

EU Law and Human Rights in Education and Civil Sectors of the Partnership States (Report)

Day one, Thursday, 3rd May 2012

The session had two parts:

Part one: speeches

Key speeches

Experience of the J.M. Chair of the Comenius University Bratislava - Projects for Belarus, Ukraine and Serbia - New Challenges (Vlasta Kunová)

EU Law and Human Rights in Education in Ukraine (Roman Petrov)

EU Law and Human Rights in Education in Belarus (Maksim Karliuk)

In her opening speech the Project Coordinator Nadežda Šišková (Palacky University in Olomouc) outlined the aims and the further activities planned within the project, especially future events and planned monograph. She stressed the importance of Eastern Partnership opened for 6 countries and launched during the Prague summit (7th May 2008). Partnership agreements are the key instrument in relations between the EU and Partner Countries and it is awaited to substitute them by association agreements. Prof. Šišková also explained the reasons for such a composition of the project team: the Czech Republic and Slovakia have a successful experience in applying their association agreements and Germany is one of the founding countries of European integration. Ukraine is one of the Partner countries that might possibly sign the association agreement.

Vlasta Kunová (Comenius University in Bratislava) introduced the history and mission of the Institute of International Relations and Comparative Law and its important role in education of European law and its contribution in research in European integration matters and approximation of Slovak law. She stressed the successful implementation of Jean Monnet programmes at the Institute and implemented education programmes in Serbia, Belarus and Ukraine.

In a short discussion the importance of teaching EU law even after accession to the EU was stressed.

Roman Petrov (National University of Kyiv-Mohyla Academy) described current problems of legal education in Ukraine: substantial increase of the number of higher education institutions on the one hand, and low level of autonomy of universities (post-Soviet centralized system). He warned that the example of Slovakia and the Czech republic is not very useful for Ukraine since the accession agreement does not give a promise of membership for Ukraine. Furthermore the negotiation process of the Ukraine accession agreement was frozen because of questioning the level of protection of human rights and independence of judiciary in Ukraine. In such an atmosphere the EU law is merely a theoretical discipline for Ukrainian students and such study is not immediately useful. Nevertheless there is a good theoretical basis and scientific research even though the EU law is not recognized as a research discipline in Ukraine. The Jean Monnet modules help to develop research activities and encourage to study EU law. Prof. Petrov also mentioned activities and contribution of NGO – the Ukrainian EU Studies Association.

It was also noted that even after adoption of the law on mandatory approximation, there is black letter approximation only.

Maksim Karliuk explained that the Belarusian education is highly centralized and without any effective autonomy and it is not a part of the Bologna process. He gave examples of HR and EU law education of state higher education institutions and also outlined problems of such education in Belarus.

Part two: Round Table Debate (Members of the Research Group: Nadežda Šišková, Vlasta Kunová, Roman Petrov, Peter-Christian Muller-Graff, Ondrej Blažo, Ondrej Hamulák)

The roundtable debate had two aims: to plan the upcoming event in Kiev and the content of the monograph. It was agreed to hold the Kiev meeting from 7th till 9th October 2012 and its main topic will be aimed on common European values on road of association. Case study of Slovakia (Mečiar's government), the Czech Republic, Austria (Haider's Party government membership) and Hungary (Orbán's government) and their

problems in the integration process and the difficulties of membership, especially focused on human rights, will be presented by members of research group. Questions of independence of judiciary and judicial capacity will be presented by Ukrainian researchers and other law practitioners (e.g. judges).

The content of the monograph was outlined as follows: 1. Multilateral dimension (aims, history and current state of Eastern Partnership), Bilateral dimension (generations of bilateral agreements), 2. EU Association Agreement, Czech and Slovak experience, legal analysis of association agreement with Ukraine, independence of judiciary, 3. Respect to human rights, 4. Human rights and education.

Day two, Friday, 4th May 2012

The meeting of the second day was opened to public and mainly attended by students of the Faculty of Law. Representatives of Embassies were invited to the event (e.g. Germany, Belgium, Ukraine, Georgia). During the workshop opening and greeting addresses were presented by Ľubomír Šlahor, Vice-Rector of Comenius University, Pavol Kubíček, Dean of the Faculty of Law, Alexander Nalbandov, Ambassador of Georgia, Antonio Parziale, Honorary Consul of the Republic of Moldova, Vitaliy Usatyim, Embassy of Ukraine, Dionýz Hochel, European Parliament Information Office in the Slovak Republic and Dušan Chrenek, Head of Representation of the European Commission in the Slovak Republic. In their speeches aforementioned speakers stresses the importance of human rights, education in human rights, and also the importance of obligatory testing of judges in human rights issues (Alexander Nalbandov), but also a criticism of European visa policy took place (Antonio Parziale).

Following scientific addresses were presented and discussed during the second part of the workshop: The Mechanism of Human Rights Protection at the Level of the EU – current issues by Naděžda Šišková (Head of Department of European Law and Jean Monnet Chair Holder, Palacký University in Olomouc), EU Responsibility for Human Rights Protection via Exchange of Educational Experience by Lucia Mokrá (Faculty of Social and Economic Sciences, Vice Dean, Comenius University in Bratislava), Common Values of the European Union and its Eastern Neighbours by Branislav Fábry (Faculty of Law, Comenius University in Bratislava), EU Law Standards for Education Policy by Peter-Christian Müller-Graff (Heidelberg University), “Watch the Tripod” by Zuzana Szatmáry (Director of Nadácia Charty 77, Woman of Europe 1993, EU Award for integration activities, courage in journalism and human rights defence), Minority Rights in Ukraine and the Civil Society by Svitlana Mytryayeva (Director of the Regional Branch of the National Institute for Strategic Studies in Uzhgorod, Ukraine), Project Experience in the Public Finance Sector in Moldova by Anna Baron (Project Consultant), Human Rights Protection and NGO Activities by Pavol Demeš (former Minister of International Relations of the Slovak Republic and internationally recognized NGO leader), The EU Economic Crisis and its Effect on the Eastern Neighbours by Marek Vojtaššák and Public Procurement and the Founding Principles of the EU by Emil Roest.

Human rights were analysed by speakers from variety of points of view, theoretical view on legal mechanism of protection (Naděžda Šišková), specific issues of minorities and refugees (Svitlana Mytryayeva), and also well prepared financial project as a condition of effective support and education in human rights issues (Anna Baron) and impact of financial crisis and implied cuts of funds on neighbourhood policy (Marek Vojtaššák). Education was mentioned as an indispensable condition for spreading effective enforcement of human rights and experience with such projects were shared (Lucia Mokrá). Regarding education it was also called for maintaining enough autonomy of the educational system because the interference of the EU is equal to the interference of local bureaucrats and that is why there is no question of powers of the EU in education but powers of central governments themselves (Peter-Christiam Müller-Graff). The role of NGOs was stressed not only in protection of human rights within countries (Zuzana Szatmáry) but also in implanting culture of human rights abroad (Pavol Demeš). Human rights, justice, transparency, equality can be considered as examples of common values of Europe but the values and respective notions can be understood in different ways of different countries across Europe (Branislav Fábry). Nevertheless human rights and common minimal European standards have impact at every policy, e.g. public procurement (Emil Roest).

Finally, the workshop was evaluated as a successful outline plastic and multilayered problematic of human

rights (Ondrej Blažo).