



SUPREME COURT
OF UKRAINE



SEMINAR FOR JUDGES-DEVELOPERS OF EDUCATIONAL COURSES ON APPLICATION OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS AND THE CASE-LAW OF THE EUROPEAN COURT OF HUMAN RIGHTS

27 – 29 August 2015

Venues:

**Conference hall of the Hotel “Royal Grand”
(Truskavets city, Lviv region, 61-63 Sukhowolya St.)**

Day 1

Opening: **10:00** Thursday, 27 August 2015

Closure: **18:45** Thursday, 27 August 2015

Day 2

Opening: **09:30** Friday, 28 August 2015

Closure: **18:00** Friday, 28 August 2015

Day 3

Opening: **09:00** Saturday, 29 August 2015

Closure: **13:00** Saturday, 29 August 2015

ORGANIZERS

OSCE Project Co-ordinator in Ukraine with the National School of Judges of Ukraine, the Supreme Court of Ukraine and the High Administrative Court of Ukraine and financial support of the Government of Canada within the “Safeguarding Human Rights through Courts” Project

SEMINAR FOR JUDGES-DEVELOPERS OF EDUCATIONAL COURSES

Day one, Thursday, 27 August 2015

09.30 – 10.00 **Arrival and registration of participants**

10.00 – 10.45 **Opening of the school. Introductory and welcoming words:**

- Representative of the OSCE Project Co-ordinator in Ukraine
- Representative of the National School of Judges of Ukraine
- Representative of the High Administrative Court of Ukraine
- Representative of the Supreme Court of Ukraine

Meeting the faculty of the school:

- Trainers/lectors
- Facilitators/moderators

Meeting participants:

Previous experience, expectations

Session 1: Introduction, Case-law hierarchy and practice of application of the case-law of the European Court of Human Rights

Moderator: Dragoljub Popovic, former judge of the European Court of Human Rights, professor of Belgrad University Faculty of Law

10.45 – 11.20 General introduction to the cases examined under the pilot procedure and procedure for simplified examination of cases by the European Court of Human Rights
Pavlo Pushkar, associate professor of the Law Faculty of Kyiv Taras Shevchenko National University

11.20 – 11.30 *Coffee-break*

11.30 – 12.10 Case-law hierarchy and the pilot judgments of the European Court of Human Rights. Practical issues in application of the pilot judgments of the European Court of Human Rights
Costas Paraskeva, lecturer in Public Law, advocate

12.10 – 12.50 Practical application and implementation of the Convention and the case-law of the Court in the United Kingdom. The Human Rights Act of 1998.
John Smith, barrister

12.50 – 13.50 *Lunch*

Session 2: Judicial independence, impartiality, corruption, ethical standards, disciplinary and criminal liability of judges

Moderator: Pavlo Pushkar, associate professor of the Law Faculty of Kyiv Taras Shevchenko National University

13.50 – 14.30 Ensuring judicial independence and impartiality, application of the ethical standards for the judges,

counteracting corruption, dealing with disciplinary and criminal liability of judges
Oleksandr Volkov, judge of the Supreme Court of Ukraine

- 14.30 – 15.15 European Charter on the Law for the Statute of Judges and the case-law of the European Court of Human Rights on the judicial careers
Joanna Marczalik, legal officer EULEX Kosovo
- 15.15 – 16.00 Judicial corruption and adjudication of corruption, including cases relating to confiscation of proceeds of corruption and on the use of special investigative measures and financial investigations
Przemyslaw Musialkowski, UNDP and EU expert
- 16.00 – 16.15 Discussion
- 16.15 – 16.30 *Coffee-break*
- 16.30 – 17.30 Protection of property rights under the European Convention on Human Rights and the case-law of the European Court of Human Rights
Dragoljub Popovic, former judge of the European Court of Human Rights, professor of Belgrad University Faculty of Law
- 17.30 – 18.00 Projection of a documentary film on a case based on the European Convention on Human Rights
- 18.00 – 18.30 Film discussion

Facilitators:

Anatoliy Miroshnychenko, member of the Higher Council of Justice of Ukraine
Costas Paraskeva, lecturer in Public Law, advocate
Dragoljub Popovic, former judge of the European Court of Human Rights, professor of Belgrad University Faculty of Law
Joanna Marczalik, legal officer EULEX Kosovo
John Smith, barrister
Oleksandr Volkov, judge of the Supreme Court of Ukraine
Pavlo Pushkar, associate professor of the Law Faculty of Kyiv Taras Shevchenko National University
Przemyslaw Musialkowski, UNDP and EU expert

- 18.30 – 18.45 Closure of day one, evaluation of day one by the participants, discussion with trainers and facilitators
- 19:00 *Dinner*

SEMINAR FOR JUDGES-DEVELOPERS OF EDUCATIONAL COURSES

Day two, Friday, 28 August

- 09.30 – 09.45 Opening of the day and reconnecting day one to day two
Pavlo Pushkar, associate professor of the Law Faculty of Kyiv Taras Shevchenko National University
John Smith, barrister

Session 3: Jurisdictional issues under the European Convention on Human Rights – cases concerning Georgia and Moldova

Moderator: **Anatoliy Miroshnychenko, member of the Higher Council of Justice of Ukraine**

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| 09.45 – 10.45 | Jurisdiction and the admissibility requirements in the practice of the European Court of Human Rights
Costas Paraskeva, lecturer in Public Law, advocate |
| 10.45 – 11.45 | Cases concerning Georgia, Moldova and Cyprus before the European Court of Human Rights: jurisdictional issues
Leto Cariolou, LL.B, LL.M, MA, Barrister |
| 11.45 – 12.15 | <i>Coffee-break</i> |
| 12.15 – 13.15 | Video of the case-proceedings before the European Court of Human Rights (discussion of the procedure, its implications on the content and submissions by the parties, structure and content of the oral submissions)
National and international experts and facilitators |
| 13.15 – 13.30 | Discussion of the video
National and international experts and facilitators |
| 13.30 – 14.30 | <i>Lunch</i> |

Session 4: Study case on the European Convention on Human Rights (right to a fair trial and right to peaceful enjoyment of possessions)

Moderator: **Anatoliy Miroshnychenko, member of the Higher Council of Justice of Ukraine**

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| 14.30 – 16.30 | Division of the participants into groups, with involvement of the facilitators, individual work with the case, assessment of the case's facts, complaints and legal analysis of a case, preparation of the solutions for the case to be given by the European Court of Human Rights |
| 16.30 – 17.00 | <i>Coffee-break</i> |
| 17.00 – 17.30 | Presentation of the cases by groups, discussions of the case solutions with the experts and facilitators. Case debriefing by the experts and facilitators, conclusions from the case |
| 17.30 – 18.00 | Debriefing of the day by the experts and facilitators |
| 18.00 | <i>Dinner</i> |

SEMINAR FOR JUDGES-DEVELOPERS OF EDUCATIONAL COURSES

Day three, Saturday, 29 August

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| 09.00 – 09.15 | Opening of the day and reconnecting day two to day three
Nazar Kulchytskyy, expert of the “Safeguarding Human Rights through Courts” Project
Iryna Kushnir, expert of the “Safeguarding Human Rights through Courts” Project |
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Session 5: The status of refugees, those undergoing extradition and deportation as well as internally displaced persons under the European Convention on Human Rights and the case-law of the European Court of Human Rights

Moderators: **Nazar Kulchytskyy, expert of the “Safeguarding Human Rights through Courts” Project**
Iryna Kushnir, expert of the “Safeguarding Human Rights through Courts” Project

09.15 – 10.15	The status of refugees and internally displaced persons under the European Convention on Human Rights and the case-law of the European Court of Human Rights John Smith, barrister
10.15 – 10.30	<i>Coffee-break</i>
10.30 – 11.30	Status of persons undergoing extradition and deportation under the European Convention of Human Rights and the case-law of the Court Leto Cariolou, LL.B, LL.M, MA, Barrister
11.30 – 12.15	Discussion. Q&A.
12.15 – 13.00	Closure of the seminar and award of the certificates
13.00	<i>Lunch</i>
18:00	<i>Dinner</i>