



Ministry of Justice of Ukraine



Ministry of Education and Science of Ukraine
Taras Shevchenko National University of Kyiv
Faculty of Law



Ukrainian
Catholic
University

ANNUAL INTER-UNIVERSITY SCHOOL ON TOPICAL ISSUES IN THEORY AND PRACTICE OF HUMAN RIGHTS LAW

“RIGHT TO LIBERTY AND SECURITY OF A PERSON IN INTERNATIONAL AND DOMESTIC LAW: MODERN SLAVERY AND PROHIBITION OF ARBITRARY DEPRIVATIONS OF LIBERTY”

10-14 July 2017 (Chernigiv region)

*within the framework of the OSCE Project Co-ordinator in Ukraine's "Safeguarding Human Rights through Courts" Project
implemented with the financial support of the Governments of Canada and Germany
in cooperation with Taras Shevchenko National University of Kyiv, Ukrainian Catholic University
and the Ministry of Justice of Ukraine*

DAY 1 – 09 July 2017 – SUNDAY

- 14.00 Arrival of the participants
- 16.00 – 18.00 Working meeting of the Faculty and organizers
(discussion of agenda, hand-outs, practical exercises, group division, assigning facilitators and moderators for group work, etc. with participation of the managers of the school, OSCE management team)
- 19.00 Dinner and informal communication

Day 2 – 10 July 2017 – MONDAY

Moderator: Olena Lungol, National Project Officer, Rule of Law and Human Rights Programme, OSCE Project Co-ordinator in Ukraine

09.30 – 09.45 **Opening of the School and introductory remarks**

- Ms. Natalia Stupnytska, National Rule of Law and Human Rights Programme Manager, OSCE Project Co-ordinator in Ukraine
- Mr. Gia Getsadze, Deputy Minister of Justice of Ukraine
- Ms. Olesia Otradnova, Deputy Dean, Taras Shevchenko National University of Kyiv
- Ms. Svitlana Khyliuk, Head of Master Programme on Human Rights, Ukrainian Catholic University

Moderator: Ms. Olesia Otradnova

09.45 – 10.15 Introduction to the topic of the School, activities in the course of the School, School programme

Speaker: Mr. Pavlo Pushkar

10.15 – 10.45 **Round table introduction of participants and the Faculty**

10.45 – 11.30 Presentation: **Presumption of favor of liberty and security of a person: why is personal liberty a fundamental human right?** (Reconnecting the school topic to previous years and putting in framework of subjects to be discussed)

Speaker: Mr. Pavlo Pushkar

11.30 – 11.45 *Coffee break*

11.45 – 12.15 Presentation: **Experience of Ukraine with the reform of the laws of procedure on pre-trial detention in context of modern criminal justice policies and in comparative perspective**

12.15 – 13.00 Interactive practical exercises / Discussion

Speaker / facilitator: Mr. Todd Foglesong

13.00 – 14.00	<i>Lunch</i>
14.00 – 14.30	Presentation: Right to liberty and security of a person from the point of view of international human rights standards and their incorporation into domestic legal system. Issues of conflict and post-conflict situations
14.30 – 15.00	Interactive practical exercises / Discussion Speaker / facilitator: Ms. Carmen Cheung
15.00 – 15.15	<i>Coffee break</i>
	<u>Moderator:</u> Mr. Pavlo Pushkar
15.15– 15.45	Presentation: Foreseeability as the Essential Quality of National Law as Regards Grounds for Detention
15.45 – 16.15	Interactive practical exercises / Discussion Speaker / facilitator: Mr. Dragoljub Popovic
16.15 – 16.45	Presentation: Civil remedies for breaches of the right to liberty and security of a person: perspectives of international and domestic law
16.45 – 17.15	Interactive practical exercises / Discussion Speaker / facilitator: Ms. Olesya Otradnova
17.15 – 17.45	Summary of the day and preparation for the next day – reflection from School participants
17.45 – 18.30	Debriefing of the day for the Faculty and briefing for next day, <u>students' groups mix</u>
18.30	<i>Welcome dinner and quiz</i>

Day 3 – 11 July 2017 – TUESDAY

Absolute Prohibition of Slavery

Moderator: Mr. Todd Foglesong

09.00 – 09.30	Reconnecting the previous days (impressions of participants)
09.30 – 10.00	Introductory lecture. Right to liberty and security of a person and its positive and negative dimensions in international law: a multidisciplinary approach Speaker: Mr. Pavlo Pushkar
10.00 – 10.30	Presentation: Standards enshrined in Article 4 of the Convention: comparison with the domestic legal framework on absolute prohibition of slavery
10.30 – 11.00	Interactive practical exercises / Discussion Speaker / facilitator: Ms. Svitlana Khyliuk
11.00 – 11.15	<i>Coffee break</i>

Moderator: Mr. Dragoljub Popovic

11.15 – 11.45 Presentation: **Case-law of the European Court of Human Rights on the Issues of the absolute prohibition of slavery (Rantsev v. Cyprus and Russian Federation)**

11.45 – 12.15 Interactive practical exercises / Discussion

Speaker / facilitator: Mr. Costas Paraskeva

12.15 – 12.45 Presentation: **Modern slavery and the approach taken by the International NGOs: experience of the Amnesty International**

12.45 – 13.15 Interactive practical exercises / Discussion

Speaker / facilitator: Ms. Oksana Pokalchuk

13.15 – 14.15 *Lunch*

Moderator: Mr. Costas Paraskeva

14.15 – 15.15 Briefing on the case-discussion (tasks, questions and answers). Splitting the participants in groups with various case scenarios. *Work in groups with facilitators, who would assist discussions, without helping with right answers*

15.15 – 16.15 Case-law discussion: presentation of cases and reflections from the Faculty members on the correct answers

NOTE: 5-6 questions to the case study are distributed among groups so that they prepare their reasoning each. Facilitators of each group (Faculty members) work with each group respectively assigned to them to lead and guide

16.15 – 16.30 *Coffee break*

16.30 – 17.00 Presentation: **Deprivation of liberty in cases of disturbances and disorderly behaviour: the role of the judge (comparative perspective)**

17.00 – 17.30 Interactive practical exercises / Discussion

Speaker / facilitator: Mr. Frank Orton

17.30 – 17.50 Summary of the day, evaluation of the day by the participants and the Faculty

NOTE: evaluation of Faculty's efforts in the form of knowledge-fix exercise: each student anonymously writes on a piece of paper one notion or concept from previous days he/she did not quite understand or has questions with. We collect the papers, mix them and then each student draws one, trying to explain the notion to his/her colleague with own words the way he/she understood it. This way we'll see what are the biggest gaps and we'll check if they got correctly what was delivered

17.50 – 18.15 *Debriefing of the day for the Faculty and briefing for next day, students' groups mix*

18.30 *Dinner and watching film on the issues of prohibition of slavery / trafficking in human beings*

Day 4 – 12 July 2017 – WEDNESDAY

Introducing the right to liberty and security of a person

Moderator: Mr. Frank Orton

09.30 – 09.45	Reconnecting the previous days <i>NOTE: impressions, input from the participants and the Faculty, we give one-minute floor to each student to state three new things he/she learned during previous days</i>
09.45 – 10.15	Presentation: Prohibition of slavery and right to liberty and security of a person in context of public international law
10.15 – 10.45	Interactive practical exercises / Discussion Speaker / facilitator: Ms. Olga Poyedynok
10.45 – 11.15	Presentation: Right to liberty and security of a person in context of international criminal law
11.15 – 11.45	Interactive practical exercises / Discussion Speaker / facilitator: Mr. Mykola Gnatovsky
11.45 – 12.00	<i>Coffee break</i>
12.00 – 13.00	Briefing and separation into groups Building legal framework to prohibit slavery/to ensure right to liberty and security of a person: working in groups with the aim of preparing a presentation in groups on the subjects above (part I) <i>Moderators working with specific groups of students</i>
13.00 – 14.00	<i>Lunch</i>
14.00 – 16:00	Building legal framework to prohibit slavery / to ensure right to liberty and security of a person: working in groups with the aim of preparing a presentation in groups on the subjects above (part II)
16.00 – 16.15	<i>Coffee break</i>
16.15 – 17.30	Presentations by the groups and evaluation of the presentations by the Faculty of the School
17.30 – 18.00	<i>Debriefing of the day for the Faculty and briefing for next day, <u>students' groups mix</u></i>
18.30	<i>Barbeque dinner</i>

Day 5 – 13 July 2017 – THURSDAY

The core concepts of the right to liberty and security of a person

Moderator: Mr. Anatoliy Miroshnychenko

09.00 – 09.30 Reconnecting previous days and introduction to the topic / introduction to the Moot Court exercise on day 6

NOTE: explanations as to the distributed handouts

09.30 – 10.00 Presentation: **The right to liberty and security of a person under Article 5 of the European Convention on Human Rights (ECHR): basic notions and meaning in the ECHR case-law**

10.00 – 10.30 Interactive practical exercises / Discussion

Speaker / facilitator: Mr. Hasan Bakirci

10.30 – 11.00 Presentation: **Key autonomous concepts under Article 5 of the ECHR and the case-law of the European Court of Human Rights on the right to liberty and security of a person in relation to detention of migrants**

11.00 – 11.30 Interactive practical exercises / Discussion

Speaker / facilitator: Mr. Costas Paraskeva

11.30 – 11.45 *Coffee break*

11.45 – 12.30 Presentation: **Presumption in favor of liberty and exceptions inherent to right to liberty and security of a person. Procedural guarantees inherent in Article 5 of the ECHR**

12.30 – 13.00 Interactive practical exercises / Discussion

Speaker / facilitator: Mr. Pavlo Pushkar

13.00 – 14.00 *Lunch*

Moderator: Mr. Hasan Bakirci

14.00 – 14.30 Presentation: **CPT Standards for detention of vulnerable groups of persons**

14.30 – 15.00 Interactive practical exercises / Discussion

Speaker / facilitator: Mr. Mykola Gnatovsky

15.00 – 15.20 Presentation: **The role of the domestic judge in safeguarding the right to liberty and security of the person**

15.20 – 15.40 Interactive practical exercises / Discussion

Speaker / facilitator: Mr. Anatoliy Miroshnychenko

15.40 – 16.20 Presentation: **The role of the Higher Council of Justice in the disciplinary proceedings concerning judges: is there liability for arbitrary or unlawful detentions?**

Speaker: Mr. Andriy Boyko

16.20 – 16.35 *Coffee break*

16.35 – 17.40	Discussion of cases and judgments concerning Ukraine (with special focus on conditions of detention cases and lawfulness / length of detention cases)
	Are international human rights norms truly influential on the decision to limit one's liberty?
17.40 – 18.10	Discussion and questions and answers as to the preparation of the moot court exercise
	Review of the day by the Faculty and by the participants
18.10 – 18.30	Debriefing of the day for the Faculty and briefing for next day, <u>students' groups mix</u>
18.30	<i>Dinner and watching film on the issues of prohibition of slavery / trafficking in human beings</i>

Day 6 – 14 July 2017 – FRIDAY

Moot Court

Moderators of the moot court exercise: Mr. Hasan Bakirci and Mr. Pavlo Pushkar

09.30 – 10.00	Reconnecting the day to the previous days and introduction to the topic / Q&A on the international Moot Court exercise and distributed handouts
10.00 – 11.00	Moot Court preparation exercise, part I
	<i>NOTE: working in groups, with coaches, divided into the Government and the applicants to prepare the submissions to the Court; third parties interventions and expert interventions</i>
11.00 – 11.15	<i>Coffee break</i>
11.15 – 12.15	Moot Court preparation exercise, part II
	<i>NOTE: working in groups, with coaches, divided into the Government and the applicants to prepare the submissions to the Court; third parties interventions and expert interventions</i>
12.15 – 12.30	Explanation of rules, order of submissions
12.30 – 13.30	<i>Lunch</i>
13.30 – 15.15	The Moot Court
15.15 – 15.30	<i>Coffee break</i>

15.30 – 17.30	Discussion of the Moot Court exercise by the Faculty and debriefing, selection and announcement of the best Moot Court submission and best presenters of the study case
17.30 – 17.40	Closing remarks by the Faculty and organizers of the School
17.40 – 18.00	Distribution of certificates and the Faculty reference letters
	<i>NOTE: certificates will be issued to all students of the School. The Faculty reference letters will be issued to three best students only, based on evaluation checklists that will have been filled in by every Faculty member</i>
18.00	<i>Farewell dinner</i>