



Judgments and decisions of 3 September 2020

The European Court of Human Rights has today notified in writing nine judgments¹ and 14 decisions²: two Chamber judgments are summarized below;

a separate press release has been issued for one other Chamber judgment in the case of *Yordanovi v. Bulgaria* (application no. 11157/11);

a separate press release has also been issued for one decision in the case of *Mahi v. Belgium* (no. 57462/19);

six Committee judgments, concerning issues which have already been submitted to the Court, and the 13 other decisions can be consulted on [Hudoc](#) and do not appear in this press release.

The judgments summarized below are available only in English.

Levchuk v. Ukraine (application no. 17496/19)

The applicant, Iryna Mykolayivna Levchuk, is a Ukrainian national who was born in 1982 and lives in Rivne (Ukraine).

The case concerned her complaint that the dismissal of an eviction claim against her ex-husband had exposed her and her children to the risk of domestic violence and harassment.

Ms Levchuk married O.L. in 2006. They had triplets in 2007 and were provided with social housing, a flat, by the local council. Their relationship deteriorated because O.L. drank heavily, started arguments, and harassed and threatened her and the children, sometimes resorting to physical violence. Their marriage was dissolved in 2015 and she was granted custody of the children. O.L. continued to live however in the flat.

The intimidation and violence continued, leading the police to intervene on multiple occasions and the social services to draft a report which found the children to be seriously distressed. O.L. was charged with, but never found formally guilty of domestic violence.

As the situation had not improved, Ms Levchuk brought proceedings in 2016 under Article 116 of the Housing Code which provided for the possibility to evict social housing tenants for systematic misconduct. The national courts ultimately dismissed the claim in 2018. Although they acknowledged that O.L. “needed to change his attitude”, they did not find that the misconduct had been systematic and considered that there were no grounds for such an extreme measure as eviction.

Ms Levchuk and her children continue to share the flat with O.L. Most recently, in 2019, she brought proceedings to deprive O.L. of his parental rights, alleging that he neglects the triplets and avoids paying child support. The case is ongoing.

¹ Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a Chamber judgment’s delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Under Article 28 of the Convention, judgments delivered by a Committee are final.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution

² Inadmissibility and strike-out decisions are final.

Relying on Article 8 (right to respect for private and family life) of the European Convention on Human Rights, Ms Levchuk complained about the refusal to order her ex-husband's eviction, alleging that the courts had been excessively formalistic in their decisions and had given her ex-husband a sense of impunity which had exposed her and her children to an even greater risk of psychological harassment and assault.

Violation of Article 8

Just satisfaction: 4,500 euros (EUR) (non-pecuniary damage) and EUR 1,150 (costs and expenses)

Just satisfaction

Batkivska Turbota Foundation v. Ukraine (no. 5876/15)

The applicant, the Batkivska Turbota Foundation, is a charity registered in Ukraine in 1999.

The case concerned the applicant organisation being deprived of its ownership of parts of a sanatorium which it had bought from the property arm of Ukraine's Federation of Trade Unions in 2002.

In its principal judgment of 9 October 2018, the Court found that there had been a violation of Article 1 of Protocol No. 1 (protection of property) to the Convention.

Today's judgment concerned the question of the application of Article 41 (just satisfaction) of the Convention.

Just satisfaction : EUR 3,500 (costs and expenses)

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.