**SUPREME COURT**

**ADMINISTRATIVE CASSATION COURT**

**A G E N D А**

**(draft)**

**VII International Scientific and Practical Conference**

**“Administrative Justice in Ukraine: Issues of Theory and Practice.**

**Judicial Protection of Political and Civil Rights and Freedoms   
in Pre-War, War and Post-War Periods”**

**4–5 July 2024**

**Conference venue:** city of Ostroh,

National University of Ostroh Academy

**Concept**

Civil and political human rights are the basis of modern democracy, and their protection is one of the main functions of a constitutional state governed by the rule  
of law. Among the specified rights and freedoms, along with electoral rights, the basic freedoms of expression, association, movement and free choice of residence, the right to peaceful assembly, to appeal to state authorities and local self-government bodies, and to information are of particular importance. During its operation,   
the Administrative Cassation Court within the Supreme Court has developed a large volume of case-law in cases on the protection of political rights of citizens in peacetime conditions.

After the beginning of the large-scale russian aggression against Ukraine   
in February 2022 and the introduction of martial law in Ukraine, the possibilities   
for the realization of certain political rights have changed. Article 64 of the Constitution of Ukraine, as well as Article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms, establish the possibility of limiting these rights   
in extraordinary situations, in particular, in conditions of martial law; such restrictions and at the same time guarantees of these rights are introduced by the Law of Ukraine "On the Legal Regime of Martial Law". Taking into account these justified restrictions and at the same time preventing excessive violation of the specified rights becomes   
an important task for the courts, which forces us to revise the case-law taking   
into account the peculiarities of the martial law.

The end of the war and the social processes of the post-war reconstruction   
of Ukraine, as far as they can be predicted today, the expected accession of Ukraine   
to the European Union will also be characterized by their own peculiarities,   
in particular, in terms of realizing the political rights of citizens.

The topic of this Conference is determined by the mentioned issues.

**Objectives of the event**

Exchange of experience regarding the issues (in the aspect) of:

consideration of cases on political and civil rights and freedoms protection   
in conditions of a special legal regime by administrative courts (according to   
the thematic areas of the Conference);

the peculiarities of consideration of cases on freedom of association, right to peaceful assembly in conditions of a special legal regime;

transitional justice in post-conflict countries in relation to the protection   
and restriction of political and civil rights, the prospects for the application   
of the adopted approaches by administrative courts in the post-war period;

applying the case-law of the European Court of Human Rights, the Court of Justice of the European Union regarding the protection of political and civil rights, in particular in conditions of a special legal regime.

**AGENDA**

**Day 1 (4 July 2024)**

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| **9.30–10.00** | **Registration of participants. Welcoming coffee** |
| **Opening remarks**  ***Moderator:******Zhanna Melnyk-Tomenko,*** *judge of the Supreme Court in the Administrative Cassation Court, Secretary of the Judicial Chamber on Cases on Election Process and Referendum, as well as the Protection of Political Rights of Citizens, PhD in Law* | |
| **10:00 – 10:30** | ***Stanislav Kravchenko****,*President of the Supreme Court, PhD in Law  ***Mykhailo Smokovych***, President of the Administrative Cassation Court within the Supreme Court, LL.D.  Representative of the National University of Ostroh Academy  Representatives of the Conference co-organizers |
| **Session 1**  **Access to public information and the right to appeal to public authorities,  local self-government bodies, their officials and employees**  ***Moderator****:* **Tetiana Oleksiiuk,***Vice-President of the Access Info Group, PhD in Law*  ***Topics for discussion:***  the right to appeal and access to public information;  access to official documents;  access to information through open data;  liability for violation of information rights of individuals | |
| **10:30–12:15** | *Speakers:*  ***Myroslava Bilak***, judge ofthe Supreme Court in the Administrative Cassation Court, LL.D.  ***Toby Mendel***,Executive Director of the Centre for Law and Democracy (Canada)  ***Helena Jäderblom***, President of the Access Info Group, President of the Supreme Administrative Court of Sweden  ***Yuliia Derkachenko,*** representative of the Ukrainian Parliament Commissioner for Human Rights on information rights, PhD in Law  ***Lars Brocker***, President of the Constitutional Court and President of the Higher Administrative Court of Rhineland-Palatinate (Germany), LL.D.  ***Pavlo Pushkar,*** Head of the Department for the Execution of Judgments of the European Court of Human Rights of the Directorate General of Human Rights and Rule of Law of the Council of Europe, member of the Scientific Advisory Board at the Supreme Court, PhD in Law |
| **12:15 –13:00** | **Lunch** |
| **Session 2**  **Protection and restriction of freedom of association in political parties and civil organizations; implementation of the right to peaceful public assemblies**  ***Moderator****:* **Myroslava Bilak**, *judge of the Supreme Court in the Administrative Cassation Court, LL.D.*  ***Topics for discussion:***  the right to form political parties and public organizations in the context of Ukraine's European integration;  limits of state control over political parties;  prohibition of political parties; conditions for registration and cancellation of registration of political parties;  the right to peaceful public assembly, its limitations in prewar and war time | |
| **13:00–14:45** | *Speakers:*  ***Volodymyr Venher,*** dean of the Faculty of Legal Sciences of the National University of Kyiv-Mohyla Academy, associate professor  of the Department of General Theoretical Jurisprudence and Public Law,  PhD in Law (*TBC*)  ***Anatolii Romaniuk,*** professor of the Department of Political Science  at the Ivan Franko National University of Lviv, Head of the Centre  for Political Studies at the Ivan Franko National University of Lviv, LL.D. (*TBC*)  ***Marcin Walecki***, Senior Resident Country Director for the National Democratic Institute in Ukraine, LL.D. (*TBC*)  Representative of the Ministry of Justice of Ukraine  Representative of the Central Election Commission  ***Martin Steinkühler***, judge of the Federal Administrative Court of the Federal Republic of Germany (*TBC*)  ***Andrii Zahorodniuk,*** judge of the Supreme Court in the Administrative Cassation Court, PhD in Law |
| **14:45–15:15** | **Break** |
| **Session 3**  **Institution of citizenship and freedom of movement and free choice of residence place**  ***Moderator:* Andrii Zhuk,***judge of the Supreme Court in the Administrative Cassation Court, PhD in Law*  ***Topics for discussion:***  the principle of single citizenship;  multiple citizenship;  acquisition and loss of Ukrainian citizenship;  the consequences for a citizen of Ukraine acquiring the citizenship of another state,  in particular the aggressor state;  restriction and protection of the right to freely choose a place of residence during wartime;  legal status of internally displaced persons;  the right to leave Ukraine during wartime | |
| **15:15–17:00** | *Speakers:*  ***Yurii Kliuchkovskyi,*** associate professor of the Department of General Theoretical Jurisprudence and Public Law of the National University  of Kyiv-Mohyla Academy, member of the Scientific Advisory Board  at the Supreme Court, LL.D.  Representative of the Ukrainian Parliament Commissioner for Human Rights  Representative of the Office of the United Nations High Commissioner for Refugees in Ukraine  Representative of the International Organization for Migration  Representative of the State Migration Service  Representative of the State Border Guard Service of Ukraine  ***Petro Stetsiuk,*** scientific consultant on legal issues of the Razumkov Centre, retired judge of the Constitutional Court of Ukraine, LL.D.  ***Vasyl Lemak***, judge of the Constitutional Court of Ukraine, professor, corresponding member of the National Academy of Legal Sciences  of Ukraine, LL.D.  ***Virgilijus Valančius,*** judge of the Court of Justice of the European Union, LL.D.  ***Krzysztof Winiarski***, judge of the Supreme Administrative Court of Poland, PhD in Law  Representative of the Ukrainian Bar Association |
| **17:00–18:00** | ***Excursion in the National University of Ostroh Academy***  *(optional)* |
| **18:00–20:00** | **Reception** |

**Day 2 (5 July 2024)**

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| **Session 4**  **Prerequisites and challenges during the organization and conduct of elections in the post-war period**  ***Moderator****:* **Olena Hubska,** judge of the Supreme Court in the Administrative Cassation Court, LL.D.    ***Topics for discussion:***  the future of Ukrainian electoral system in the post-war period;  administration of the election process in post-war Ukraine;  improvement of electoral legislation within the European integration process;  state guarantees and public control over compliance with the electoral rights of citizens | |
| **10:00–11:15** | *Speakers:*  ***Mykhailo Smokovych***, judge of the Supreme Court, President of the Administrative Cassation Court within the Supreme Court, LL.D.  ***Serhii Kalchenko,*** member of Ukrainian Parliament, PhD in Law  ***Alina Zahoruiko***, member of Ukrainian Parliament  ***Viktoriia Hlushchenko,*** member of the Central Election Commission  ***Bohdan Mokhonchuk,*** senior lecturer of the Department of Constitutional Law of Ukraine at the Yaroslav Mudryi National Law University,  PhD in Law  Representative of the Sixth Administrative Court of Appeal |
| **11:15 –11:45** | **Coffee break** |
| **11:45–12:45** | **Continuation of the session 4** |
|  | *Speakers:*  ***Denys Kovryzhenko***, representatives of the International Foundation  for Electoral Systems (IFES)  ***Pavlo Romaniuk,*** legal advisor of the All-Ukrainian public organization "Civil Network "OPORA", associate professor of the Department  of Constitutional Law of Ukraine at the Yaroslav Mudryi National Law University, PhD in Law  ***Аllа Basalaievа,*** Head of the State Audit Service of Ukraine, former member of the Central Election Commission, PhD in Law  ***Wojciech Mazur,*** judge of the Supreme Administrative Court of Poland |
| **12:45–13:00** | **Summing up**  Closing the conference |
| **13:00–13:30** | **Coffee break** |
| **13:30–15:00** | **City tour (sightseeing places)** *(optional)* |