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FAIR JUSTICE PROJECT

HIGH ADMINISTRATIVE
COURT OF UKRAINE

International Scientific Conference

*«Human rights protection within
administrative justice nowadays and
perspectives for Ukraine»*

*On the occasion of the 10th anniversary of the starting of procedural
operations of administrative courts in Ukraine*

1 – 2 October 2015

(Conference hall of the Hotel Hyatt Regency Kyiv
5, Alla Tarasova Str., Kyiv)

AGENDA

1 October, Thursday

9.00-10.00 *Registration of the participants, welcome coffee*

10.00-11.00 Opening of the Conference

Welcoming speech

Mr. Oleksandr Nechytailo, President of the High Administrative Court of Ukraine

Mr. Yrii Baulin, President of the Constitutional Court of Ukraine

Mr. Oleksiy Filatov, Deputy Head of the Presidential Administration of Ukraine

Mr. Jeffrey Erlich, Senior Project Officer, OSCE Project Co-ordinator in Ukraine

Mr. Stefan Hülshörster, Acting Director of the Deutsche Stiftung für Internationale Rechtliche Zusammenarbeit e.V.

Mr. David M. Vaughn, USAID FAIR Justice Project Chief of Party

Ms. Valeriia Lutkovska, the Ukrainian Parliament Commissioner for Human Rights

Mr. Ruslan Kniazevych, Head of the Committee of the Verkhovna Rada of Ukraine on Legal Policies and Justice

Mr. Viktor Kryvenko, Secretary of the Judicial Chamber on Administrative Cases of the Supreme Court of Ukraine

Mr. Bogdan Lvov, Head of the Supreme Economic Court of Ukraine

Mr. Jürgen Vormeier, Presiding judge of the Federal Administrative Court of Germany

Mr. Sergii Koziakov, Head of the High Qualification Commission of Judges of Ukraine

Mr. Mykola Onishchuk, Rector of the National School of Judges of Ukraine

Ms. Nina Karpachova, Deputy Head of the Union of Lawyers of Ukraine, Member of the Board of the European Institute of Ombudsmen

11.00-13.00

Session 1: *Reform of administrative justice in Ukraine as guaranty for human rights protection. Learning from the world best practices*

Moderator: Mr. Mykhailo Smokovych, Deputy President of the High Administrative Court of Ukraine, PhD in Law

Mr. Oleksandr Paseniuk, Judge of the Constitutional Court of Ukraine, President of the High Administrative Court of Ukraine (2005-2011), PhD in Law

Rule of law principle in administrative justice in the context of constitutional reform in Ukraine

Mr. Oleksandr Nechytailo, President of the High Administrative Court of Ukraine, PhD in Law

Administrative justice in Ukraine: stages of the way passed and trends for modernization

Mr. Martin Steinkühler, Judge of the Federal Administrative Court of Germany

Human rights protection and administrative justice

Ms. Veronika Krumina, Head of the Department of Administrative Cases of the Supreme Court of the Republic of Latvia

Role of administrative courts and challenges in the protection of human rights: the experience of Latvia

Mr. Mykola Onishchuk, Rector of the National School of Judges of Ukraine, Doctor of legal sciences

Administrative justice: a way to changes

Mr. Mykola Koziubra, Head of the Department of general-theoretical and political-legal sciences of the National University of «Kyiv-Mohyla Academy», retired judge of the Constitutional Court of Ukraine, Doctor of legal sciences, Professor

Features of administrative justice and judicial reasoning in human rights protection

Ms. Edith Zeller, President of the Association of European Administrative Judges (AEAJ), Judge of the Administrative Court of Vienna (Austria)

Some remarks on issues of structural independence and judicial dialogue in conflicting norm regimes

Mr. Anton Monaienko, Vice Rector for Research at the Classic Private University (Zaporizhzhia), Doctor of legal sciences, Professor, member of the SCC of HACU

The organization of administrative justice in the Arab countries

Mr. Valeriy Kolpakov, acting Head of Department of Administrative and Economic Law of the Law Faculty of Zaporizhzhia National University, Professor, Doctor of Law, member of the SCC of HACU

Administrative justice within the subject of administrative law

Ms. Olena Riabchenko, Head of the Department of Management, Administrative law and process of the National University of State Tax Service of Ukraine, Doctor of Law, Head of Section on Administrative process at the SCC of HACU

The subject of the judicial administrative jurisdiction: problems of implementations and solutions

Mr. Volodymyr Kravchuk, *Judge of Lviv District Administrative Court*, Doctor of Law, member of the SCC of HACU

Administrative courts in the context of constitutional reform

Questions and discussions

13.00-14.00 *Lunch (meeting rooms «Paris» and «London», ground floor)*

14.00-15.40 *Session 2: Standards of a fair trial (Article 6 of the Convention for the protection of human rights and fundamental freedoms)*

Moderator: Ms. Nataliia Stupnytska, National Project Manager of the OSCE Project Co-ordinator in Ukraine

Mr. Dragoljub Popovic, Professor at the Union University School of Law in Belgrade, former Judge of the European Court of Human Rights

The Concept of Access to Justice and its Developments in the Case-Law of the European Court of Human Rights

Mr. Mykola Kucheriavenko, Head of the Department of Financial law of Yaroslav Mudryi National Law University, Doctor of Legal Sciences, Professor, Academician at the National Academy of Sciences of Ukraine, Head of section on Administrative law at the SCC of HACU

The level of legislative technique as a condition for quality judgment

Dr. Lars Brocker, President of the High Administrative Court and

Constitutional Court of Rheinland-Pfalz (Germany)

Paragraph 1 of Article 6 and Article 13 of the Convention: legal protection guaranty in administrative courts case-law in Germany

Mr. Taras Vavrynychuk, Lawyer of the Secretariat of European Court of Human Rights

The principle of legal certainty in the law of the European Court of Human Rights under Article 6 of the Convention

Ms. Tetyana Fuley, Head of Department of Scientific-methodical support of the judicial training at the National School of Judges of Ukraine, PhD in Law, member of the SCC of HACU

Application of the European Court of Human Rights in interpretation of the general provisions and principles of administrative justice

Questions and discussions

15.40-16.00 *Coffee-break*

16.00-17.30 **Session 3: *Standards of a fair trial (Article 6 of the Convention for the protection of human rights and fundamental freedoms)***
(continue)

Moderator: Mr. Stefan Hülshörster, Acting Director of the Deutsche Stiftung für Internationale Rechtliche Zusammenarbeit e.V.

Mr. Georg Schmidt, President of the Administrative Court of Trier (Germany)

Minimal standards of justice within administrative proceedings as regards Article 6 of the Convention

Ms. Eva Schreiner-Hasberger, Judge of the Administrative Court of Vienna (Austria)

Sstandards of the fair trial principle within the courtroom

Mr. Ivan Golosnichenko, Head of Department of Economic and Administrative law of the Faculty of Sociology and Law of National Technical University of Ukraine «KPI», Doctor of Law, Professor, member of the SCC of HACU

Problems of compliance with deadlines in administrative proceedings

Ms. Liudmyla Yeresko, Judge of Poltava District Administrative Court
Application of Article 6 of the Convention in the practice of administrative courts of Ukraine

Ms. Maryna Boyaryntseva, Judge of Kyiv District Administrative Court, PhD in Law, member of the SCC of HACU

Restitution of violated right of a person as the main goal of justice

Mr. Viktor Bazov, Scientific Consultant at the Department of the support of the President and Deputy Presidents of the High Administrative Court of Ukraine, PhD in Law, member of the SCC of HACU

The constitutional principle of equality as value of judicial protection of human rights

Questions and discussions

18.00 ***Reception, dedicated to the 10th anniversary of the procedural activities of the administrative courts***

(Diplomatic Academy of Ukraine by the Ministry of Foreign Affairs of Ukraine, 2, Velyka Zhytomyrska Str, Kyiv.)

2 October, Friday

9.00-9.30 ***Welcome coffee***

09.30-11.20 ***Session 4: Access to public information: case-law of the European Court of Human Rights***

Moderator: Ms. Natalia Petrova, USAID FAIR Justice Project deputy chief of party

Mr. Przemysław Szustakiewicz, Chief of IV Department of Judicial Decisions Bureau of Supreme Administrative Court of Poland, Judge, Dr. hab.

Access to public information as a tool of development of democracy in reference to Polish and European legal solutions

Ms. Jautrite Briede, Judge of the Department of Administrative Cases of the Supreme Court of the Republic of Latvia

Disclosure of confidential information at the disposal of public administration in interest of society

Ms. Nataliia Blazhivska, Judge of the High Administrative Court of Ukraine, PhD in Law, member of the SCC of HACU

Margins of acceptable criticism of a judge in a democratic society: the position of the European Court of Human Rights

Mr. Dainius Raižys, Judge of the Supreme Administrative Court of Lithuania

Handling of Classified Information in Lithuanian Administrative Proceedings and the Right to a Fair Trial

Ms. Tetyana Kolomoiets, Dean of the Faculty of Law of Zaporizhzhia National University, Doctor of Law, Professor, Honored Lawyer of Ukraine, member of the SCC of HACU

The use of the classified information and the principle of transparency in administrative justice in Ukraine: theory, problems in practice and their solutions

Ms. Oksana Parkhomenko-Kutsevil, Chief researcher of the Institute of Public Administration and Local Self-Governance of the National Academy for Public Administration under the President of Ukraine, Doctor of Public Administration, First Vice President of NGO “Ukrainian Assembly of doctors of sciences in public administration”

The principle of openness in the system of development of human resource capacity in public service in Ukraine: practical aspects

Questions and discussions

11.20-11.40 *Coffee-break*

11.40-13.00 **Session 5: *Role of the European Court of Human Rights in times of conflicts that lead to human rights violation***

Moderator: Mr. Dmytro Tretiakov, Lawyer of the Secretariat of the European Court of Human Rights

Mr. Yves Doutriaux, State Counselor (France)

Human rights violation in conflict situation and the European Human of Rights Court

Ms. Leto Cariolou, Lawyer of the UN Mechanism for international criminal tribunals

The ECtHR principles on Extra-territorial Jurisdiction and 'Effective Control

Mr. Dmytro Pletchko, Legal Counselor of the United Nations High Commissioner for Refugees (UNHCR) Representation for Ukraine

The problems of the refugees' rights protection in Ukraine

Ms. Liliana Tymchenko, Head of the Department of International Law of the National University of State Tax Service of Ukraine, PhD in Law, docent, member of the SCC of HACU

Protection of human rights and self-proclaimed states (decisions of the European Court of Human Rights regarding the Republic of Moldova)

Questions and discussions

13.00-14.00 *Lunch (meeting rooms «Paris» and «London», ground floor)*

14.00-15.40 **Session 6: *Freedom of assembly in the context of Article 11 of Convention for the Protection of Human Rights and Fundamental Freedoms***

Moderator: Mr. Mykhailo Tsurkan, Deputy President of the High Administrative Court of Ukraine, PhD in Law

Mr. Dagmar Wunsch, Presiding Judge of the High Administrative Court of Rheinland-Pfalz (Germany)

Review of important judgements of the European Court of Human Rights as regards Article 11 of Convention and their taking into consideration in administrative courts case-law

Mr. Dmytro Tretiakov, Lawyer of the Secretariat of European Court of Human Rights

Freedom of peaceful assembly in Ukraine in the light of the decisions of the European Court of Human Rights in cases Vyerentsov v. Ukraine and Shmushkovych v. Ukraine

Mr. Mykhailo Smokovych, Deputy President of the High Administrative Court of Ukraine, PhD in Law

The problems of the ensuring of the right to freedom of peaceful assembly in Ukraine

Mr. Kirienko Viacheslav, Head of Donetsk District Administrative Court

The right to freedom of peaceful assembly in the context of Article 11 of the Convention for the protection of human rights and fundamental freedoms

Questions and discussions

15.40 – 16.00 **Clothing of the Conference, conclusions**

Mr. Oleksandr Nechytailo, President of the High Administrative Court of Ukraine

Coffee