



DEUTSCHE STIFTUNG FÜR  
INTERNATIONALE RECHTLICHE  
ZUSAMMENARBEIT E.V.



Gefördert durch:  
Bundesministerium  
der Justiz und  
für Verbraucherschutz  
aufgrund eines Beschlusses  
des Deutschen Bundestages



## PROGRAMME

### III International Scientific Practical Conference

# «Social Rights and Their Protection by Administrative Court»

September 4, 2020  
Online

09.45 – 10.00 Joining the online event and testing connection

## Opening. Welcoming speeches

10.00 – 10.45

Moderator: **Andrii Rybachuk**, judge, Secretary of the Judicial Chamber on Cases on Protection of Social Rights of the Administrative Cassation Court within the Supreme Court

**Valentyna Danishevskya**, President of the Supreme Court

**Mykhailo Smokovych**, judge, President of the Administrative Cassation Court within the Supreme Court, Doctor of Law

**Mykola Onishchuk**, Rector of the National School of Judges of Ukraine, Doctor of Law

**Liudmyla Denisova**, Ukrainian Parliament Commissioner for Human Rights

**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

**Olena Lytvynenko**, Acting Head of the Council of Europe Office in Ukraine

**Dovydas Vitkauskas**, Team Leader of EU-Project "Pravo-Justice"

**Dr. Stefan Hülshörster**, Director of the German Foundation for International Legal Cooperation (IRZ)

**Nataliia Stupnytska**, National Programme Manager, Rule of Law and Human Rights Programme of OSCE Project Co-ordinator in Ukraine

## 1. Thematic Area

### Social Rights and State-Legal Mechanisms of their Protection

10.45 – 12.30

Moderator: **Semen Stetsenko**, judge of the Supreme Court in the Administrative Cassation Court, Doctor of Law, Professor, corresponding member of the National Academy of Legal Sciences of Ukraine

*Timing – up to 10 minutes*

#### **Social Rights, Social Commitments, Social Responsibility as Determinant Dimensions of National Legal Systems**

**Nataliia Onishchenko**, Head of the Department of State and Law Theory, V. M. Koretsky Institute of State and Law of the National Academy of Sciences of Ukraine; member of the Scientific Advisory Board of the Supreme Court; Doctor of Law, Professor; academician of the National Academy of Legal Sciences of Ukraine

### **Social Rights: Concepts of Their Justiciability - Developments**

**Edith Zeller**, President of the Association of European Administrative Judges, judge of the Administrative Court of Vienna (Austria)

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### **Legal Line of Argument of Administrative Courts' Judgments and Construction of Social Rights**

**Mykhailo Savchyn**, Director of the Research Institute of Comparative Public Law and International Law, Uzhhorod National University, Doctor of Law, Professor

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### **Activity of Bodies of the Pension Fund of Ukraine on the Implementation of State Guarantees as for the Execution of Judgments as a Component of Distribution of Social Benefit**

**Yevhenii Kapinus**, Head of the Pension Fund Board of Ukraine, PhD in State Management

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### **Virtues of Public Officials and Human Dimension of Law as the Determinant for the Growth of Rights Exponent in the Spheres of Education, Medicine and Pension Support**

**Tetiana Kolomoiets**, Dean of Law Faculty of Zaporizhzhia National University; Doctor of Law, Professor; corresponding member of the National Academy of Legal Sciences of Ukraine

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### **Protection of Social Rights by the European Court of Human Rights: Algorithm of Consideration and Contemporary Trends**

**Tetiana Fulei**, Head of the Division for Scientific Study of Judiciary Issues and Scientific-Methodological Support of Judicial Education, National School of Judges of Ukraine, PhD in Law

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### **Execution of Judgments of the Constitutional Court of Ukraine on the Unconstitutionality of Legal Acts or their Provisions**

**Dmytro Terletskyi**, Head of the Department of Constitutional Law, National University «Odesa Law Academy»; Head of the Committee of Constitutional Justice and Human Rights of the Council of Advocates in Odesa Oblast; Deputy Head of the Committee on the Rule of Law of the National Association of Advocates of Ukraine; member of the Scientific Advisory Board of the Supreme Court, PhD in Law, Docent

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### **Formation of Case Law on Judgments Review under Exceptional Circumstances in Social Disputes**

**Albert Yezerov**, judge of the Supreme Court in the Administrative Cassation Court, PhD in Law, Docent

*Discussion*

12.30 – 13.00      Break

13.00 – 15.00

## 2. Thematic Area

### Contemporary Situation and Perspectives of the Development of Administrative Judicial Procedure Regarding Social Rights Protection

Moderator: **Natalia Kovalenko**, judge of the Supreme Court in the Administrative Cassation Court, Doctor of Law, Professor

*Timing – up to 10 minutes*

#### **Social Jurisdiction in Germany as an Independent Public Jurisdiction and What It Means for the Protection of Social Rights**

**Dr. Miriam Meßling**, judge of the Federal Social Court (Germany)

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#### **Role of the Supreme Court in the Evolution of Social Function of State (on the Example of Contemporary Approaches to the Solution of Pension Cases in the SC Grand Chamber)**

**Tetiana Antsupova**, judge of the SC Grand Chamber, Doctor of Law, Professor

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#### **The European Social Charter as an International Instrument for Protection of Social Rights in Administrative Justice: Best Practices, Challenges and Opportunities**

**Monika Smusz-Kulesza**, Council of Europe international consultant, judge of District Court of Łódź-Śródmieście (Poland), PhD in Law, Lecturer at the University of Łódź, Faculty of Law and Administration (Poland)

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#### **The Principle of Equal Opportunities and Equal Treatment of Men and Women in Matters of Employment and Occupation**

**Bartosz Wojciechowski**, judge of the Financial Chamber, Head of the European Law Unit of the Supreme Administrative Court in Poland, Director of the Center for the Theory and Philosophy of Human Rights, Doctor of Law, Professor of Law in the University of Łódź (Poland)

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#### **Status of an Underserved Individual and Relevant Proceedings in Administrative Courts of Latvia**

**Jautrite Briede**, judge of the Administrative Department, the Supreme Court of Latvia

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#### **Solution of Several Categories of Public-Legal Disputes in the Sphere of Military Servicemen's Rights Protection**

**Anton Monaienko**, Head of the Centre for Investigating Issues of Administrative Justice of Kyiv Regional Centre, the National Academy of Legal Sciences of Ukraine; member of the Scientific Advisory Board of the Supreme Court; Doctor of Law, Professor

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#### **European Standards of the Internally Displaced People Social Rights Protection. Main Challenges of the Revised European Social Charter Application in Ukrainian Courts**

**Alla Fedorova**, Council of Europe national consultant, Associate professor of the Comparative and European Law Department of the Institute of International Relations, Taras Shevchenko National University of Kyiv, PhD in Law

### **One-Time Allowance as a Component of Social Protection of Military Servicemen**

**Oleksandr Starodub**, judge of the Supreme Court in the Administrative Cassation Court

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### **Acts of Planning and Procedure of their Appealing in Administrative Courts: Social-Legal Dimension**

**Yaroslav Lazur**, Dean of the Law Faculty, Uzhhorod National University, Doctor of Law, Professor

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### **Issues of Determining Judicial Jurisdiction in Cases on Appealing Decisions of Local Government Authorities on Termination of Operation of Municipal Healthcare Institutions**

**Serhii Rabinovych**, Professor of the Department of Constitutional Law, Law Faculty, Ivan Franko National University of Lviv; member of the Scientific Advisory Board of the Supreme Court, Doctor of Law, Professor

*Discussion*

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15.00 – 15.15

Break

## **3. Thematic Area**

### **Procedural Means of Ensuring the Effectiveness of Justice in Social Disputes**

15.15 – 16.45

*Moderator:* **Volodymyr Kravchuk**, judge of the Supreme Court in the Administrative Cassation Court, President of the Civil Organization "Association for the Development of Judicial Self-Government of Ukraine", Doctor of Law, Professor

*Timing – up to 10 minutes*

### **Consideration of Pilot Cases on Pension Support for Ukrainian Citizens by the SC Grand Chamber**

**Vsevolod Kniaziev**, judge, Secretary of the SC Grand Chamber, PhD in Law, Docent

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### **Correlation of Discretion of Court and Public Authority in the Process of Individual's Social Rights Protection**

**Oleh Prudyvus**, member of the High Council of Justice, judge of Zaporizhzhia Circuit Administrative Court, PhD in Law, Docent

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### **Access to Justice, Lay Judges, Oral Hearings and the Role of Medicine Experts with regard to Disability Law**

**Eva Wendler**, judge of the Federal Administrative Court of Austria – branch office in Graz

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### **Temporal Frames of the Judicial Protection of Social Rights**

**Yan Bernaziuk**, judge of the Supreme Court in the Administrative Cassation Court, Doctor of Law, Docent

### **Proving in Administrative Judicial Procedure while Considering Social Disputes**

**Vasyl Ilkov**, judge of Dnipropetrovsk Circuit Administrative Court, Doctor of Law, Professor

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### **Separate Rulings of Administrative Court as Reaction to Offences**

**Nataliia Kovalenko**, judge of the Supreme Court in the Administrative Cassation Court, Doctor of Law, Professor

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### **Limits of Judicial Control of the Observance of Social-Economic Rights: Financial-Legal Aspect**

**Oleh Ilnytskyi**, Docent of the Department of Administrative and Financial Law, Law Faculty, Ivan Franko National University of Lviv; member of the Scientific Advisory Board of the Supreme Court; PhD in Law, Docent

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### **Judicial Control of Good Governance In Cases on Social Protection**

**Larysa Trofimova**, judge of Cherkasy Circuit Administrative Court, PhD in Law, Docent, senior scientist researcher

*Discussion*

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16.45 – 17.00

### **Wrap Up**

Closing of the Conference