedom to choose his residence.

THE COURT'S ASSESSMENT

14. The Government argued that the application was inadmissible. They submitted that applicant could no longer claim to be a victim within the meaning of Article 34 of the Convention since his place of residence at his new address had eventually been registered on 5 April 2017. They further argued that the application was abusive owing to the applicant's failure to provide the Court with that information, which they considered essential for the examination of the application and which had already been known to the applicant at the time when he had submitted his application to the Court. In any event, the Government considered that the applicant had not suffered any damage as a result of the refusal to certify his place of residence and that the interference with his freedom of movement had been lawful and justified by the need to ensure that citizens fulfilled their military obligations, which was all the more important in view of the aggression of the Russian Federation against Ukraine.

15. The applicant argued that his eventual registration was irrelevant to the substance of his complaint of an unjustified rejection of his initial application on 30 January 2017. He emphasised that the April 2017 decision to register his residence had stemmed from a new administrative process, following a new application and under altered circumstances. Specifically, he had had no choice but to register with the military recruitment office at his new address and to provide proof of registration to the local authorities. Had he refused to do so, he would have remained unregistered indefinitely.

16. The applicant further submitted that, in Ukraine, registration of residence is often a prerequisite for citizens to have access to certain services and to exercise certain rights. In this regard, he submitted that, without a stamp showing registration in his passport, he was effectively prevented from applying for a biometric travel passport, despite his wish to obtain one, as any application would have been rejected in the absence of an officially registered place of residence. He also claimed that his right to vote had been restricted and that he risked facing problems with various State authorities, including the tax office.

17. Relying on the Constitution and the Freedom of Movement and Residence Act, a 2001 decision of the Constitutional Court of 14 November 2001 and a number of international instruments, the applicant argued that registration of residence was intended to serve a purely informative purpose – that is, to inform the authorities of a person's place of residence – and not to act as a restrictive or discretionary procedure. By requiring details of his military registration as a condition for the registration of his residence, the purely informative role of the registration was undermined and made it discretionary in nature. The applicant submitted that any issues relating to military compliance should be dealt with separately under the existing military legislation, which already provided for enforcement mechanisms.

18. Lastly, the applicant pointed out that recent legislative amendments, in particular the introduction of the "declaration of residence" procedure, had significantly improved the situation and had brought the process of registration of residence more in line with international standards. However, he noted that this reform had been introduced after the events in his case. He submitted that the domestic authorities had not acknowledged the unjustified rejection of his initial application on the basis of the missing military registration stamp, nor had they offered any form of redress for the damage he had suffered as a result.

19. In the present case, the Court does not find it necessary to reach a conclusion on the objections raised by the Government. In the light of the parties' submissions, it considers that, for the reasons set out below, there is no objective justification for continuing to examine the applicant's complaint.

20. The Court reiterates that, under Article 37 § 1 (b) of the Convention, it may "... at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to the conclusion that ... the matter has been resolved ...". In order to ascertain whether that provision applies to the present case, the Court must examine, firstly, whether the circumstances complained of directly by the applicant still obtain and, secondly, whether the effects of a possible violation of the Convention on account of those circumstances have also been redressed (see *Pisano v. Italy* (striking out) [GC], no. 36732/97, § 42, 24 October 2002; *Sisojeva and Others v. Latvia* (striking out) [GC], no. 60654/00, §§ 96-97, ECHR 2007-I; and *El Majjaoui and Stichting Touba Moskee v. the Netherlands* (striking out) [GC], no. 25525/03, §§ 29-30, 20 December 2007).

21. In the instant case, the Court observes that the applicant was registered at his new place of residence on 5 April 2017. As regards the interval of nearly two months between his deregistration from his old place of residence (on 7 February 2017) and registration at his new address, the Court finds no indication that the applicant experienced any significant harm as a result of the absence of registration. It notes the applicant's argument that the absence of a registered place of residence may restrict access to voting rights and certain social and public services. However, in this instance, the applicant has

not convincingly demonstrated that any such limitations occurred specifically in his case. Notably, he did not provide any concrete evidence to show that he had been unable to apply for a biometric passport or to exercise his voting rights as a result of his registration status. His assertion that he was effectively prevented from accessing these services is based on hypothetical grounds without actual attempts or refusals. In the absence of specific incidents of denial, the applicant's claims remain general and speculative. These considerations similarly apply to his alleged risk of encountering difficulties with state authorities, as no specific instances of adverse impact were provided.

22. The Court further observes that the applicant was given a modest sanction (a warning) for his failure to duly register his place of residence within the time limits provided by the law (see paragraph 7 above). He did not advance any arguments to demonstrate that the warning had been significant to him in the light of his personal situation.

23. Finally, the Court notes that the procedure for registering a place of residence in Ukraine has undergone changes since the events in the case. As is apparent from the applicant's observations, he is satisfied with the legislative amendments.

24. Against this background, the Court considers that, following the above-mentioned registration of the applicant's new place of residence, the limited duration of the contested measure, the absence of any substantial consequences for the applicant caused by the refusal, and the subsequent amendments to the legislation on the registration procedure, which seem to satisfy the applicant, the circumstances complained of by the applicant no longer exist and the effects of any possible violation of the Convention by reason of those circumstances have been removed. The Court finds therefore that both conditions for the application of Article 37 § 1 (b) of the Convention are met (see *El Majjaoui and Stichting Touba Moskee*, cited above, §§ 30-34).

25. Consequently, the matter giving rise to the applicant's complaint can be considered to have been "resolved" within the meaning of Article 37 § 1 (b) of the Convention (see, *mutatis mutandis*, *J.B. and Others v. Hungary* (dec.), no. 45434/12 and 2 others, 27 November 2018). The Court also reiterates that it is not required, for the purposes of Article 37 § 1 (b) of the Convention, that the national authorities acknowledge a violation of the Convention or that the applicant, in addition to having obtained a resolution of the matter, is also granted compensation (see *H.P. v. Denmark* (dec.), no. 55607/09, § 78, 13 December 2016). Finally, no particular reason relating to respect for human rights as defined in the Convention requires the Court to continue the examination of the complaints at issue under Article 37 § 1 in fine.

26. Accordingly, the application should be struck out of the Court's list of cases.

For these reasons, the Court, unanimously,

Decides to strike the application out of its list of cases.

Done in English and notified in writing on 12 June 2025.

Martina Keller Deputy Registrar	Gilberto Felici President