



## HIGH QUALIFICATION COMMISSION OF JUDGES OF UKRAINE

### The First International Conference

*“HQCJU: the Acquired Experience, Current and Future Challenges”*

20 – 21 October 2011  
President Hotel  
12 Hospitalna Street  
Kyiv, Ukraine

### AGENDA

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**Joint Programme between the European Union and the Council of Europe on  
Transparency and Efficiency of the Judicial System of Ukraine**

**Thursday, 20 October 2011**

**OPENING SESSION**

Chair: **Mr Ihor Samsin**, Head of the High Qualification Commission of Judges of Ukraine

09:00	Registration of participants
10:00	<b>Opening of the Conference</b>  <b>Mr Ihor Samsin</b> , Head of the High Qualification Commission of Judges of Ukraine (HQCJ) <b>Mr Vladimir Ristovski</b> , Ambassador, Head of the Council of Europe Office in Ukraine <b>Mr Oscar Alarcon</b> , Team Leader of the TEJSU project
10:20	<b>Welcoming remarks:</b> <b>Mr Anatoliy Golovin</b> , Head of the Constitutional Court of Ukraine; <b>Representative</b> , Presidential Administration of Ukraine; <b>Representative</b> , Speaker of the Parliament of Ukraine; <b>Mr Anatoliy Yarema</b> , Acting Head of the Supreme Court of Ukraine; <b>Mr Oleksandr Paseniuk</b> , Head of the High Administrative Court of Ukraine; <b>Mr Leonid Fesenko</b> , Head of the High Specialised Court of Civil and Criminal Matters; <b>Mr Victor Tatkov</b> , Head of the High Commercial Court of Ukraine; <b>Mr Victor Pshonka</b> , Prosecutor General of Ukraine; <b>Ms Lidia Izovitova</b> , Deputy Head of the High Council of Justice; <b>Ms Inna Yemelianova</b> , First Deputy of the Minister of Justice of Ukraine; <b>Ms Nina Karpachova</b> , Ombudsperson; <b>Mr Ruslan Kyryliuk</b> , Head of the State Court Administration of Ukraine; <b>Representative</b> , High Qualification collegium of judges of the Russian Federation.
11:30	<i>Coffee break</i>

**PLENARY SESSION**

**THE RESULTS OF THE HQCJ'S ACTIVITIES SINCE ITS ESTABLISHMENT  
ACCORDING TO THE LAW OF UKRAINE ON THE JUDICIARY AND THE STATUS  
OF JUDGES**

Chair: **Mr Oscar Alarcon**, Team Leader of the TEJSU project

12:00	<b>The Judiciary reform in Ukraine</b> <b>Mr Andriy Portnov</b> , Adviser of the President of Ukraine, Head of the Judiciary Department, Presidential Administration of Ukraine;  <b>The functioning and the points of view of the HQCJ</b> <b>Mr Ihor Samsin</b> , Head of the High Qualification Commission of Judges of Ukraine.  <b>High Council of Justice. European standards</b> <b>Mr Carsten Mahnke</b> , Council of Europe expert, Lawyer, <i>Germany</i>
13:00	<i>Lunch</i>

## PARALLEL WORKING SESSIONS

### WORKING SESSIONS I

#### SELECTION OF CANDIDATES FOR A 1<sup>ST</sup> TIME JUDICIAL POSITION

Chairs:

**Ms Nani Otroda**, Deputy Head, Secretariat of the HQCJ

**Ms Liudmyla Maystrenko**, Head of the Division on the selection of candidates for a 1<sup>st</sup> time judicial position, HQCJ

14:00	<p><b>The appointment of a 1<sup>st</sup> time judicial position. Experience of the HQCJ</b> <b>Mr Dmytro Cokurenko</b>, Member of the HQCJ,</p> <p><b>The evaluation of the procedure for selecting candidates for a 1<sup>st</sup> time judicial position in Ukraine</b> <b>Mr Carsten Mahnke</b>, Council of Europe expert, Lawyer, <i>Germany</i></p>
14:30	Discussion
15:00	<p><b>The legal regulation for the selection procedure of candidates for a 1<sup>st</sup> time judicial position: the lack of legal norms and ways to improve legislation and procedures</b> <b>Ms Lidia Gorbachova</b>, Member of the HQCJ, judge of the Kharkiv Appeal Commercial Court.</p> <p><b>The regulation of the selection procedure of candidates for a 1<sup>st</sup> time judicial position: quality and possible improvements</b> <b>Mr Vitaliy Kosovych</b>, Professor of the Law Faculty, Lviv National University Names Ivana Franko</p>
15:30	Discussion
16:00	Coffee break
16:20	<p><b>The requirements to apply for a judicial position: candidates' qualifications</b> <b>Mr Dmytro Sokurenko</b>, Member of the HQCJ, Head of the Justice Department, in Kyiv, Ministry of Justice;</p> <p><b>The procedural and legal requirements for the special examination of candidates to a judicial position</b> <b>Ms Lidia Gorbachova</b>, Member of the HQCJ, judge of the Kharkiv Appeal Commercial Court.</p>
17:00	Discussion
17:30	<b>Discussion of the results of the Working Session I</b>
18:00	Reception

## WORKING SESSIONS II

### ELECTION TO A LIFETIME JUDICIAL POSITION AND THE TRANSFER OF JUDGES

Chairs:

**Mr Roman Paliy**, Director, Department on the Selection, Appointment and Dismissal of Judges of the Secretariat of the HQCJ

**Ms Nadia Kiktenko**, Head of the Division on the Election to a Lifetime Judicial Position of the Secretariat of the HQCJ of Ukraine

14:00	<p><b>The legal regulation for the election to a lifetime judicial position: requirements and procedures</b> <b>Mr Mykola Pinchuk</b>, Member of the HQCJU, Judge of the Supreme Court of Ukraine;</p> <p><b>The role of the HQCJ in providing courts with highly qualified judicial professionals</b> <b>Ms Tetiana Kozyr</b>, Secretary of the Council of Judges of Ukraine, Judge of the High Commercial Court of Ukraine</p> <p><b>The evaluation of the election procedure to a lifetime judicial position in Ukraine</b> <b>Ms Maja Tratnik</b>, Council of Europe expert, Judge of the Supreme Court of Slovenia</p>
15:00	<b>Discussion</b>
15:20	<p><b>The legal regulations for the transfer of a judge to another court within the five-year term appointment</b> <b>Ms Nina Fadeeva</b>, Member of the HQCJ, Adviser of the Ombudsperson</p> <p><b>The legal regulations for the transfer of a judge elected to a lifetime position in another court</b> <b>Mr Victor Shargalo</b>, Member of the HQCJ, judge of the High Commercial Court of Ukraine.</p>
16:00	Coffee break
16:20	<b>Discussion</b>
16:40	<p><b>The legal regulations for the election to a lifetime judicial position and the transfer of judges: the views of the judicial self-government bodies</b> <b>Ms Tetiana Kozyr</b>, Secretary of the Council of Judges of Ukraine, judge of the High Commercial Court of Ukraine</p>
17:00	<b>Discussion</b>
17:20	<b>Discussion of the results of the Working Session II</b>
18:00	Dinner

## WORKING SESSIONS III

### DISCIPLINARY LIABILITY OF JUDGES

#### Chairs:

**Mr Mykola Sukhoviyy**, disciplinary inspector of the Secretariat of the HQCJ  
**Mr Vasyl Kosenko**, Head of the Service of the Disciplinary inspectors of the Secretariat of the HQCJ

14:00	<p><b>The disciplinary liability of judges: practical aspects and experiences of the HQCJ</b> <b>Mr Anatoliy Martsynkevych</b>, Secretary, Member of the HQCJ, Judge of the Appeal Court of the Khmelnytsky region;</p> <p><b>The violation of judicial ethics: bringing disciplinary proceedings against a judge</b> <b>Mr Victor Gorodovenko</b>, Head of the Appeal Court of Zaporizhia region;</p>
14:30	<b>Discussion</b>
15:00	<p><b>Portuguese High Council of Justice: status, competence, requirements for membership, procedure of establishment.</b> <b>Mr Jose Manuel Duro Mateus Cardoso</b>, Council of Europe expert, judge of the Court of Appeal of Lisbon, and Chief of the Cabinet of the Vice-President of the Portuguese High Council for the Judiciary.</p> <p><b>The legislative gaps of the legal framework concerning the disciplinary liability of judges</b> <b>Mr Valentyn Danchuk</b>, Head of the Legal department of the HQCJ. Retired judge of the Supreme court of Ukraine.</p>
15:40	<b>Discussion</b>
16:00	Coffee break
16:20	<p><b>A disciplinary inspector: the scope of their responsibilities</b> <b>Mr Victor Mikulin</b>, Member of the HQCJ.</p> <p><b>Specific issues of the disciplinary liability of judges</b> <b>Mr Artem Maliarenko</b>, judge of the High Specialised Court for Civil and Criminal Matters.</p>
17:00	<b>Discussion</b>
17:30	<b>Discussion of the results of the Working Session III</b>
18:00	<b>Dinner</b>

## WORKING SESSIONS IV

### ENSURING JUDGES' QUALIFICATIONS

Chairs:	
<p><b>Mr Roman Savchuk</b>, Head of the Division on initial training of judges of the Secretariat of the HQCJ  <b>Ms Natalia Shuklina</b>, Pro-Rector of the National School of Judges of Ukraine</p>	
14:00	<p><b>Presentation of the report on the continuous training needs of the Ukrainian judges</b>  <b>Ms Cristina Cojocaru</b>, Council of Europe expert, Lawyer, <i>Moldova</i>.</p> <p><b>The training system</b>  <b>Mr Yuriy Zaytsev</b>, former Agent of the Government of Ukraine before ECtHR</p>
14:40	<b>Discussion</b>
15:00	<p><b>Guaranteeing the qualification level of judges. The European experience and its implementation in Ukraine</b>  <b>Mr Mykola Melnyk</b>, Member of the HQCJU</p> <p><b>Ensuring the qualification level of judges</b>  <b>Mr Volodymyr Masliy</b>, Head of the Appeal Administrative Court of Kyiv.</p>
15:40	<b>Discussion</b>
16:00	<b>Coffee break</b>
16:20	<p><b>The role of self-training in ensuring the professional level of judges</b>  <b>Ms Galyna Kolesnyk</b>, Member of the HQCJU,</p> <p><b>Determining the judges' professional competencies</b>  <b>Mr Serhiy Goncharenko</b>, Head of the Department on Human Rights, International and European law. Academy of the Advocacy</p>
16:50	<b>Discussion</b>
17:10	<p><b>Presentation of the report on the training needs of the Ukrainian judges with regard to the European Convention on Human Rights (ECHR) and the case law of the European Court of Human Rights (ECtHR)</b>  <b>Mr Jeremy McBride</b>, Council of Europe expert, Barrister, Monckton Chambers, London (United Kingdom); Visiting Professor, Central European University (Budapest), Chair of the Scientific Committee of the European Union's Fundamental Rights Agency</p> <p><b>The role of the National School of Judges of Ukraine in ensuring the professional level of judges</b>  <b>Ms Natalia Shuklina</b>, Pro-Rector of the National School of Judges of Ukraine.</p>
17:50	<b>Discussion</b>
18:00	<b>Dinner</b>

**Friday, 21 October 2011**

**PARALLEL WORKING SESSIONS**

**WORKING SESSION I**

**SELECTION OF CANDIDATES FOR A FIRST-TIME JUDICIAL POSITION**

9:00	<p><b>The anonymous test of candidates for the judicial position. HQCJ experience</b> <b>Mr Dmytro Sokurenko</b>, Member of the HQCJ,</p> <p><b>The qualifications examination of candidates for the judicial position. The HQCJ's experience</b> <b>Ms Lidia Gorbachova</b>, Member of the HQCJ, judge of the Kharkiv Appeal Commercial Court.</p>
9:30	<p><b>Discussion</b></p>
10:00	<p><b>The competition of candidates for the judicial position: procedures and criteria</b> <b>Mr Dmytro Sokurenko</b>, Member of the HQCJ,</p> <p><b>The recommendation to appoint candidates to a judicial position: procedures, forms and content of recommendations</b> <b>Ms Lidia Gorbachova</b>, Member of the HQCJ, judge of the Kharkiv Appeal Commercial Court.</p> <p><b>The selection of candidates for a first-time judicial position: current and future challenges</b> <b>Ms Valentyna Yemelianova</b>, acting Head of the Administrative Appeal Court of Kharkiv region;</p>
11:00	<p><b>Discussion</b></p>
11:30	<p><b>Coffee break</b></p>
11:50	<p><b>Discussion of the draft conclusions of the Working Session I</b></p>
13:00	<p><b>Lunch</b></p>

**WORKING SESSION II**

**ELECTION TO THE JUDICIAL POSITION FOR THE LIFE TERM  
AND TRANSFERS OF JUDGES**

9:00	<p><b>The election to a lifetime judicial position: the HQCJ's experiences and perspectives</b> <b>Mr Mykola Pinchuk</b>, Member of the HQCJU, judge of the Supreme Court of Ukraine;</p> <p><b>The qualifications examination of candidates for the judicial position: procedures and evaluation, the HQCJ's experience</b> <b>Ms Nina Fadeeva</b>, Member of the HQCJ, Adviser of the Ombudsperson</p>
9:40	<p><b>Discussion</b></p>

10:10	<p><b>The challenges of the transfer of judges to other courts</b>  <b>Mr Victor Shargalo</b>, Member of the HQCJ, Judge of the High Commercial Court of Ukraine.</p> <p><b>The Role of the High Council of Justice of Slovenia in the election to a lifetime judicial position and the transfer of judges</b>  <b>Ms Maja Tratnik</b>, Council of Europe Expert, judge of the Supreme Court of Slovenia</p>
11:00	<b>Coffee break</b>
11:30	<b>Discussion</b>
12:00	<b>Discussion of the draft conclusions of the Working Session II</b>
13:00	<b>Lunch</b>
<b>WORKING SESSION III</b>	
<b>DISCIPLINARY LIABILITY OF JUDGES</b>	
9:00	<p><b>The disciplinary liability of judges in Portugal. Some aspects of the disciplinary liability of judges in Ukraine.</b>  <b>Mr Josñ Manuel Duro Mateus</b> Cardoso, Council of Europe expert, judge of the Court of Appeal of Lisbon, and Chief of Cabinet of the Vice-President of the Portuguese High Council for Judiciary.</p> <p><b>The various stages of the disciplinary liability of judges</b>  <b>Mr Anatoliy Martsynkevych</b>, Secretary, Member of the HQCJ, judge of the Appeal Court of Khmelnytsky region;  <b>Mr Volodymyr Vikhrov</b>, Member of the HQCJ</p>
9:40	<b>Discussion</b>
10:10	<p><b>The disciplinary liability of judges: the violation of labour discipline</b>  <b>Ms Nadia Stefaniv</b>, Head of the Appeal Court of Ivano-Frankivsk region</p> <p><b>The creation of the effective Service of the Disciplinary inspectors</b>  <b>Mr Vasyl Kosenko</b>, Head of the Service of the Disciplinary inspectors, Secretariat of the HQCJ;</p> <p><b>The termination of disciplinary proceedings: disciplinary sanctions and decisions</b>  <b>Mr Victor Mykulin</b>, Member of the HQCJU.</p>
11:00	<b>Coffee break</b>
11:30	<b>Discussion</b>
12:00	<b>Discussion of the draft conclusions of the Working Session III</b>
13:00	<b>Lunch</b>
<b>WORKING SESSION IV</b>	



<b>ENSURING QUALIFICATION LEVEL OF THE JUDGES</b>	
9:00	<p><b>The role of the qualification level of judges in ensuring the parties' rights</b>  <b>Ms Oksana Kuchynska</b>, Pro-Rector of the National School of Judges of Ukraine</p> <p><b>The training of judges in the National School of Judges of Ukraine as a reason for high quality justice in Ukraine</b>  <b>Mr Volodymyr Masurok</b>, Head of the Division for the Training of Court Clerks of the National School of Judges of Ukraine.</p>
9:30	Discussion
9:50	<p><b>The organisation for the special training of candidates to judicial positions</b>  <b>Mr Valeriy Kornienko</b>, Head of the Division for the Organisation of Special Training of Candidates to Judicial Positions of the National School of Judges of Ukraine.</p> <p><b>The role of the High Council of Justice of Ukraine in ensuring the right level of qualification of judges</b>  <b>Ms Oksana Shamray</b>, Head of Division, High Council of Justice of Ukraine.</p> <p><b>The co-operation between the National School of Judges of Ukraine and the HQCJ: legislative aspects</b>  <b>Mr Oleksandr Ischenko</b>, Head of Division, HQCJ.</p> <p><b>The harmonisation of the legal framework/European standards in ensuring the right level of qualification of judges</b>  <b>Ms Liudmila Bytsiura</b>, consultant of the Division of the HQCJU.</p>
11:00	<i>Coffee break</i>
11:30	Discussion
12:00	<b>Discussion of the draft conclusions of the Working Session IV</b>
13:00	<b>Lunch</b>
<b>PLENARY SESSION</b>	
<b>PRESENTATION OF THE CONCLUSIONS</b>	
Chair:	<b>Mr Ihor Samsin</b> , Head, HQCJ
14:15	<p><b>Discussion and presentation of the conclusions of the conference</b></p> <ul style="list-style-type: none"> <li>• Representative of the Working Session I</li> <li>• Representative of the Working Session II</li> <li>• Representative of the Working Session III</li> <li>• Representative of the Working Session IV</li> </ul>

## CLOSING SESSION

Chair: **Mr Anatoliy Martsynkevych**, secretary, member of the HQCJ

15:15 **Closing remarks by:**

**Mr Ihor Samsin**, Head of the High Qualification Commission of Judges of Ukraine  
**Mr Vladimir Ristovski**, Ambassador, Head of the Council of Europe Office in Ukraine  
**Mr Oscar Alarcon**, Team Leader of the TEJSU project.

15:45 **Closing of the Conference**

*Coffee*

## SECRETARIES OF SESSIONS

### *Secretaries of the Session I:*

**Ms Tamara Gogus**, Head of the Sector on the work with citizens of the High Qualification Commission of Judges of Ukraine

**Ms Olena Drongovska**, Head of the Sector on the editing of the High Qualification Commission of Judges of Ukraine

### *Secretaries of the Session II:*

**Mr Roman Vasyliev**, Head of the division on transfers and dismissal of judges of the Secretariat of the HQCJ of Ukraine

**Ms Vita Shevchenko**, Consultant of the Division on Election to a judicial position for the life term of the Secretariat of the HQCJ of Ukraine

### *Secretaries of the Session III:*

**Ms Olena Vaschuk**, Consultant of the Secretariat of the HQCJU

**Mr Oleksandr Mantiuk**, Disciplinary inspector of the Secretariat of the HQCJU

**Ms Maryna Kry vosha p**, Head of the Division on citizens' petitions of the Secretariat of the HQCJU

### *Secretaries of the Session IV:*

**Mr Roman Kydysiuk**, Adviser of the Head of the HQCJU

**Ms Liudmyla Bytsiura**, Consultant of the Division on initial training of judges of the Secretariat of the HQCJ of Ukraine