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BRIEFLY NOTED*

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Judicial and Similar Proceedings

1. Vyacheslavova v. Ukraine (European Court of Human Rights – March 24, 2025)

<https://hudoc.echr.coe.int/eng?i=001-242505>

On March 13, 2025, the European Court of Human Rights (ECtHR) ruled that Ukraine violated the European Convention on Human Rights by failing to prevent and effectively investigate violence erupted during the May 2, 2014 clashes in Odesa.

In April 2014, Ukrainian authorities received intelligence indicating a risk of violence, clashes, and disorder during the planned "For a United Ukraine" rally in Odesa. Despite these warnings, law enforcement deployed only limited police forces to key locations. On May 2, violent clashes broke out between pro-Russian activists and Maidan supporters, involving gunfire, stones, and Molotov cocktails. Video footage showed that police officers largely remained passive as the violence escalated. The situation worsened when a fire broke out at the Trade Union Building, killing at least 42 people. Despite multiple emergency calls, fire services arrived only later in the evening, raising concerns about the authorities' failure to ensure timely rescue efforts.

Twenty-eight individual applications were filed to the ECtHR, alleging that Ukraine failed to protect their lives and those of their relatives and did not conduct an effective investigation. The case concerned violations of Article 2 (Right to life), Article 3 (Prohibition of inhuman or degrading treatment), and Article 13 (Right to an effective remedy).

The ECtHR unanimously found that Ukraine violated the right to life by failing to take reasonable steps to prevent the violence, stop the clashes, ensure the timely rescue of those trapped by the fire, and conduct an effective investigation. The Court emphasized that states have a duty to take reasonable measures to prevent foreseeable violence, ensure public safety, and conduct proper investigations.

The Court also condemned the authorities' inadequate response after the clashes. It found that the authorities failed to secure, collect, and analyze key evidence; lacked transparency in the investigation; and did not identify all perpetrators, despite extensive photographic and video evidence. Although multiple sources captured footage of both the clashes and the Trade Union Building fire, the Court concluded that Ukrainian authorities had not demonstrated genuine efforts to ensure accountability within a reasonable timeframe.

Under Article 41 of the Convention, the Court ordered Ukraine to compensate the applicants in varying amounts.

2. Ships Waste Oil Collector B.V. v. Netherlands (European Court of Human Rights Grand Chamber – April 1, 2025)

<https://hudoc.echr.coe.int/eng?i=001-242521>

On April 1, 2025, the European Court of Human Rights (ECtHR) ruled that the Netherlands' Consumer and Market Authority (CMA) did not violate the European Convention on Human Rights by using phone-tap data originally obtained in a criminal investigation and transferred by another law enforcement body.

The case involved six limited liability companies, the applicants, that were implicated in a price-fixing scheme. Intercepted communications during unrelated criminal investigations revealed conversations about anti-competitive practices. This data was then transferred to the CMA, which initiated proceedings under competition law and imposed financial penalties on the companies. The companies challenged the CMA's use of the data, claiming that it was not foreseeable and that procedural safeguards were insufficient.

They alleged violations of Article 8 (right to respect for private and family life) and Article 13 (right to an effective remedy) of the Convention. The lower chamber previously found no violation, and the applicants requested referral to the Grand Chamber under Article 43.

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The Grand Chamber upheld the lower chamber's findings, concluding that the sharing of intercepted data between state authorities may be justified where the interference is lawful, has a legitimate aim, and is necessary in a democratic society. The Court also took into account the level of protection afforded to legal persons and the margin of appreciation granted to states. In this case, the aim—protecting the economic well-being of the country—was deemed legitimate and did not result in a violation of Article 8. The Court further found no violation of Article 13, noting that the applicants had access to effective domestic remedies to raise their complaints.

While a majority of the Grand Chamber found that the CMA's actions complied with the Convention, a minority of judges dissented, arguing that Article 8 was breached due to the excessive discretion granted under the Dutch law.

RESOLUTIONS, DECLARATIONS, AND OTHER DOCUMENTS

1. Resolution A/RES/ES-11/7 Advancing a comprehensive, just and lasting peace in Ukraine and Resolution A/RES/ES-11/8 The path to peace (UN General Assembly – February 24 and 25, 2025)

Resolution 11/7 <https://digitallibrary.un.org/record/4076916?ln=en&v=pdf#files>

Resolution 11/8 <https://digitallibrary.un.org/record/4076919?ln=en&v=pdf>

On February 24, 2025, the UN General Assembly adopted two resolutions addressing Russia's invasion of Ukraine, marking its third anniversary. The resolutions—proposed separately by Ukraine and the United States—both emphasized the importance of international peace and security, but took different approaches in characterizing the conflict.

The first resolution, titled "Advancing a comprehensive, just and lasting peace in Ukraine," was proposed by Ukraine, alongside 52 nations. It condemned Russia's "full-scale invasion" and called for de-escalation, cessation of hostilities, and a peaceful resolution of the war. The resolution also called for the exchange of prisoners of war, the release of unlawfully detained individuals, and adherence to international human rights and humanitarian law. The General Assembly adopted Ukraine's resolution with 93 votes in favor, 18 against, and 65 abstentions.

The United States voted against Ukraine's resolution and introduced its own proposal, "The Path to Peace." This resolution reaffirmed the UN's commitment to international peace and security through the peaceful settlement of disputes. However, it referred to the war as the "Russian Federation-Ukraine conflict" rather than an invasion.

The General Assembly and the Security Council later adopted the U.S. resolution, following the European Union proposing an amendment explicitly referencing Russia's invasion and affirming Ukraine's territorial integrity. The U.S. voted against this amendment and abstained from its own resolution after the change was included.

This shift in the U.S. approach represents a significant break from its previous policy. The U.S. previously supported resolutions affirming Ukraine's sovereignty and demanding Russia's military withdrawal.

2. Estonia, Latvia, Lithuania, and Poland Recommend Withdrawal from Ottawa Convention (March 28, 2025)

<https://www.gov.pl/web/national-defence/statement-by-the-estonian-latvian-lithuanian-and-polish-ministers-of-defence-on-withdrawal-from-the-ottawa-convention>

On March 18, 2025, the defense ministers of Estonia, Latvia, Lithuania, and Poland jointly announced their unanimous recommendation to withdraw from the Anti-Personnel Mine Ban Convention, known as the Ottawa Convention.

The Ottawa Convention, which entered into force in 1999, prohibits the use, stockpiling, production, and transfer of anti-personnel landmines. It has been ratified by 164 countries. Notably, several major military powers—including the United States, China, India, and Israel—are not parties to the treaty.

The joint statement followed a high-level ministerial meeting and cited escalating tensions with Russia and growing security concerns along NATO's eastern border. The ministers argued that their countries must reassess their defense strategies to respond more effectively to potential military threats. They emphasized the need for flexibility and the freedom to adopt new weapons systems. The ministers asserted that withdrawal from the treaty would enhance border security and strengthen their ability to deter and defend against possible Russian military activity.

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Although the defense ministers issued their recommendation, the final decision to withdraw from the Ottawa Convention rests with the governments. If formalized, the move would mark a significant shift in European arms control policy.

3. South Korean Truth and Reconciliation Commission Finds Human Rights Violations in Overseas Adoptions (March 26, 2025)

<https://jinsil.go.kr/fnt/nac/selectNoticeDetail.do?bbsId=BBSMSTR_000000000710&nttId=323773> [in Korean]

<https://jinsil.go.kr/en/nac/selectNoticeDetail.do#> [English press release]

On March 26, 2025, the South Korean Truth and Reconciliation Commission (TRC) concluded that the government violated human rights in connection with the overseas adoption of Korean children. The Commission found systemic failures rooted in inadequate legislation, poor oversight, and inadequate administrative procedures, resulting in widespread rights violations.

The findings followed an extensive investigation that reviewed archival materials and adoption records from four major adoption agencies, along with petitions filed by 367 overseas adoptees. The investigation also included interviews with relevant individuals and a thorough review of government and agency documents.

The TRC identified multiple structural problems in the intercountry adoption process. These included a cost-driven policy that prioritized overseas adoption as a cheaper alternative to developing domestic child welfare systems, a focus on expedited procedures over lawful and careful adoption practices, and the delegation of authority to private adoption agencies without adequate government oversight.

The Commission determined that the state violated adoptees' rights under the South Korean Constitution and international agreements. It concluded that the government failed to uphold its duty to protect basic human rights by enacting insufficient legislation, providing inadequate oversight, and neglecting proper administrative procedures while sending large numbers of children abroad.

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