



# **Support to the implementation of the judicial reform in Ukraine**

## **Round table**

### **Judicial protection of the rights and freedoms in conflict-affected areas of Ukraine and the applications against Ukraine to the European Court of Human Rights**

#### **PROGRAMME**

**22 June 2016, Kyiv**

**Venue of the event:** *"Fairmont Grand Hotel Kyiv", Naberezhno-Khreshchatytska Str., 1*

*The Council of Europe project "Support to the implementation of the judicial reform in Ukraine" is funded by a contribution from the Government of the United Kingdom of Great Britain and Northern Ireland*

**Objective of the event:**

- to discuss the legislative gaps and the relevant judicial practice concerning the conflict in Ukraine, possibly resulting in the absence of an effective domestic remedy and, consequently, the applications to the ECtHR;
- to suggest recommendations on possible solutions to this problem so to ensure effective domestic mechanisms for the protection of persons affected by the conflict, as well as to prevent applications to the ECtHR;
- to provide Ukrainian stakeholders with the expert opinion on the situation and the information on the European practices in similar situations.

**Participants:**

- Representatives of the Administration of the President of Ukraine;
- Representatives of the Ministry of Justice of Ukraine, Government Agent of Ukraine before the European Court of Human Rights;
- Judges of the Supreme Court of Ukraine, High Specialized Court of Ukraine for Civil and Criminal Cases, High Administrative Court of Ukraine, High Commercial Court of Ukraine;
- Representatives of the civil society organisations;
- International and national Council of Europe experts.

**Themes for discussion:**

- Potential gaps of the Ukrainian legislation concerning the conflict in Ukraine;
- Measures to guarantee effective protection of rights and freedoms of persons affected by the conflict;
- European experience as regards the remedy for conflict-affected persons.

09.30	<i>Welcoming coffee</i>
10.00 – 10.30	<p><b>Opening of the round table</b></p> <ul style="list-style-type: none"> <li>• <b>Mr Yaroslav Romaniuk</b>, President of the Supreme Court of Ukraine (tbc)</li> <li>• <b>Mr Oleksiy Filatov</b>, Deputy Head of the Presidential Administration of Ukraine (tbc)</li> <li>• <b>Ms Nataliia Sevostianova</b>, First Deputy Minister of Justice of Ukraine (tbc)</li> <li>• <b>Ms Lilit Daneghian</b>, Head of the Justice Sector Reform Unit 1, Justice and Legal Co-operation Department, Directorate General of Human Rights and Rule of Law, Council of Europe</li> </ul>
10.30 – 12.30	<p><b>Session I. National legislation on the judicial protection of human rights and freedoms in the conflict-affected areas in Ukraine</b></p> <p><i>Moderator: Andrii Kavakin, Project Manager of the CoE Project “Support to the implementation of the judicial reform in Ukraine”</i></p> <ul style="list-style-type: none"> <li>• Procedural shortcomings as regards the national legislation on judicial protection of the rights and freedoms of conflict-affected areas <b>Representative of the Supreme Court of Ukraine (tbc)</b></li> <li>• Presentation of the report “Justice in the exile”: ensuring the right to a fair trial at the liberated territories <b>Oleksandra Romantsova, Center for Civil Liberties</b></li> <li>• Main categories of complaints filed before the courts in the conflict-affected areas <b>Mr Oleksandr Ageev, the Head of the Donetsk Oblast Court of Appeal</b> <b>Mr Vitaliy Kostytskyi, the Judge of the Lugansk Oblast Court of Appeal</b></li> <li>• National legislation and the judicial protection as regards the conflict in Ukraine: challenges, possible ways of improvement <b>Ms Alina Pavliuk, lawyer of the strategic cases fund, Ukrainian Helsinki Human Rights Union</b></li> </ul>
12.30 – 13.00	<i>Coffee</i>

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13.00 – 14.45

**Session II. Applications to the European Court of Human Rights and functioning of justice in conflict-affected areas**

*Moderator: Professor Dr. Lorena Bachmaier Winter, Complutense University Law School of Madrid, Civil and Criminal Procedure Department*

- ECtHR case-law as regards the armed conflicts: admissibility criteria, derogation from the obligations, minimal safeguards at the national level

***Representative of the ECtHR (tbc)***

- Applications communicated by the ECtHR as regards the conflict in Ukraine

***Mr Olga Davydchuk, Acting Government Agent of Ukraine before the ECtHR***

- Derogation of Ukraine from the Convention for the protection of Human Rights and Fundamental Freedoms: scope and consequences

***Ms Margaryta Sokorenko, Head of the Division for the Representation of the State in the Interstate Cases, Office of the Government Agent of Ukraine before the ECtHR***

**General discussion: possible recommendations on improving domestic remedies**

14.45 – 15.00

**Concluding remarks**