



Supreme
Court

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Reforms, Innovation and Justice»
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Access to justice in the context of the war in Ukraine

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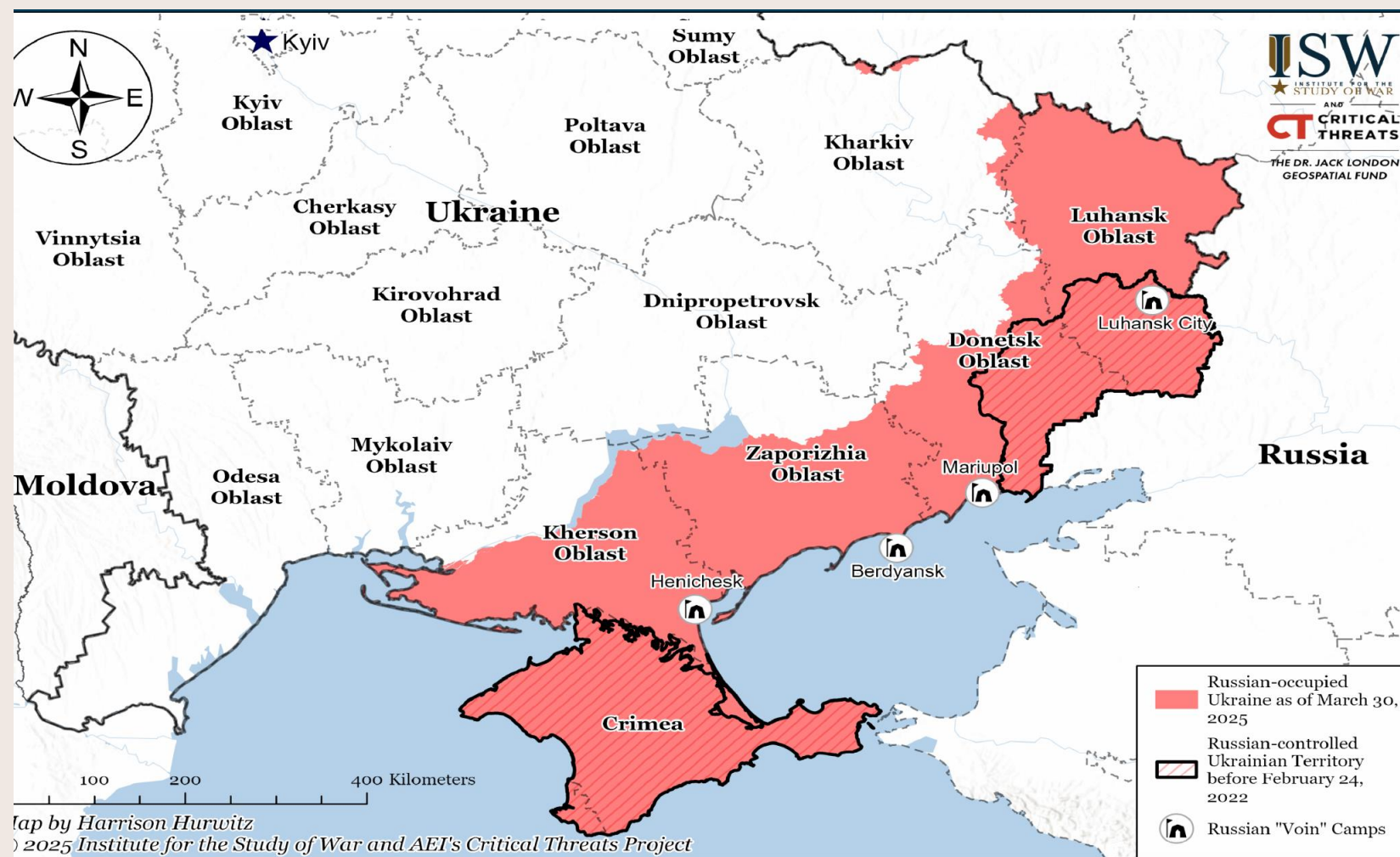
Access to justice in practice of the European Court of Human Rights

- Access to justice implies the possibility of unimpeded recourse to the courts to protect one's rights.
- This right is guaranteed both by Article 6 of the European Convention and by the national legislation.
- The ECtHR has repeatedly emphasized the need to strictly observe the guarantees of the right of access to justice.
- The right of access to the courts must be “practical and effective” rather than “theoretical or illusory” (judgment of the ECtHR in the case of *Bellet v. France*).
- But the right of access to the courts is not absolute.

Implementation of the right of access to justice

- The war of Russia against Ukraine (2014 – 2025...) has had a negative impact on the exercise of the right of access to the courts.
- Because of occupation of some territories, the state cannot ensure the functioning of courts or physical access of citizens to the court buildings there.
- The list of territories under hostilities or temporary occupation has been approved by the government.
- The list is regularly updated and shows the dates of the beginning and end of the changing circumstances.
- Currently, 96 Ukrainian courts are located in territories temporarily occupied by the Russian Federation.

Ukrainian territories temporarily occupied by the Russian Federation



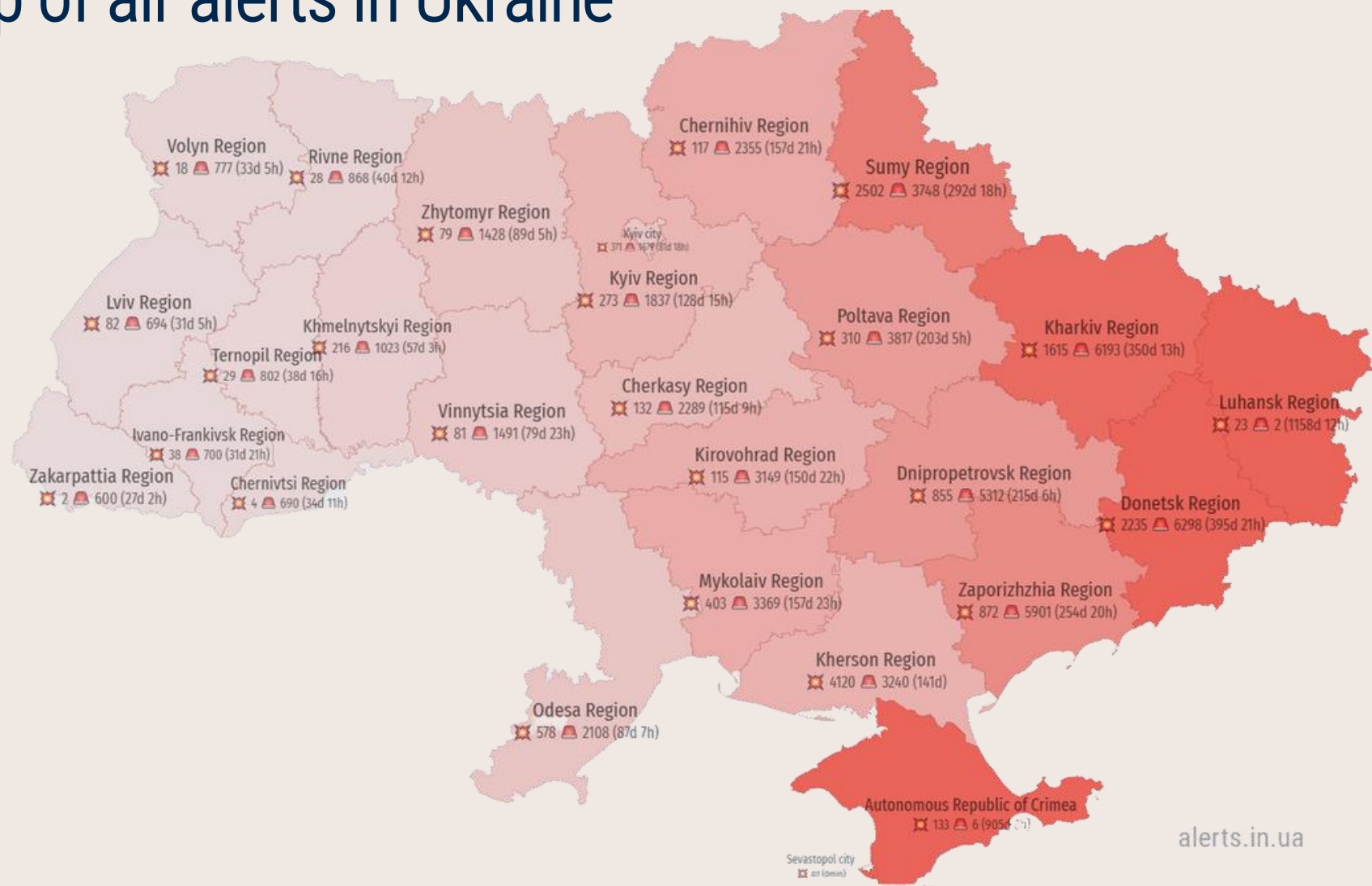
Access to case files

- The aggressor state controls a significant portion of case files, which had been stored in the archives of the courts before Russia's occupation.
- In March 2022 the Supreme Court approved Recommendations for courts of first instance and appellate courts in case of seizure of a settlement and/or a court building or in case of risk of seizure.
- Many case files have been lost and cannot be restored in full.
- The Supreme Court often has to review court decisions in cases which files were lost due to the occupation or hostilities.
- Considerable time for restoration of case files affects the length of proceedings or in some cases the restoration is impossible.

Air alerts and access to justice

- Because of Russian drones or missiles hitting energy facilities the electrical power is cutoff.
- The result – Ukrainian courts have to postpone hearings because of air alerts, lack of electricity, heating, telephone and Internet connections.
- Since the beginning of the full-scale invasion – about 58,000 air alerts declared in Ukraine.
- The result – citizens have no proper access to justice and courts cannot operate properly.

The map of air alerts in Ukraine



alerts.in.ua

Damaged and destroyed court buildings

- 132 court buildings have been damaged, 16 court buildings were completely destroyed.
- Regions with most damaged or destroyed court buildings – Kharkiv (25 buildings), Donetsk (24 buildings) and Mykolaiv (21 buildings).
- Damage to the building of the High Qualification Commission of Judges of Ukraine and the building of the National School of Judges of Ukraine as a result of massive attack on Kyiv.

Kharkiv Court of Appeal



Commercial Court of Mykolaiv Region



Representatives of the judiciary at war

- Citizens defending Ukraine have limited access to courts.
- About 1 million people are in military service, including 700,000 in the Armed Forces of Ukraine.
- More than 200 representatives of the judiciary have joined the military service.
- One third of them are serving judges from all instances, who voluntarily joined the Ukrainian Defense Forces.



Understaffing in courts

- Ukraine is lacking about 2,000 judges in courts of all instances and jurisdictions.
- There are 1,412 vacant positions in the courts of first instance, including: 1,143 in civil courts, 136 in administrative courts, and 133 in commercial courts.
- There is a significant shortage of court staff (judicial assistants, judge`s associates, clerks).
- On December 11, 2024, the HQCJ announced a new selection process to form a reserve of candidates for trial judges – 1,800 positions.
- The HQCJ is currently conducting competitions for appellate judges and judges of the High Anti-Corruption Court.

Judicial immunity of the Russian Federation

- Russia exercises the judicial immunity of the state.
- Thus, Ukrainian citizens could not realize their right to a fair trial in cases for collection of damages from the aggressor state.
- On April 14, 2022 in case No. 308/9708/19 the Supreme Court ruled that Ukrainian courts may ignore the jurisdictional immunity of the Russian Federation in claims for damages against the aggressor state.



Collection of damages

- Since 2022 Ukrainian courts have issued 1,482 judgments in claims for damages against the Russian Federation (985 in favor of individuals and 497 in favor of legal entities).
- Up to 5% of all claims were denied.
- The largest compensation awarded to an individual – UAH 328 million (about EUR 8.2 million).
- The largest compensation awarded to a legal entity – UAH 247 billion (about EUR 6.2 billion).
- Since mid-2022, the total amount of damages to be recovered from the aggressor state – UAH 913 billion (about EUR 22.8 billion).

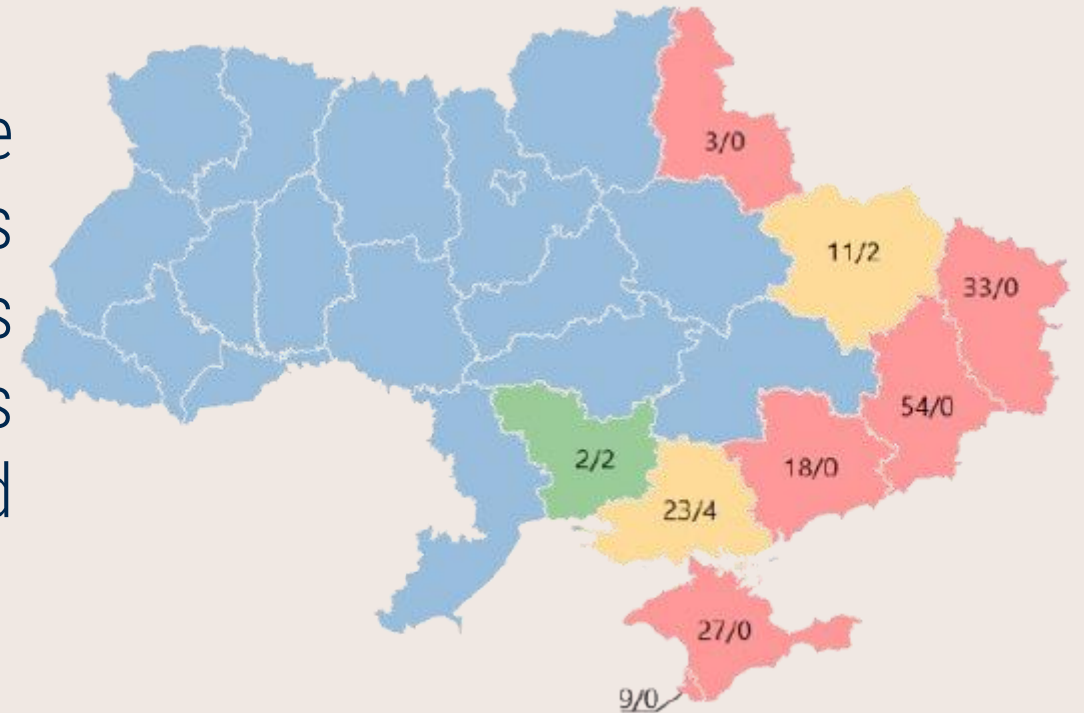
Solving the problems

Measures to solve the problems:

- ❑ changing the venue of 171 courts due to the inability to administer justice during the martial law (60 courts – venue restored; 96 courts – in the temporarily occupied territories);
- ❑ sending cases to courts in Ukraine-controlled territories;
- ❑ transferring judges from the occupied territories to other regions.

Map of changed court venue

Since the beginning of the full-scale invasion, the Supreme Court has periodically published interactive maps showing the courts whose venue was changed in order to inform litigants and other persons.



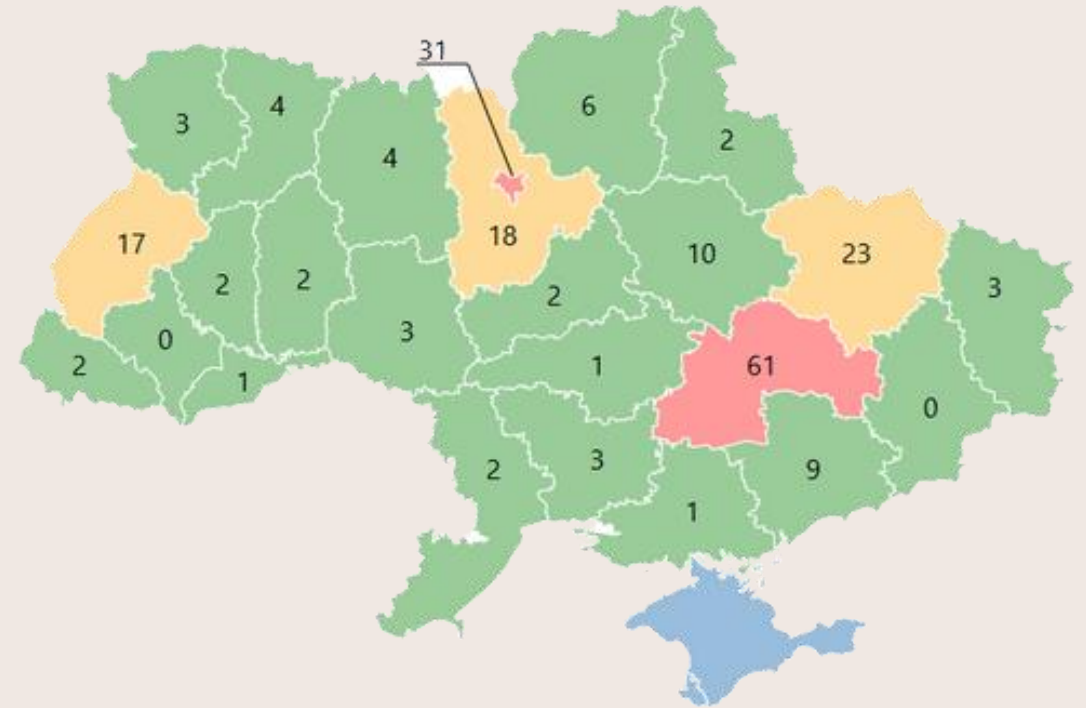
Seconded judges

- Cases were assigned to other courts in the same region or in a neighboring region.
- Thus, the workload of such courts has significantly increased.
- Over 420 judges have been seconded from courts whose venue was changed.



Map of courts to which judges are seconded

The current number of seconded judges can be found on the interactive online map of courts to which judges are seconded, which is available on the website of the High Council of Justice.



Electronic judiciary systems

- 573 out of 590 courts administering justice were equipped with generators and alternative sources of electricity, which allows for operation of electronic judiciary systems.
- Since 2022, the number of court hearings held via videoconferences has increased significantly.
- Participation in court hearings via a videoconference is available only after registration in the Electronic Cabinet of the Electronic Court system.



Electronic Cabinet of Electronic Court system

The screenshot displays the 'Електронний Суд' (Electronic Court) interface. The left sidebar contains navigation options: 'Повідомлення' (Notifications), 'Вибране' (Selected), 'Мої справи' (My Cases), 'Заяви' (Applications), 'Довіреності' (Powers of Attorney), and 'Кошик' (Cart). The main area shows a list of documents received from the court, with a table containing columns for document number, date, DNEC, and name. A red arrow points to the 'СТВОРИТИ ЗАЯВУ' (Create Application) button. Below the table, a progress bar indicates the status of a 'Позовна заява про стягнення аліментів' (Application for enforcement of alimony). The progress bar shows steps from 'Регіон та суд' to 'Додатки', with step 8 'Текст заяви' (Text of the application) currently active. The 'Текст заяви' section includes a text editor and a form for entering details about the application, such as the date of marriage, the date of birth of the child, and the date of the court decision.

Електронний Суд
Офіційна електронна адреса

Повідомлення

Вибране

Мої справи

Заяви

Довіреності

Електронний Суд
Офіційна електронна адреса

Повідомлення

Вибране

Мої справи

Заяви

Документи сторін

Довіреності/Ордери

Кошик

Документи, що надійшли від суду
Документи по провадженню № до справи №: 28.01.2020

← НАЗАД **СТВОРИТИ ЗАЯВУ** ІНФОРМАЦІЯ ПРО СПРАВУ Пошук

	Номер доку...	Дата	ДНЭС	Назва
	б/н	27.03.2021		Судовий наказ
		27.03.2021		Реєстраційна картка вхідного документу
	б/н	19.11.2020		Фіксація автоматизованого розподілу справ

Позовна заява про стягнення аліментів Чернетка

Регіон та суд Атрибути Позивач Представ... Відповідач Інші Ціна Текст Підтверд... Додатки

Текст заяви

Заява обов'язково має містити відомості про підстави стягнення аліментів. [Ознайомитись із прикладом](#)

Звичайний B I U S = | | E E A A T

... року я, позивач, ... року народження, уклала шлюб з ..., ... року народження, який ми зареєстрували ... року у Відділі державної реєстрації актів цивільного стану по м. ... міськрайонного управління юстиції ... області, про що зроблений актовий запис №
У шлюбі у нас народилася дитина: ... (П.І.Б.), ... року народження.
Шлюб між нами розірвано ... року.
Відповідно до ст. 180 СК України, батьки зобов'язані утримувати дитину до досягнення нею повноліття, а Відповідач, останнім часом, з ... року не бере участі у вихованні та утриманні нашої спільної дитини.
Відповідно до ст. 181 СК України за рішенням суду кошти на утримання дитини (аліменти) присуджуються у частці від доходу її матері, батька або у твердій грошовій сумі за вибором того з батьків або інших законних представників дитини, разом з яким проживає дитина.
Так, Відповідач інших утриманців немає, він працездатний, отримує дохід, має нерухоме майно, транспортний засіб, його стан здоров'я дозволяє працювати, а тому вважаю, що він може сплачувати аліменти в розмірі



Supreme
Court

Thank you for attention!