



Верховний  
Суд



ПРАВО-JUSTICE



DEUTSCHE STIFTUNG FÜR  
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ZUSAMMENARBEIT E.V.



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der Justiz und  
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aufgrund eines Beschlusses  
des Deutschen Bundestages



# PROGRAMME

SIXTH INTERNATIONAL SCIENTIFIC AND PRACTICAL CONFERENCE  
"ADMINISTRATIVE JUSTICE IN UKRAINE:  
ISSUES OF THEORY AND PRACTICE"

# SOCIAL RIGHTS. WARTIME CHALLENGES

Kyiv, July 6, 2023

09:45 – 10:00

Connecting and testing Zoom

10:00 – 11:00

Opening. Welcome speeches

**Moderator: Andrii Rybachuk**, Judge of the Supreme Court, Secretary of the Judicial Chamber for the Protection of Social Rights of the Administrative Cassation Court within the Supreme Court, LL.D

**Stanislav Kravchenko**, President of the Supreme Court, PhD in Law

**Mykhailo Smokovych**, President of the Administrative Cassation Court within the Supreme Court, LL.D., Professor

**Olena Lytvynenko**, Head of the Council of Europe Office in Ukraine a. i.

**Oksana Tsymbriivska**, Country Manager of the EU Project «Pravo-Justice» in Ukraine

**Dr. Stefan Hülschörster**, Director of the German Foundation for International Legal Cooperation

**Volodymyr Zhuravel**, President of the National Academy of Legal Sciences of Ukraine, Academician of the National Academy of Legal Sciences of Ukraine, LL.D., Professor

**Oleksandr Skrypniuk**, Director of the V. M. Koretsky Institute of State and Law of the National Academy of Legal Sciences of Ukraine, Vice President of the National Academy of Legal Sciences of Ukraine, Academician of the National Academy of Legal Sciences of Ukraine, LL. D., Professor

11:00 – 13:00

Session 1 The welfare state: peaceful and military dimensions

*Time limit –up to 15 minutes*

**Moderator: Semen Stetsenko**, Judge of the Supreme Court (Administrative Cassation Court), Corresponding Member of the National Academy of Legal Sciences of Ukraine, LL.D., Professor

**The Welfare State: Peaceful and Military Dimensions**

**Dr. Edith Zeller**, Judge of the Administrative Court of Vienna (Austria), former President of the European Association of Administrative Judges, expert of the EU Project "PRAVO-Justice"

**The Welfare State and Social Rights as Values of Constitutionalism: Main Challenges and Directions of Transformation in the Context of War**

**Mykola Koziubra**, Professor of the Department of General Theoretical Jurisprudence and Public Law of the National University of Kyiv-Mohyla Academy, Corresponding Member of the National Academy of Legal Sciences of Ukraine, LL. D., Professor, retired judge of the Constitutional Court of Ukraine

### **The Difficulties of Being the Welfare State**

**Karel Šimka**, President of the Supreme Administrative Court of the Czech Republic, JUDr., PhDr., Ph.D., LL.M

### **Human Right to Peace: the Social Rights Context**

**Nataliia Onishchenko**, Deputy Director of V. M. Koretsky Institute of State and Law of the National Academy of Sciences of Ukraine, Academician of the National Academy of Legal Sciences of Ukraine, LL.D., Professor, Member of the Scientific Advisory Board of the Supreme Court

### **Social Protection of a Person under Martial Law: Approaches of The Constitutional Court of Ukraine**

**Viktor Horodovenko**, Judge of the Constitutional Court of Ukraine, Corresponding Member of the National Academy of Legal Sciences of Ukraine, LL.D., Professor

### **Transformation of Social Statehood in the Context of War**

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

### **Planning Acts of Public Construction Law of Ukraine as an Instrument for the Exercise of Social Rights by Territorial Community Residents**

**Volodymyr Bevenko**, Judge of the Supreme Court (Administrative Cassation Court), LL. D., Professor

### *Discussion*

13:00 – 13:30

Break

13:30 – 15:45

Session 2

The impact of martial law on the realization of social rights: national legislation, international and legal regulation, case law

*Time limit – up to 15 minutes*

**Moderator: Nataliia Kovalenko**, Judge of the Supreme Court (Administrative Cassation Court), LL.D., Professor

### **German Social Jurisdiction - Influenced by Results of Wars**

**Dirk Bieresborn**, Judge at Federal Social Court, Kassel Germany, Lecturer at Philipps-University Marburg, Dr. iur.

### **Constitutional and Administrative Jurisdiction in the Protection of Social Rights Under Martial Law**

**Oleksandr Petryshyn**, Judge of the Constitutional Court of Ukraine, Academician of the National Academy of Legal Sciences of Ukraine, LL.D., Professor

### **The Essential Nucleus of the EU Social Rights and its Enforcement**

**Marián Trenčan**, Vice-President of the Supreme Administrative Court of the Slovak Republic, JUDr.

### **Social Rights Protection of War-Affected People in Ukraine in Light of Council of Europe Standards**

**Alla Fedorova**, member of the European Committee of Social Rights, Associate Professor at the Institute of International Relations of the Taras Shevchenko National University of Kyiv, Ph.D. in Law, Council of Europe expert

### **Human Dignity as a Source of Social Rights: Development of Legal Positions of the Constitutional Court of Ukraine in Wartime**

**Oksana Hryshchuk**, Judge of the Constitutional Court of Ukraine, LL.D., Professor

### **Freedom of Movement and Free Choice of Residence as an Object of Judicial Protection under the Legal Regime of Martial Law**

**Oleh Ilnytskyi**, Associate Professor of the Department of Administrative and Financial Law, Ivan Franko National University of Lviv, PhD in Law, Member of the Scientific Advisory Board of the Supreme Court

### **Protection of the Constitution of Ukraine under Martial Law: Mission and Problems of Constitutional Justice**

**Vasyl Lemak**, Judge of the Constitutional Court of Ukraine, Corresponding Member of the National Academy of Legal Sciences of Ukraine, LL. D., Professor

### **Disregard of the Law by the Court: between the Rule of Law and the Principle of Separation of State Powers (using Social Rights Protection as an Example)**

**Jan Bernaziuk**, Judge of the Supreme Court (Administrative Cassation Court), LL.D., Professor

### **International Social Standards for Public Officials**

**Volodymyr Sokolov**, Judge of the Supreme Court (Administrative Cassation Court), LL.D., Professor

### *Discussion*

15:45 – 16:00

Break

16:00 – 17:30

**Session 3** Administrative proceedings in time of war (procedural law issues)

*Time limit – up to 15 minutes*

**Moderator: Volodymyr Kravchuk**, Judge of the Supreme Court (Administrative Cassation Court), LL.D., Professor

### **Judicial Protection of Social Human Rights in Ukraine: Challenges of Administrative Proceedings**

**Mykhailo Smokovych**, Judge, President of the Administrative Cassation Court within the Supreme Court, LL.D., Professor

### **The Right to an Effective Remedy: an Overview of Council of Europe Standards**

**Ganna Khrystova**, Manager of the Council of Europe Project «Strengthening judicial and non-judicial remedies for the human rights protection of the war-affected people in Ukraine», LL.D.

**Special Regime of Work of The Courts and Judges as an Effective Mechanism of Administrative Proceedings Functioning Under the Legal Regime of Martial Law in Ukraine**

**Tetiana Kolomojets**, Dean of the Law Faculty, Zaporizhzhia National University, Corresponding Member of the National Academy of Legal Sciences of Ukraine, LL.D., Professor

**Application of the Principle of Procedural Economy under Martial Law**

**Anna Buchyk**, judge of the Supreme Court (Administrative Cassation Court), PhD in Law

**Challenges of Martial Law in The Law Enforcement Activities of the Courts**

**Oleh Zaverukha**, judge, President of the 8th Administrative Court of Appeal, PhD in Law

**Digital Transformation of Judicial Proceedings: International Experience and Findings for Ukraine**

**Nataliia Blazhivska**, Judge of the Supreme Court (Administrative Cassation Court), LL.D., Associate Professor

**Deviation from the Conclusions of the Supreme Court. Certain Aspects of Practical Application of Article 346 of the Code of Administrative Procedure of Ukraine**

**Oleksandr Starodub**, judge of the Supreme Court (Administrative Cassation Court)

*Discussion*

17:30 – 18:00

**Closing remarks**

End of the conference



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