



INTERNATIONAL CONFERENCE

HUMAN RIGHTS PROTECTION IN SITUATION OF FORCED DISPLACEMENT: EUROPEAN STANDARDS AND CONSTITUTIONAL JURISPRUDENCE

Organized by Constitutional Court of Ukraine and Council of Europe Project
«Internal Displacement in Ukraine: Building Solutions»

December 3, 2018

Kyiv, Ukraine, Hilton hotel
Taras Shevchenko Boulevard, 30

DRAFT AGENDA

Monday, 3 December	
09:00 – 09:30	Registration of participants. Welcoming coffee.
09:30 – 09:50	Official opening <i>Stanislav Shevchuk</i> , President, Constitutional Court of Ukraine, Doctor of Science (Law), Professor <i>Lilja Gretarsdottir</i> , Deputy Head of Division, Independent Human Rights Bodies Division, DGI, Council of Europe, Strasbourg <i>Mårten Ehnberg</i> , Head of the Council of Europe Office in Ukraine
09:50 – 11:30	Session 1. European Standards of Human Rights Protection of Internally Displaced Persons (IDPs) and other Conflict Effected Population Moderator: <i>Lilja Gretarsdottir</i> , Deputy Head of Division, Independent Human Rights Bodies Division
09:50 – 10:20	Protection of Internally Displaced Persons under the European Convention of Human Rights and other Council of Europe Standards: Presentation of a Handbook <i>Dr. Costas Paraskeva</i> , Assisting Professor, Public Law Department, University of Cyprus, Member of CPT Questions and Answers

10:20 – 11:00	<p>Applying the European Convention of Human Rights in Contested Territories and Exceptional Situations</p> <p><i>Dr. Marko Milanovic</i>, Professor of Public International Law, University of Nottingham</p> <p>Questions and Answers</p>
11:00 – 11:30	<p>Human Rights in the Situation of Forced Displacement: Main Challenges and Responses in the Balkans</p> <p><i>Mario Nenadic</i>, Minister of Justice and Administration of Canton Sarajevo, Bosnia and Herzegovina</p> <p>Comments from <i>Nermina Džepar-Ganibegović</i>, Ministry for Human Rights and Refugees, Bosnia and Herzegovina</p> <p>Questions and Answers</p>
11:30 – 12:00	Coffee break
12:00 – 14:30	<p>Session 2. National Human Rights Protection in Situation of Forced Displacement and Constitutional Jurisprudence</p> <p>Moderator: <i>Ganna Khrystova</i>, Senior Project Officer, the Council of Europe Project “Internal Displacement in Ukraine: Building Solutions”, Council of Europe Office in Ukraine, PhD (Law)</p>
12:00 – 12:30	<p>Conflict and Internal Displacement Related Issues in Constitutional Jurisprudence: Balkan Experience</p> <p><i>Desanka Lopicic</i>, Judge, Constitutional Court of Montenegro, Former President of Constitutional Court of Montenegro</p> <p>Questions and Answers</p>
12:30 – 13:00	<p>Human Rights Protection of Conflict Effected People through Constitutional Complaint Mechanism</p> <p><i>Mato Arlovic</i>, Judge, Constitutional Court of Croatia</p> <p>Questions and Answers</p>
13:00 – 13:20	<p>Prospects of Application of European Standards on Internal Displacement in Ukrainian Constitutional Justice in the view of Constitutional Complaint</p> <p><i>Mykhailo Hultai</i>, Judge, Constitutional Court of Ukraine, Doctor of Science (Law)</p> <p>Questions and Answers</p>

13:20 – 13:40	Housing and Property Rights of IDPs: Council of Europe Standards and National Legal Framework <i>Oleg Pervomayskyi</i> , Judge, Constitutional Court of Ukraine, PhD (Law) Questions and Answers
13:40 – 14:00	State Obligations on Human Right Protection of IDPs: National Challenges and the Council of Europe Recommendations <i>Ganna Khrystova</i> , Senior Project Officer, Council of Europe Office in Ukraine Questions and Answers
14:00 – 14:30	<i>General Discussion</i> Closing Remarks and Determination the Ways of Further Cooperation with the Council of Europe Project on Human Rights Protection in Situation of Internal displacement in Ukraine <i>Stanislav Shevchuk</i> , President, Constitutional Court of Ukraine <i>Milica Vesovic</i> , Project Manager, Council of Europe Project “Internal Displacement in Ukraine: Building Solutions”, DGI, Council of Europe, Strasbourg
14:30	Lunch and Informal Communication

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Concept paper

Ukraine is facing an extremely large-scale internal displacement following the illegal annexation of Crimea and on-going armed conflict. Over 1,600,000 people from Crimea and Donbass have been registered as internally displaced persons (IDPs). As part of the primary responsibility of the State to protect and assist IDPs, the Ukrainian authorities have to take comprehensive actions in compliance with the Council of Europe standards, i.e. enacting laws, introducing and streamlining administrative procedures, and developing effective coordination and response mechanisms.

However, Ukraine's legislation and administrative practices do not entirely comply with the international standards for human rights protection of conflict affected population, which is publicly noted by the international human rights organizations and their representatives. At the same time, Ukraine is gradually developing its national jurisprudence for protection of the rights of IDPs and other victims of conflict that is based on the legally binding standards of the Council of Europe and well-established case law of the European Court of Human Rights. On September 4, 2018, the Grand Chamber of the Supreme Court rejected the Pension Fund's appeal and sustained the Supreme Court's decision of May 3, 2018, in a model case on pensions for the displaced persons. However, where the rights of IDPs and other conflict affected people are violated through the laws, the only national remedy is the recently introduced constitutional complaint mechanism. The Constitutional Court of Ukraine also administers constitutional justice (abstract constitutional control) in other categories of cases where it may have to deal with legal issues related to the armed conflict, Joint Forces Operation, and the loss of government control over a part of the country's territory. As the Court hears such cases and interprets the Ukrainian Constitution, it should take into account obligations of the State to secure human rights of conflict affected people within its jurisdiction.

The participants will hear a presentation of a Handbook "Protecting IDPs under the European Convention on Human Rights and Other Council of Europe Standards"; they will discuss well-established case law of the Court on forced displacement related matters, ECtHR judgments and decisions concerning Ukraine, the Parliamentary Assembly of the Council of Europe resolutions on human rights protection and humanitarian consequences of armed conflict in Ukraine, national jurisdiction and extraterritorial application of international human rights treaties, positive obligations of the State in the situation of conflict and internal displacement, and relevant constitutional jurisdiction experience of other European countries.

Participants: judges and staff members of the Constitutional Court of Ukraine, judges of constitutional courts and state officials from Balkan states, the Council of Europe representatives, and international experts.

The Council of Europe Project «Internal Displacement in Ukraine: Building Solutions»» supports the international experts' contribution, provides handouts, welcoming coffee, and a buffet reception following the event.