

DEUTSCHE STIFTUNG FÜR
INTERNATIONALE RECHTLICHE
ZUSAMMENARBEIT E.V.



Gefördert durch:



Bundesministerium
der Justiz und
für Verbraucherschutz

aufgrund eines Beschlusses
des Deutschen Bundestages



PROGRAMME

IV INTERNATIONAL SCIENTIFIC AND PRACTICAL CONFERENCE
«ADMINISTRATIVE JUSTICE IN UKRAINE:
THEORY AND PRACTICE»

PROTECTION OF ELECTORAL RIGHTS BY ADMINISTRATIVE COURTS IN UKRAINE

(Kyiv, July 1-2, 2021)

Thursday, July 1

09.45 – 10.00

Joining the online event and testing the connection



10.00 – 10.40

Opening and welcome speeches



Moderator: Olena Kalashnikova, Judge, Secretary of the Judicial Chamber on Cases on Electoral Process, Referendum, and the Protection of Citizens' Political Rights, the Administrative Cassation Court within the Supreme Court, PhD in Law

Valentyna Danishevskya, President of the Supreme Court

Mykhailo Smokovych, Judge, President of the Administrative Cassation Court, Doctor of Law

Steen Nørlov, Head of the Council of Europe Office in Ukraine

Oleksandr Vodyannikov, National Legal Adviser at OSCE Project Coordinator in Ukraine, LL.M., PhD in Law

Dr Stefan Hülshörster, Director of the German Foundation for International Legal Cooperation

Oleksandr Petryshyn, President of the National Academy of Legal Sciences of Ukraine, Doctor of Law, Professor, Academician of the National Academy of Legal Sciences of Ukraine

10.45 – 12.45

**Time limit:
up to 15 minutes**

Session 1

Elections as a form of democracy: the substantive and legal aspect



Moderator: Olena Kalashnikova, Judge, Secretary of the Judicial Chamber on Cases on Electoral Process, Referendum, and the Protection of Citizens' Political Rights, the Administrative Cassation Court within the Supreme Court, PhD in Law

Stability of electoral legislation as a prerequisite for the implementation of human rights and freedoms

Mykhailo Smokovych, Judge, President of the Administrative Cassation Court, Doctor of Law

European experience and practice of the European Court of Human Rights in resolving electoral disputes

Edith Zeller, President of Association of European Administrative Judges (AEAJ), Judge at the Administrative Court of Vienna (Austria)

Election Code: Shine and Poverty of Codification

Yuri Klyuchkovsky, Associate Professor, Department of General Theoretical Law and Public Law, National University of Kyiv-Mohyla Academy, Member of the Scientific Advisory Board at the Supreme Court, Doctor of Law

Consideration of European standards in the issues concerning resolution of electoral disputes

Serhii Kalchenko, Chairman of the Verkhovna Rada of Ukraine Committee on Rules of Procedure, Parliamentary Ethics and Administration of Verkhovna Rada's Work, PhD in Law

Case-law of the European Court of Human Rights on issues related to political parties' formation, activities and restrictions on political parties' activities in election and intra-election period

Dmytro Tretyakov, lawyer at the Registry of the European Court of Human Rights

Case-law of the European Court of Human Rights on freedom of expression in light of electoral process

Iryna Kushnir, manager of the CoE Project "Support for judicial institutions and processes to strengthen access to justice in Ukraine", PhD in Law

Democracy Concept under ECHR Jurisprudence: Gender Dimension

Oleksandr Vodyannikov, National Legal Adviser at OSCE Project Coordinator in Ukraine, LLM, PhD in Law

Discussion

12.45 – 13.30

Break



13.30 – 15.30

**Time limit:
up to 15 minutes**

Section 2

Judicial protection of fundamental electoral rights of citizens



Moderator: Volodymyr Sokolov, Judge of the Supreme Court in the Administrative Cassation Court, PhD in Law

Challenges of stabilization and unification of judicial practice in electoral disputes

Olena Kalashnikova, Judge, Secretary of the Judicial Chamber on Cases on Electoral Process, Referendum, and the Protection of Citizens' Political Rights, the Administrative Cassation Court within the Supreme Court, PhD in Law

Challenges in the field of electoral law in Lithuania

Gintaras Kryževičius, President of the Supreme Administrative Court of Lithuania

Judicial protection of the right to vote and of passive suffrage in Germany

Dr. Lars Brocker, President of the Constitutional Court and President of the Higher Administrative Court of Rhineland-Palatinate (Germany), Dr. in Law, Lecturer at the University of Mainz

National court practice in the field of electoral law in the Republic of Moldova

Marina Rusu, judge, the District Court of Cahul, Taraclia office (Republic of Moldova)

Protection of subjective passive electoral right: solutions call

Alla Basalaeva, Lecturer at the Department of Constitutional and Administrative Law, Faculty of Law, National Aviation University, Member of the Central Election Commission (2018-2019)

The role of the Central Election Commission in determining the results of local elections

Olena Hubska, Judge of the Supreme Court in the Administrative of Cassation Court, Doctor of Law

Disputes regarding determination of results of mid-term elections of People's Deputies of Ukraine

Oleh Zaverukha, President of the Eighth Administrative Court of Appeal, PhD in Law

Discussion

15.30 – 15.45

Break



15.45 – 17.30

Session 2
(continuation)

Judicial protection of fundamental electoral rights of citizens



Time limit:
up to 15 minutes

Moderator: Olena Hubska, Judge of the Supreme Court in the Administrative of Cassation Court, Doctor of Law

Legal opinions expressed by the Grand Chamber of the Supreme Court regarding election disputes

Vsevolod Knyazev, Judge, Secretary of the Grand Chamber of the Supreme Court, PhD in Law

Application of Fair procedure doctrine in the election process

Myroslava Bilak, Judge of the Supreme Court in the Administrative Cassation Court, Doctor of Law

Impact of Constitutional Adjudication upon Electoral Legislation: Case of Georgia

Prof. George Papuashvili, Former President of the Constitutional Court of Georgia, Former Minister of Justice of Georgia, expert and former Member of the European Commission for Democracy through Law (Venice Commission)

Direct application of the Constitution norms by courts when adjudicating electoral cases

Andrii Rybachuk, Judge, Secretary of the Judicial Chamber on Cases on Protection of Social Rights, the Administrative Cassation Court within the Supreme Court

Enhancing voting rights: electronic voting and countering disinformation

Eugene Czolij, Lawyer, NGO "Ukraine-2050" President, Ukrainian World Congress President (2008-2018)

Judicial protection of electoral process participants as safeguard of their constitutional rights observation

Oleg Prudyvus, Member of High Council of Justice, Judge of the Zaporizhzhia District Administrative Court, PhD in Law

Discussion

09.45 – 10.00

Joining the online event and testing the connection



10.00 – 12:30

Time limit:
up to 15 minutes

Session 3

Peculiarities of proceedings related to the election process



Moderator: Myroslava Bilak, Judge of the Supreme Court in the Administrative Cassation Court, Doctor of Law

Directions for Improvement of Election Code Based on Lessons Learned From 2020 Local Elections

Denys Kovryzhenko, Senior legal consultant, International Foundation for Electoral Systems (IFES)

Implementation of sources of law by the court of first instance during local elections

Vasyl Ilkov, Judge of the Dnipropetrovsk District Administrative Court, Doctor of Law

Review of case-law on resolving disputes regarding compliance with the gender quota during the 2020 local elections

Pavlo Romanyuk, Associate Professor, Department of Constitutional Law of Ukraine, Yaroslav Mudryi National Law University, national consultant of the Council of Europe

Oleksandra Holub, PhD researcher at V.M. Koretsky Institute of State and Law of the National Academy of Sciences of Ukraine, national consultant of the Council of Europe

Challenges of unity of judicial practice in certain categories of administrative proceedings concerning the local elections of 2020

Olga Kotsyuruba, Senior Legal Adviser of the Civil Network OPORA

Combating the abuse of administrative resources in elections: challenges and prospects

Volodymyr Venger, Executive Director of the Center for Research on the Rule of Law and its Implementation in Ukraine, PhD in Law

Election campaigning: "Cannot conceal identification"

Bohdan Mokhonchuk, senior lecturer at the Department of Constitutional Law of Ukraine, Yaroslav Mudryi National Law University, PhD in Law

Challenges in determining the jurisdiction of the administrative court concerning public law disputes related to the election process

Natalia Hliborob, Assistant, Department of Administrative and Financial Law, Faculty of Law, Ivan Franko National University of Lviv, Member of the Scientific Advisory Board at the Supreme Court, Expert of the NGO "Lviv Business Region Circles", PhD in Law

Discussion

12.30 – 13.00

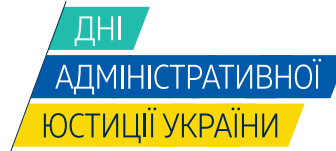
Wrap Up

Closing of the conference





Верховний
Суд



NATIONAL AND INTERNATIONAL PARTNERS OF THE EVENT



Taras Shevchenko National University
of Kyiv



National University of
Ostroh Academy



National Academy of Legal
Sciences of Ukraine



Council of Europe Project «Supporting the
transparency, inclusiveness and integrity of
electoral practice in Ukraine»



Council of Europe Project «Supporting constitutional and legal
reforms, constitutional justice and assisting the Verkhovna
Rada in conducting reforms aimed at enhancing its efficiency»



OSCE Project Coordinator
in Ukraine

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