

Preparedness for the Acceptation of Duties of the Association Country in the field of Human Rights, Approximation of Laws and Judicial and Administrative Capacity

(Report)

Day one, Monday, 8th October 2012

Day one of the conference comprised two sessions and opening ceremony:

Opening ceremony was attended by:

- Prof. Serhiy Kvit – President of the National University “Kyiv-Mohyla Academy”
- H.E. Ivan Počuch – Ambassador of Czech Republic in Ukraine
- H.E. Pavol Hamzik – Ambassador of Slovak Republic in Ukraine
- Mr. Jose Roman Leon Lora – Delegation of the EU in Ukraine
- Prof. Naděžda Šiskova, Palacky University in Olomouc, Czech Republic, Coordinator of Jean Monnet Multilateral Research Project
- Prof. Andriy Meleshevich – Dean of the Kyiv – Mohyla Law School

Session one:

"Preparedness for the Acceptation of Duties of the Association Country in the field of Human Rights, Approximation of Laws and Judicial and Administrative Capacity: Experience and view from the EU"

Key speeches

Mr. Jose Roman Leon Lora – Delegation of the EU in Ukraine, ***"Preparedness for the Acceptation of Duties of the Association Country in the field of Human Rights, Approximation of Laws and Judicial and Administrative Capacity: View from the EU"***

Dr. Emil Ruffer – EU Law Department, Czech Ministry of Foreign Affairs, ***"Interpretation, Implementation and Enforcement of Association Agreements: institutional structures, dispute settlement mechanisms and the jurisdiction of the Court of Justice of the EU"***

Prof. Pavel Svoboda, Charles University, Czech Republic, ***"Evolution of association agreements in EU external relations law"***

Prof. Naděžda Šiskova, Palacky University in Olomouc, Czech Republic, ***"The Ukraine - EU Association Agreement and the Czech - EU Association Agreement – in the field of human rights and approximation of laws - the comparative view"***

Prof. Peter-Christian Müller-Graff - Institut für deutsches und europäisches Gesellschafts- und Wirtschaftsrecht, University of Heidelberg, Germany, ***"Principle of Rule of Law as foundation of the EU acquis"***

Prof. Vlasta Kunová, Comenius University in Bratislava, Slovak Republic, ***"Preparedness for the Acceptation of Duties of the Association Country: View and Experience from the Slovak Republic"***

Prof. Bronislav Fabry - Comenius University in Bratislava, Slovak Republic, ***"European Common Democratic***

Values and the Eastern Partnership"

In his opening speech Mr. Jose Roman Leon Lora (Delegation of the EU in Ukraine) outlined the current position on the EU on importance of acceptance of duties of any third country in the field of human rights, approximation of laws and judicial and administrative capacity in order to acquire an association with the EU. Furthermore, Mr. Leon Lora informed participants of the conference about current state of the EU-Ukraine relations and perspectives on signing of the EU-Ukraine association agreement.

Dr. Emil Ruffer (EU Law Department, Czech Ministry of Foreign Affairs) provided insightful review of interpretation, implementation and enforcement of association agreements as well as of institutional structures, dispute settlement mechanisms and the jurisdiction of the European Court of Justice based on experience of the Czech Ministry of Foreign Affairs. In particular, Dr. Ruffer paid attention to the current case law of the ECJ on the these issues.

Prof. Pavel Svoboda (Charles University, Czech Republic) focused on evolution of association agreements in EU external relations law. Prof. Svoboda offered excellent analysis of all types of association agreements used in the domain of EU external relations.

Prof. Naděžda Šiskova (Palacky University in Olomouc, Czech Republic) provided comprehensive comparative analysis between the future Ukraine - EU Association Agreement and the Czech - EU Association Agreement. She outlined possible similarities and differences between these agreements.

Prof. Peter-Christian Müller-Graff (Institut für deutsches und europäisches Gesellschafts- und Wirtschaftsrecht, University of Heidelberg, Germany) expressed his views on principle of Rule of Law as foundation of the EU acquis. In his opinion the principle of rule of law constitutes a core of the EU acquis and must be core of the EU policy of conditionality.

Prof. Vlasta Kunová (Comenius University in Bratislava, Slovak Republic) shared experience from the Slovak Republic on preparedness for the Acceptation of Duties of the Association Country. Prof. Kunova told about most interesting aspects of history of association relations between the EU and the Slovak Republic.

Prof. Bronislav Fabry (Comenius University in Bratislava, Slovak Republic) emphasized a crucial role of European common democratic values for the Eastern Partnership and countries of the region. Prof. Fabry criticized too vague character of the European common values and not always consistent approach of the EU towards promotion of these values abroad.

Session two:

"Preparedness of Ukraine for the Acceptation of Duties of the Association Country in the field of Approximation of Laws and Judicial and Administrative Capacity"

Key speeches:

Assoc. Prof. Roman Petrov, National University "Kyiv-Mohyla Academy", ***"Preparedness for the Acceptation of Duties of the Association Country in the field of Approximation of Laws and Judicial and Administrative Capacity as Key Factor of Association between the EU and Ukraine"***

Prof. Stanislav Schevchuk, National University "Kyiv-Mohyla Academy", ***"Contemporary State of Judicial and Administrative Capacity in Ukraine"***

Prof. Volodymir Kampo, Judge of the Constitutional Court of Ukraine, ***"European Common Democratic***

Values in Practice of the Constitutional Court of Ukraine

Assoc. Prof. Roman Petrov (National University "Kyiv-Mohyla Academy", Ukraine) reported on preparedness of Ukraine for the acceptance of duties of the association country in the field of approximation of laws and judicial and administrative capacity on its way to association with the EU. In opinion of Prof. Petrov Ukraine's pace in approximation of laws and judicial reform has slow down since 2008. Unfortunately, the European Partnership does not offer efficient tools to speed up Ukraine's reports in these spheres.

Prof. Stanislav Schevchuk (National University "Kyiv-Mohyla Academy") talked on contemporary state of judicial and administrative capacity in Ukraine. In particular, he focused on the state of compliance of case law of Ukrainian national courts with case law of the European Court on Human Rights.

Prof. Volodymir Kampo (Judge of the Constitutional Court of Ukraine) spoke on importance of European common democratic values in practice of the Constitutional Court of Ukraine. His speech was followed by hot debate on current practice of the Constitutional Court of Ukraine and its adherence to European common democratic values.

Day two, Tuesday, 9th October 2012

Day one of the conference comprised one session and closing ceremony:

Session 1. "Preparedness for the Acceptation of Duties of the Association Country in the field of Human Rights: Experience and view from the EU and Ukraine"

Prof. Andriy Meleshevich – Dean of the Kyiv–Mohyla Law School, ***"Contemporary State of Human Rights Protection in Ukraine and its Correspondence to The EU and Council of Europe's Standards"***

Dr. Soňa Matochová, Czech Constitutional Court, ***"Preparedness for the Acceptation of Duties of the Association Country the field of Human Rights: View and Experience from the Czech Republic"***

Dr. Lydmila Falaleeva, Academy of Advocacy of Ukraine ***"Rule of Law as objective of the European system of human rights protection: Experience of Ukraine"***

Mr. Nazar Kulchytsky, Head of the office of the Government Agent before the European Court of Human Rights at Ministry of Justice of Ukraine, ***"Contemporary State of Human Rights Protection in Ukraine and its Correspondence to The EU and Council of Europe's Standards"***

Prof. Andriy Meleshevich (Dean of the Kyiv–Mohyla Law School, Ukraine) provided deep analysis of contemporary state of human rights protection in Ukraine and its correspondence to the EU and Council of Europe's standards. Prof. Meleshevich concluded that human rights protection in Ukraine is still lags behind recognized international and European standards.

Dr. Soňa Matochová (Czech Constitutional Court) offered very interesting overview of experience of the Czech Republic in aligning national system of human rights protection with international and European standards as condition of the Czech's progress towards full EU membership.

Dr. Lydmila Falaleeva (Academy of Advocacy of Ukraine) echoed the report by Prof. Mueller-Graff and further elaborated on the principle of Rule of Law as objective of the European system of human rights protection. She underlined importance of effective implementation of this principle into legal system of Ukraine for the sake of future association with the EU.

Mr. Nazar Kulchytsky (Head of the office of the Government Agent before the European Court of Human Rights at Ministry of Justice of Ukraine) offered comprehensive information about contemporary state of human rights protection in Ukraine and its correspondence to the EU and Council of Europe's standards from point of view of the government of Ukraine. Mr Kulchytsky criticized the current state of human rights protection in Ukraine and expressed his views on future reform of judiciary in Ukraine and impact of the future EU-Ukraine association on human rights protection in Ukraine.

Hot debate on the above report was followed by the closing ceremony of the conference.