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## IV Judicial Forum

**“The administration of justice  
in the context of armed conflict  
in eastern Ukraine”**

Kyiv, September 16, 2021

Summary

This publication was prepared based on the results of the IV Judicial Forum held in Kyiv on September 16, 2021 as part of the United Nations Recovery and Peacebuilding Programme (UN RPP) with financial support of the governments of Denmark, Sweden and Switzerland.

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# Introduction

On September 16, 2021, the IV Judicial Forum was held as part of the United Nations Recovery and Peacebuilding Programme (UN RPP). The Forum was attended by judges of the Supreme Court, courts of general and administrative jurisdiction of Donetsk and Luhansk oblasts. The main purpose of the event was to discuss certain problems and challenges of the administration of justice in the context of the ongoing armed conflict in the east of Ukraine. The Forum participants discussed issues of transitional justice, compensation for material damage caused by the use of private real estate by military personnel, improvements of the administration of justice and judicial protection of human rights in the context of armed conflict in eastern Ukraine. Furthermore, participants addressed a number of case law issues that are of the greatest concern to judges in the context of the exercise of social and other rights of individuals, including access to justice amid the COVID-19 pandemic.

In order to find a common solution to the above problems, the dialogue was attended by experts of the judiciary, a representative of the Office of the Ukrainian Parliament Commissioner for Human Rights, People's Deputy, representatives of civil society, national and international non-governmental organizations and United Nations agencies.

The Forum consisted of three sections.

The first section was devoted to issues of compensation for damage caused by armed conflict in eastern Ukraine. After hearing addresses on problems of receiving restitution and compensation for damaged and destroyed property, the use of private property during the Anti-Terrorist Operation (ATO) / Joint Forces Operation (JFO), the introduction of administrative order, examining the case law of the European Court of Human Rights and the Supreme Court in relevant cases, the Forum participants formulated conclusions and proposed some practical steps.

The second section was devoted to improving the administration of justice in the context of armed conflict in eastern Ukraine. Participants

discussed in detail the launch of a unified judicial information and telecommunications system, other electronic solutions in the system of justice, as well as the needs and prospects for the implementation of transitional period justice in Ukraine.

The third section was devoted to judicial protection of human rights in the context of armed conflict in eastern Ukraine and justice in the context of the COVID-19 pandemic. Participants discussed the case law on the protection of internally displaced persons (IDPs), access to justice at the local level amid the quarantine restrictions, and additional challenges faced by people living in non-government-controlled areas.

This report provides brief summary of the Forum and its results.

# Participants

The Forum was attended by some 70 participants, including judges of the Supreme Court, first instance and appeal bodies, courts of general and administrative jurisdiction, as well as representatives of United Nations agencies, national and international non-governmental organizations:

- Olha Stupak, Judge of the First Trial Chamber of the Civil Court of Cassation within the Supreme Court;
  - Ievhen Petrov, Judge of the Third Trial Chamber of the Civil Court of Cassation within the Supreme Court;
  - Roman Babii, Member of the Parliament;
  - Larysa Shvetsova, the Member of the High Council of Judges, the Secretary of the Third Disciplinary Chamber of the High Council of Justice;
  - Bohdan Monich, the Chairperson of the Council of Judges of Ukraine, Judge of the Seventh Administrative Court of Appeal;
  - Oleksii Salnikov, the Chairperson of the State Court Administration of Ukraine, a.i.;
  - Viktor Barvitskyi, Ukrainian Parliament Commissioner's for Human Rights Representative on Human Rights Regarding Right on Information and Representation in the Constitutional Court;
- and other speakers of various institutions and organizations.

# Main theses of introductory speeches at the opening session



**Dafina Gercheva**, *UNDP Resident Representative to Ukraine*, welcomed the Forum participants and said that in 2015, all 193 member states of the United Nations, including Ukraine, met at the General Assembly and adopted the 2030 Agenda for Sustainable Development and its 17 Sustainable Development Goals. Goal 16 commits all countries to promote peaceful and inclusive societies for sustainable development' and build 'effective, accountable and inclusive institutions at all levels. She said that the protracted armed conflict in eastern Ukraine hampers the prospects of attaining not only Global Goal 16 but the entire 2030 Agenda for Sustainable Development. The challenges posed by the armed conflict make it difficult to adopt and enforce a legislation, which is protecting the interests of conflict-affected populations. The judicial system, as an independent branch of power, is instrumental for overcoming these obstacles and ensuring that everyone has access to justice and legal aid. The ongoing COVID-19 pandemic and the quarantine restrictions created additional challenges for justice and rule of law by limiting access to courts, and hindering the movement of people who try to cross the contact line seeking justice and protection.

The ultimate objective of the IV Judicial Forum organized in the framework of the UN Recovery and Peacebuilding Programme is to promote informed and insightful debate around rule of law and access to justice, and to create a network of engaged and proactive representatives of the sector at regional level in Donetsk and Luhansk oblasts. The Forum also has to serve as a platform for sharing knowledge, know-how and best practices amongst peers and partners. Justice and rule of law will prevail across the country only if people have trust in institutions.

According to the Social Cohesion and Reconciliation Index, only 12.4% of Ukrainians trust courts and judges. This is worrisome and calls for urgent and decisive actions spearheaded by civil society and development partners. The Forum is supposed to give yet another impetus to collective efforts towards implementing justice sector and decentralisation reforms.

**Viktor Barvitskyi**, Ukrainian Parliament Commissioner's for Human Rights Representative on Human Rights Regarding Right on Information and Representation in the Constitutional Court, welcomed the Forum participants and emphasised the importance and relevance of the agenda issues. Mr Barvitskyi said that the Secretariat of the Human Rights Commissioner receives complaints from citizens about violations of their rights, including in the right to fair trial. As for the agenda issues, he proposed to transfer convicts serving their sentences in the non-government-controlled areas to government-controlled areas, as well as transfer cases being examined by courts of relevant areas and others.



The speaker also called to pay attention to an important issue of compliance with information security because of the large number of requests for information from the judiciary. In the context of the ongoing armed conflict, this situation could pose a certain danger and even impede activities of a public authority, including court. He said that in order to reduce violations in this area, the Commissioner developed recommendations on guaranteeing the constitutional human and civil right to information, including, in particular, information made available on the Commissioner's official website.

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**Oleksii Salnikov**, the Chairperson of the State Judicial Administration of Ukraine, a.i., stressed the importance of issues to be discussed in the sections. He reminded that at the onset of armed conflict, it was necessary to move and organise, by and large, a new network of courts within short timeframes. He thanked the judges present and acknowledged their great contribution. Mr Salnikov also pointed at numerous problems that need to be addressed. He noted digitalisation projects implemented jointly with the United Nations Recovery and Peacebuilding Programme, including the new mobile application, eCourt, which is currently being tested, and further cooperation in this area.



The Forum's agenda is given in [\*\*Annex 1\*\*](#).

## Section I.

### Issues of compensation for damage caused by armed conflict in eastern Ukraine



**Moderator: Anastasiia Mykhalchenko,**  
*Judge, Kramatorsk City Court of Donetsk Oblast*



**Valeriia Lutkovska**, *Compensation for the use of private property by the military during ATO/JFO in eastern Ukraine*, covered the topic "Compensation for the Use of Private Housing during the ATO /JFO". She told about the "Compensation for the Use of Private Property by Military Personnel during the ATO / JFO: Legislative and Practical Aspects" project implemented by the Ukrainian Institute for Human Rights NGO under the United Nations Recovery and Peacebuilding Programme.

The project provides support for court cases related to the use of civilian property by military personnel during armed conflict in Donetsk and Luhansk oblasts.

Ms Lutkovska said that in Donetsk and Luhansk oblasts, there are people deprived of the opportunity to use their housing because it is used by the Armed Forces of Ukraine for various purposes, in particular: as medical centres or fortifications, or for the purpose of living. After the restoration of the opportunity to use their housing, the owners found their property damaged due to careless use, coupled with large debts for utilities, which they did not use. They faced problems they could not resolve on their own.

The NGO team analysed the national legislation, though found no legal norms setting and regulating the procedure for the use of civilian property in the interests of military personnel, or norms providing for compensation for the use of this property. The case law of the European Court

of Human Rights on the right to peaceful enjoyment of property was also analysed in such cases as Chiragov and Others v. Armenia concerning armed conflict in Nagorno-Karabakh, Khamidov v. Russia concerning a counter-terrorist operation in the Chechen Republic, and others.

To date, the only possible way to protect people affected by such actions of the Ukrainian military is to go to court. The most effective was the claim filed with the Administrative Court against the Cabinet of Ministers of Ukraine (hereinafter referred to as CMU) and the Ministry of Defence of Ukraine over the recognition of their inaction to protect human rights and freedoms illegal, and the commitment to take action to adopt a legal and normative act governing these issues. A judgement of the court of first instance is delivered, according to which only the requirements to CMU for developing a relevant procedure are satisfied. This decision has not yet entered into effect, but a legal position has been taken. The speaker said that five different claims are still pending in courts: three claims in administrative courts, and two in civilian courts. Although all claims are different in nature, they all concern the same issue. This is done in search of the most effective remedy for the protection of rights, the results of which will serve as a basis for a roadmap to be used by citizens and professional lawyers.

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**Olha Stupak**, Judge of the First Trial Chamber of the Civil Court of Cassation within the Supreme Court, presented the topic "Raising the issue of compensation for damage caused by armed conflict in eastern Ukraine". She stressed that the issue of compensation in the context of armed conflict could not be resolved by court decisions alone and therefore requires more action by both the executive and the legislature. Ms Stupak noted that the judiciary is the first to respond to new problems arising due to the situation in the east of Ukraine. One of the major legal problems is compensation for damage to property destroyed as a result of the ATO/JFO; the first claims of that kind appeared in courts of first instance in around early 2015.



The rapporteur underscored the absence of legal regulation of such relations, the importance of understanding of the legal regime and relevant qualification by executive authorities, because the court should first establish the nature of legal relations in dispute resolution, and it is

not the court that determines or qualifies the legal regime: whether it is the ATO, or the JFO, or the emergency; though it has legal significance for resolving a civil dispute.

The rapporteur gave the example of the first case No. 265\6582\16-ц (No. 14-17цc19), which was examined by the Grand Chamber of the Supreme Court and which became a benchmark in this category of cases. The case hearing began in 2016, whereas a final judgement was adopted only in August 2021. The case was referred to the Grand Chamber of the Supreme Court because it had an exceptional legal problem, whose solution was necessary to ensure the development of law and the creation of a uniform law enforcement practice in disputes over compensation caused by for terrorist attack and the absence of a legal and normative act governing the reimbursement procedure. Specifically, to solve this problem it was necessary to determine:

- legal basis for compensation for damage caused by a terrorist attack (Article 19 of the Law of Ukraine "On Combating Terrorism", Article 86 of the Civil Protection Code of Ukraine, or their application by analogy with the law);
- procedure for compensation for damage caused by a terrorist attack;

Meetings were held to consider the case, as it was understood that such category of cases was serial; legal requests were made to the Scientific Advisory Board at the Supreme Court, and the case law of the European Court of Human Rights was taken into account.

In the resolution of the Grand Chamber of the Supreme Court of September 4, 2019, the court found no compensatory mechanism and awarded compensation from the state of Ukraine for a failure to meet its positive obligations, because the state did not ensure the preservation of property guaranteed by Article 1 of Protocol No. 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter referred to as the Convention), and also because of the absence of a mechanism of restitution or compensation for the destroyed property concerned. Furthermore, pre-trial investigations are under way (a certificate of registered criminal proceedings was issued for each fact of the damaged or destroyed property).

Also, Judge Stupak noted that on March 4, 2020, the Supreme Court ordered a separate judgement in case №237\557\18-ц recommending

CMU to develop a special procedure for compensation for the property damaged by a terrorist attack, a procedure for compensation payment, and clear conditions needed to apply to the state for this kind of compensation.

The CMU Resolution No. 767 of September 2, 2020 amended the Resolution of the Cabinet of Ministers No. 947 of December 18, 2013 "On the Procedure for Granting and Determining the Amount of Monetary Assistance or Compensation". However, on August 12, 2021, Kyiv District Administrative Court launched proceedings to appeal certain items of the CMU Resolution No. 947 of 18.12.2013 (as amended on September 2, 2020). Among other things, the appeal demanded that provisions of the above Procedure providing for monetary compensation to owners of housing located in the government-controlled areas be abolished. According to the plaintiff, these restrictions are discriminatory in relation to populations living in the non-government-controlled areas.

The rapporteur pointed out that the issue of compensation for damage is only a small portion of all legal problems faced by courts.

She also noted that courts were the first to respond to the following new categories of cases:

- "establishing the facts of birth and death of a person in the non-government-controlled area" (judgments of the Supreme Court in the case No. 265/6342/17 and in the case No. 522/16286/18);
- "establishing the facts of forced relocation from the non-government-controlled areas" (judgments of the Supreme Court in the case No. 428/12276/16-ц, in the case No. 369/410/17, and in the case No. 201/10617/18);
- "establishing the facts of employment termination, associated with the certification by the Chamber of Commerce of Ukraine of the force majeure occurrence, in particular: the armed conflict in Donetsk Oblast and the related Anti-Terrorist Operation" (judgments of the Supreme Court in the case No. 408/2306/17-ц and in the case No. 408/4123/17-ц);
- "establishing the facts of the disease development while performing military service as a result of the Russian Federation's armed aggression (judgment of the Supreme Court in the case No. №638/17042/18).

Concluding the address, Judge Stupak said that judges of Donetsk and Luhansk oblasts work under extremely difficult conditions of the protracted conflict, having stated that in previous years of the administration of justice, courts of appeal of Donetsk and Luhansk oblasts ranked first among courts of appeal of Ukraine by the administration of justice and by the smallest number of revoked judgments.



**Ievhen Petrov**, *Judge of the Third Trial Chamber of the Civil Court of Cassation within the Supreme Court*, presented the topic "The cases of the Supreme Court on obtaining the compensation for the damages caused by the armed conflict in eastern Ukraine". First, he detailed the procedure for determining the amount of compensation. He said that although the case law on this issue is not general and that conclusions made by judges differ, the compensation amount is determined taking into account all circumstances of the case. The rapporteur added that some 40 decisions of that kind were made in 2020 alone and that reimbursement for damage caused by the property destruction served as a cause for all claims. However, in the consideration of claim of that kind, it is necessary to establish all causes for damage, and even then the plaintiff would not be entitled to compensation, because not all necessary circumstances could be proved. Based on the "court knows the law" principle, it was established that a person is entitled to compensation, because the state of Ukraine has not met its positive obligations due to a failure to provide adequate protection of property of its citizens. The court concluded that it was not a matter of reimbursement for damage, but a matter of compensation.

Judge Petrov gave examples of general practice of the Civil Cassation Court at the Supreme Court of Ukraine (hereinafter referred to as CCC SC) regarding compensation:

- 19.02.2020, the case No. 423/2245/16-ц (proceedings No. 61-25144св18);
- 26.02.2020, the case No. 423/450/16-ц (proceedings No. 61-46200св18);
- 04.03.2020, the case No. 237/557/18-ц (proceedings No. 61-47151св18);

- 04.03.2020, the case No. 646/5063/17-ц (proceedings No. 61-36595cb18);
- 01.04.2020, the case No. 242/1642/17 (proceedings No. 61-19617cb18);
- 27.05.2020, the case No. 242/1676/17 (proceedings No. 61-16126cb18);
- 11.06.2020, the case No. 229/2889/17-ц (proceedings No. 61-37061cb18);
- 27.08.2020 the case No. 419/2304/18 (proceedings No. 61-7783cb20).

He also noted that circumstances of each case are different and that in each case, the court is responsible for determining the amount of compensation, taking into account all causes and conditions of the case (e.g., housing location (urban or rural area), the area of housing of the plaintiff (whether he/she is economically active, age, etc.), whether it is a house or an apartment, etc.). The rapporteur underscored that although the compensation amount is not enough to fully provide the person with housing, in each case the court draws attention to the fact that it was compensation and does not deprive the person concerned of the right to seek reimbursement for damage in accordance with the Civil Code.

The decision on receiving compensation by the person should be based on the following:

- evidence presented firmly indicates that the person is the real housing owner;
- housing was damaged or destroyed as a result of armed conflict;
- housing was the place where the family lived;
- evidence of the fact, etc., that the person applied to public authorities for compensation for long and did not receive it.

Answering the questions of the audience, the rapporteur said that the property in claims is considered in broad aspects, not limited only to national law. As the European Court of Human Rights (hereinafter referred to as ECHR) interprets the concept of property in accordance with provisions of Article 1 of Protocol No. 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms, national courts follow the same path. As for administrative compensation,

the rapporteur stressed that due to a special mechanism, the court judgment on compensation for a failure to meet the positive obligation of the state does not deprive the person of the right to apply for compensation for the damaged property.



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**Volodymyr Khorbaladze**, *Housing, Land and Property Coordinator, the Norwegian Refugee Council*, highlighted the topic "National compensation mechanism for the damaged and/or destroyed civilian property during the armed conflict in eastern Ukraine". He emphasised the importance and direct influence of Ukraine's judiciary on the protection of conflict-affected people.

Mr Khorbaladze cited data since 2019 saying, in particular, that there are approximately 50,000 damaged houses on both sides of the "contact line", including both the damaged and destroyed property. In his words, the total damage is estimated at around \$450 million. According to Donetsk and Luhansk Oblast State Administrations, some 12,500 housing units located in the government-controlled areas are in need of repair as of the date of the Forum. Among them, as of 2020, around 1,000 units were counted as destroyed housing.

Approximately 150 cases of compensation for damage caused by armed conflict were pending in courts of various instances as of 2019.

The rapporteur stressed that the extent of destruction and damage, as well as the applicable case law and position of representatives of human rights organizations forced, to some extent, the state to make decisions to solve this issue. The best solution that best provides access to the exercise of civil rights is the creation of out-of-court, administrative mechanisms. Lastly, thanks to, among other things, persistent cooperation of international institutions and non-governmental organizations, the government adopted the Resolution of the Cabinet of Ministers of Ukraine No. 947 of December 18, 2013 "On the Procedure for Granting and Determining the Amount of Monetary Assistance or Compensation" (as amended on 02.09.2020).

First judgments on compensation have been ordered since November 2020. The mechanism however needs to be finalised. Therefore, work with the Ministry of Reintegration of Temporarily Occupied Territories of Ukraine on developing and agreeing further changes has been under way since May 2021.

The rapporteur listed the main characteristics of the compensation mechanism:

- the territory includes the government-controlled areas only;
- the maximum amount of compensation is UAH 300,000;
- the order is determined on a chronological basis: 1) date of application for compensation, 2) date of housing destruction.

When it comes to statistics, he cited the following data (as of June 2021):

- 2021 budget expenditures for compensation total UAH 114 million;
- 13 meetings of oblast compensation commissions were held;
- 119 affected persons received positive decisions on compensation for 107 destroyed real estate units;
- amount of compensation payments awarded by courts totals UAH 30.097million;
- 43 people (37 in Donetsk Oblast and 6 in Luhansk Oblast) have already received compensation payments on their bank accounts;
- amount of compensation payments transferred to bank accounts of the beneficiaries is UAH 11.149 million.

Mr Khorbaladze also outlined the following challenges:

- absence of (confirmed) ownership of the applicants;
- absence of technical specialists in local self-government bodies;
- restricted access to certain population centres;
- need for renunciation of ownership of the damaged / destroyed property;
- compensatory mechanism does not apply to renovated housing;
- practice of enforcement of court decisions on compensation for the damaged property (court decisions are not enforced and are considered as grounds for refusal to apply the administrative mechanism).

The speaker proposed potential changes given in the report's conclusions.

## **Section II.**

### Improving the administration of justice in the context of armed conflict in eastern Ukraine

**Moderator: Hanna Lebedieva,**

*Judge, Speaker-judge of the Mykolaiv District Administrative Court*



**Hanna Lebedieva**, *Judge, Speaker-judge of the Mykolaiv District Administrative Court*, presented the section topic for discussion. She said that the administration of justice is the main mission of the court. At the same time, in order to achieve this goal, it is necessary to establish proper court administration, including proper administrative work, professionalism of judges and court staff, transparency, openness, communication between society and courts, and the implementation of brand new technologies. More and more court services are going online to improve communication and access to justice. Furthermore, the armed conflict in eastern Ukraine and the COVID-19 pandemic have accelerated the implementation of all brand new technologies. In 2017, new wordings of procedural codes were adopted, as amended, which introduced a unified judicial information and telecommunications system (hereinafter referred to as UJITS). The system worked in the test mode, and there was no clear position on its operation for long. To date, the law on the phased implementation of UJITS has been adopted and the relevant regulation has been approved. The rapporteur noted that eCourt will reduce expenses for communication between citizens and courts.

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**Roman Babii**, *People's Deputy*, highlighted the topic "Electronic justice as a guarantee of protection of civil rights". He stressed the importance of

creation of platforms to discuss such important issues as access to justice amid armed conflict and the opportunity of citizens to defend their rights in court under these difficult conditions. Access to justice has several aspects, and it is not enough to simply allocate premises for court and appoint judges; it is necessary to create conditions and provide tools to make this court function in as convenient as possible manner for citizens. This includes the opportunity to receive legal aid for defending their rights in court, the opportunity to freely provide evidence, case materials, the opportunity to appear in court for the case examination, the opportunity to monitor the case progress, and the creation of basic conditions for a comfortable stay in court.

The rapporteur paid attention to logistics issues, because they are relevant in the context of armed conflict and quarantine restrictions. As litigants spend their money and time to get to courtrooms, there is a feeling that it is difficult, expensive and time-consuming to seek justice and protection in court. People therefore exclude court as the institution of protection of their rights. This could result in distrust of judges and the state. The nationwide problem of access to justice is particularly acute in eastern Ukraine. The eCourt system that ensures, among other things, remote access to justice, is one of the most effective ways in this respect. Besides, in some cases, electronic court may be the only possible way to protect one's rights. Within the limits of its financial capabilities, the state attempts to move towards the introduction of eCourt. Digitisation policy is among Ukraine's priorities.

In May 2021, the Coordinating committee on realisation and implementation of a digital project in the area of justice was established. Based on the results of the Committee's work, a number of amendments have been made enabling the phased implementation of UJITS, and the relevant regulation has been approved. The first three UJITS modules were expected to operate since October 4, 2021.

However, funding remains the biggest problem of digitisation. Negotiations are under way to include UJITS in the state digitisation programme. The system will help save money not only for the state, but also for citizens.

A promising area is the integration of eCourt services into the Diia system for the following four services: (1) notification of the place and time of the court hearing, (2) access to texts of court decisions, (3) access to

electronic enforcement documents, and (4) payment of fines (administrative penalties) in cases involving administrative offenses.

In the current context of global digitalization, the introduction of eCourt is an urgent need, including in the light of issues and topics to which the Forum was dedicated.

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**Larysa Shvetsova**, the Member of the High Council of Judges, the Secretary of the Third Disciplinary Chamber of the High Council of Justice, spoke on "Use of the Unified Judicial Information and Telecommunication System by judiciary". She began her speech with the issues of funding for the judiciary, saying that all courts of Donetsk and Luhansk oblasts had applied to the High Council of Justice because of their underfunding. She also claimed that on September 9, 2021, a decision was made to redistribute funds, including for payment of salaries to court staff, provision of courts with funds for paying for utilities, and provision of the State Judicial Administration of Ukraine (hereinafter referred to as SJA of Ukraine) with funds for implementing UJITS modules. Furthermore, measures continue to be developed that will enable judges to administer justice. In this respect, the High Council of Justice announces competitions for business trips to courts understaffed with judges.



The rapporteur said that the D-3 module (Office Work), the website of the judiciary of Ukraine, and the call centre are already in place; therefore, it cannot be said that UJITS starts operating right now.

The Office Work module continues to be developed. According to the High Council of Justice, the D-3 court document management system should simplify the work of judges. Representatives of the High Council of Justice proposed that in relation to cases brought before courts, the Office Work module should contain information on pending proceedings against the parties and data of the demographic register (automatically, without additional requests), and that D-3 should have at least limited access to the Register of Real Property Rights and the Register of Encumbrances. They urged judges to send information to the State Judicial Administration of Ukraine (hereinafter referred to as SJA of Ukraine) or to the High Council of Justice, where additional information is appropriate. A module for

enforcement documents of SJA of Ukraine and the Ministry of Justice of Ukraine is being jointly developed as well.

The rapporteur emphasised the need to involve judges in the discussion of all problems faced in their routine work.



**Serhii Chornutskyi**, *Deputy Chairperson of the State Judicial Administration of Ukraine*, spoke on "The launch of the Electronic Court. Mobile application. Judicial process using "EASYCON" Platform". He thanked representatives of the parliament for the fact that electronic tools that operated actually will start operating in Ukraine's law, and the representatives of the High Council of Justice for the adopted regulation on the procedure for functioning of certain UJITS subsystems (hereinafter referred to as the Regulations). First of all, the rapporteur said that as the eCourt system, which is not new and which has been operating since 2018, was not legally enshrined in law, court practices were different. The system has over 150,000 registered user and 10% of electronic cases so far.

Mr Chornutskyi stated that the Regulation gives definition for "official e-mail address". Analysis of state registers that use e-mails which can be used as official e-mail addresses is under way. According to the Regulation, courts should be notified of the relevant information. Furthermore, pursuant to the Final Provisions of the UJITS Regulation, the High Council of Justice provided, for the transitional period, for the opportunity of submitting documents, signed by a qualified electronic signature, via any e-mail. The issue of the need to print electronic documents was discussed. The High Council of Justice decided to print documents received in electronic form and examine them in printed form until relevant amendments are made.

SJA of Ukraine is currently preparing clarifications / recommendations to be communicated to court staff and judges in connection with the introduction of UJITS. The administrator of the automated record keeping system, "Information Judicial Systems" State Enterprise, has appropriate courses for court staff.

Also, a new e-Court mobile application, developed in the framework of the United Nations Recovery and Peacebuilding Programme, has been

announced. The app is an adapted version of eCourt designed for smartphones with temporarily limited functionality. Relevant cooperation and increase of the app's functionality is expected to be continued under the UN RPP.

As for video conferencing, the rapporteur noted that this system offered an opportunity to participate in court hearings outside court premises, and was officially launched with the approval of UJITS. Videos will be recorded by the system's tools and centrally stored. Hence, a protocol will be created and there will be no need to use optical disks, which will also save court expenditures.

The rapporteur pointed out cooperation with the Ministry of Digital Transformation of Ukraine to expand the functionality of the Diia app. The SJA of Ukraine has taken all action to ensure that subpoenas could be sent to Diia's users; the Ministry is finalising the app and will announce these changes in the near term. Diia's users will receive relevant messages. A project is under way on forwarding court judgments to Diia's users who are parties to a relevant case, so as to enable them to use these judgments as original documents.

Mr Chornutskyi told about a project implemented jointly with the Ministry of Justice of Ukraine, eMalyatko, enabling to remotely apply for childbirth registration on the basis of a court judgment received via eCourt. A received number of the court judgment is necessary for submitting the application for eMalyatko integrated service on Diia portal. In addition, judges have already been provided with access to the Register of Real Property Rights and the Register of Encumbrances, and courts have been informed about how to get an account in the Ministry of Justice's registers.

The similar issue was raised by the Forum participants with regard to access to registers was raised by the audience regarding access to vital records registries (VRR).

The rapporteur also informed about a pilot project on archive digitisation in three pilot courts of Donetsk and Luhansk oblasts to determine the time spent on scanning documents to use this data for calculation of the required number, resources and time to digitalise the available archives.



**Oleksii Plotnikov**, LL.D., Senior Jurist, CSO "Tenth April", presented the topic "Capacity development of local general courts in Donetsk and Luhansk oblasts in cases related to the armed conflict within the period of transitional justice". He started his presentation by defining the concept of transitional period justice which covers the full range of mechanisms used by society to overcome the implications of armed conflict, reinstate the rule of law, and ensure reconciliation.

He noted that it has been used in dozens of conflicts in other countries and is already being used in Ukraine. Mr Plotnikov paid particular attention to the draft Law No. 5844 of 09.08.2021 "On the Principles of State Policy of Transitional Period".

The rapporteur presented a study carried out under the United Nations Recovery and Peacebuilding Programme:

- The goal was to assess the need for building the capacity of courts of general jurisdiction of Donetsk and Luhansk oblasts to conduct hearing of civil and criminal cases in the framework of Ukraine's policy of transitional period and with regard to quarantine restrictions.
- A total of 50 interviews were conducted, including five with judges of the Supreme Court, ten with judges of courts of general jurisdiction, the first instance and appeal bodies of Donetsk and Luhansk oblasts, and 35 with free legal aid experts.

Conclusions:

- courts play a crucial role in the reinstatement of the rule of law and the administration of justice;
- the lion's share of the justice reinstatement objective will be assigned to Ukrainian courts;
- courts will apply not only Ukrainian law but also international law and practice;
- courts will examine new categories of cases;

- priority needs: increase the number of judges and court staff and provide relevant training;
- other important needs: material support, independence and impartiality of the judiciary.

The rapporteur's recommendations are given in the last section.

## **Section III.**

Judicial protection of human rights  
in the context of armed conflict  
in eastern Ukraine.

Justice in the context of  
the COVID-19 pandemic



**Moderator: Ms. Anastasiia Mykhalchenko,**  
*Judge, Speaker-judge of the Kramatorsk City Court of Donetsk Oblast*



**Viktor Barvitskyi**, Ukrainian Parliament Commissioner's for Human Rights Representative on Human Rights Regarding Right on Information and Representation in the Constitutional Court, presented the topic "Judicial protection of human rights in the context of armed conflict in eastern Ukraine. Justice in the context of the COVID-19 pandemic".

As a follow-up to the discussion on communication of courts with citizens amid the pandemic, he said that the Office of the Commissioner faced new challenges related to compliance with the right to information and the right to appeal to authorities and receive a reasoned response. At the beginning of the pandemic, the Office received appeals, for example, to stop accepting citizen applications and petitions in one of Kyiv district courts, which violated the constitutional right to appeal and to access justice. As a result of the Commissioner's response, the violated citizen rights were restored. Also, there were cases of notification through sending SMS messages to applicants that their requests had been received and a response would be provided after the quarantine is over. However, as is well known, the quarantine continues.

Officials of the Secretariat of the Commissioner continue to defend and monitor the right to appeal, which includes personal receptions of citizens

and the exercise of other rights guaranteed by the Law of Ukraine "On Citizens' Appeals". The overwhelming majority of public authorities suspended citizen receptions on the basis of the Protocol of the Commission on Technogenic and Environmental Safety and Emergencies. However, in the above Law, these rights are not repealed. Moreover, in accordance with provisions of Article 64 of the Constitution of Ukraine, the right of citizens to appeal to authorities cannot be lifted, even in wartime or during a state of emergency.

The Secretariat of the Commissioner advises that citizen receptions be carried out based on safeguard measures recommended by the Ministry of Health of Ukraine or in another way acceptable to the applicant, e.g., by telephone, video, etc.

The rapporteur emphasised the special importance of communicating with citizens on issues related to life, health, freedom and security. The Commissioner received no more complaints from citizens about violation of their right to apply to and receive information from courts, except the above case. At the same time, citizen complaints about violations of their information rights account for a third of the total number of reports received by the Secretariat of the Commissioner (some 13,000 reports on violation of the right to appeal and the right to information were received as of September 1).

Mr Barvitskyi said that the Office of the Commissioner also faced abuse of the right to receive information, and mentioned cases when many requests are filed with the same institution, so as to provoke a violation of the right to information by this institution, followed by a relevant request to the Office of the Commissioner for prosecution of the official, not for restoration of the violated right.

According to Mr Barvitskyi, the Institution of the Commissioner should not be perceived as punitive, because the purpose of its activities is to restore the violated rights, carry out outreach events to prevent and curtail the number of violations, provide relevant recommendations etc. The rapporteur said that the Office of the Commissioner pays close attention to citizen complaints, and places an emphasis on those that contain elements of abuse, which was mentioned in the Commissioner's annual report. A legal mechanism for action in such cases is currently being tested. He presented publications prepared by the Office of

the Commissioner, in particular recommendations on the observance of the constitutional human and civil right to information, which will be useful for both recipients and controllers of information, including authorities, enterprises, institutions and organizations. Recommendations developed in the form of a scientific and practical guide with examples are made publicly available.

The rapporteur stressed the large number of requests about people who serve sentences in the non-government-controlled areas and their relocation, told about monitoring of the situation at entry-exit checkpoints (EECP), listed problems of transfer of cases and the absence of a legal mechanism for their solving, and accentuated the importance of information security and proper disclosure of public information.



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**Oksana Epel**, *Judge of the Sixth Appeal Administrative Court*, spoke on "The case law of the Supreme Court on the internally displaced persons' social rights protection". At the beginning of her address, she returned to the events of 2014 when the state faced for the first time the problem of protecting the rights of IDPs, ATO combatants, relocation of public authorities to the government-controlled areas, and acknowledged the outstanding work done in that area. Despite a number of adopted legal and normative acts, she said, courts remain the only stronghold of protections of civil social rights, as they receive numerous claims against numerous refusals of pensions, social security benefits, etc. According to legal opinions, these refusals are recognized as discriminatory, and the case law in favour of citizens is sustainable (cases No. 826/15624/18, No. 235/4013/17, No. 636/3448/16, No. 243/1305/16ц and others). She also underscored positive legal changes in respect of IDPs on the example of the indefinite, to date, certificate of registration of IDPs.

Ms Epel drew attention to an increase in the number of requests for establishing judicial control of execution of court decisions, especially those on pension payments, and cited the example of the atypical case (No. 640/11777/20) that violated the rights of entrants, notably the claim

of Diia Human Rights Centre NGO against the Ministry of Education and Science of Ukraine on challenging certain provisions of the Order "On approval of the procedure for admission to higher and vocational (technical) educational institutions of people living in NGCA of Donetsk

and Luhansk oblasts", which limited the entry of applicants only to temporarily relocated higher educational institutions, as well as to higher educational institutions located in Donetsk and Luhansk oblasts.

As for the issue of non-enforcement of court decisions raised during the discussion, the rapporteur told about activities of the Public Development Association, founded by her, through the right to discuss problems linked to non-enforcement of court decisions. She noted that two draft Laws on urgent measures to ensure enforcement of court decisions have been registered so far, including the draft Law No. 6012 advocated by the rapporteur.

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**Natalia Frolova**, Judge of the Artemivsk Local Court of Donetsk Oblast, reported on "Quarantine restrictions and accessibility of justice at the local level". She stressed that the right to access to justice covers several aspects: physical access, reasonable timeframes for case examination, and the opportunity to participate in a court hearing. The CMU Resolution No. 211 of 11.03.2020 "On Prevention of the Spread of COVID-19 Acute Respiratory Disease Caused by the SARS-CoV-2 Coronavirus in Ukraine" imposed the quarantine throughout the country, which has been repeatedly continued. By its letter No. 9pc-186/20 of March 16, 2020, the Council of Judges of Ukraine recommended that courts introduce a special regime. In practice, this meant the termination of citizen reception by courts' management, restrictions on the stay of non-parties to the case in court premises, recommendations for parties to the case to write applications for examination of cases in their absence, restricted access of persons with respiratory diseases to court premises, holding of court hearings in the form of video conferencing, and remote review of case files.

The imposed quarantine restrictions impeded transport communication, which in turn resulted in delays in case examination. On March 26, 2020,



the High Council of Justice delivered a judgment on access to justice amid the pandemic and provided judges with relevant recommendations. On March 30, 2020, the Verkhovna Rada of Ukraine adopted the Law of Ukraine No. 540-IX "On Amending Certain Legislative Acts of Ukraine" aimed at providing additional social and economic guarantees in connection with the spread of coronavirus disease (COVID-19), which extended the procedural examination deadlines, in particular for challenging the case. As a result, the issuance of writs of execution was suspended, because judgments did not enter into legal force.

The rapporteur noted that although the issue of video conferencing became acute during the quarantine period, there were cases of rejected requests for court hearings in that format due to the absence of technical capacities and impossibility to ensure information security.

Judge Frolova made a special mention of criminal cases to be considered amid the quarantine in the mandatory presence of the suspects and accused. The Criminal Procedure Code of Ukraine (hereinafter referred to as CPC of Ukraine) did not provide for a court hearing via video conference using court's own technical means, yet in practice, the above requests were upheld. Another problem during the quarantine was consideration of requests for extension of detention and the like, due to which amendments were made by the Law of Ukraine No. 540-IX of 30.03.2020, as amended by the Law of Ukraine No. 558-IX of 13.04.2020, to CPC of Ukraine. They detailed some of the specific features of judicial control of the observance of rights, freedoms and interests of people in criminal proceedings, as well as consideration of certain issues at court proceedings. Ms Frolova also paid attention to such problems as transportation of detainees to courtrooms, transfer of convicts to places of imprisonment, review of case files, etc.

The rapporteur gave examples of abuse of rights in cases involving administrative offenses, e.g., filing requests for deferral of case hearing for the period of quarantine allegedly waiting for the limitation period to expire. She emphasised an increase in the number of cases of abolition of administrative penalties due to violations of the border crossing rules (the situation was due to restrictions imposed on operation of EECP and people living in NGCA were forced to travel to GCA through the Russian Federation's territory).

Ms Frolova said that courts worked hard to ensure the right to access to justice amid the quarantine restrictions. She suggested that access to

justice would not be possible if courts were not provided with logistical support and if the staff shortage was not overcome.

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**Yuliia Tralo**, Legal Aid Coordinator, Charitable Fund "Right to Protection", spoke on "Accessibility of justice under the quarantine restrictions for the people living in non-government controlled areas ", which was in tune with the previous topic. As in the last three years, people living in NGCA are the most concerned with:

1. establishing the facts of birth and death as a condition of access to documents, social security benefits and inheritance;
2. physical access to GCA by crossing the "contact line" through EECP or the state border through the territory of the Russian Federation;
3. resumption of social security and pension benefits, recovery of arrears on these benefits and inheritance of benefits unpaid during the testator's life.



The rapporteur raised problems of the possibility and accessibility of filling remote (electronic) appeals to court by people living in the non-government-controlled areas:

4. level of awareness of remote access to court via the eCourt system among people living in NGCA is very low; the small number of potential applicants or claimants have technical skills;
5. practical availability of e-court for people concerned is limited by the small number of categories of cases, including the most common — establishing the facts of birth and death (taking into account amendments to the Civil Procedure Code of Ukraine and the Code of Administrative Procedure of Ukraine in accordance with the Law of Ukraine No. 1416 of April 27, 2021 "On Amending Certain Legislative Acts of Ukraine to Ensure the Phased Implementation of the Unified

Judicial Information and Telecommunications System", except cases of prior applications for free or paid legal aid);

6. follow-up actions to address this issue require physical presence and a consequent recourse to public authorities in the government-controlled areas.

Ms Tralo placed a special emphasis on the problem of physical accessibility of crossing the "contact line" through EECP or the state border through the territory of the Russian Federation, and gave the following examples of categories of issues and cases in applications of people living in NGCA:

1. restrictions on crossing the "contact line" through EECP due to the quarantine restrictions imposed in 2020;
2. application of administrative penalties in accordance with Article 204-2 of the Code of Ukraine on Administrative Offences (hereinafter referred to as CAO) "Violations of the procedure for entry to and exit from the temporarily occupied territories of Ukraine" (as amended by the Law of Ukraine No. 1583 of June 29, 2021 to the Law of Ukraine "On Amending Certain Legislative Acts of Ukraine to Prevent the Occurrence and Spread of Coronavirus Disease (COVID-19)";
3. application of administrative penalties in accordance with Article 204-3 of the Code of Administrative Offences "Violations of the procedure for movement of goods to or from the area of the Anti-Terrorist Operation", and in accordance with the CMU Resolution No. 815 of 17.07.2019 "On the Procedure for Entry of Persons and Movement of Goods to the Temporarily Occupied Territories of Donetsk and Luhansk Oblasts and Exit of Persons and Movement of Goods from These Territories" (confiscation of pensions exceeding UAH 50,000).

Also, the rapporteur touched upon issues raised in connection with the adoption and imposition of the quarantine restrictions in the context of freedom of movement and armed conflict:

1. validity of the restriction on freedom of movement and the balance between the right of individuals and national and public safety (the right

to liberty of movement, Article 2 of Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter referred to as the Convention);

2. right of everyone to receive and impart information and ideas of common interest (this applies to the government-controlled areas and falls within the scope of freedom of expression, Article 10 of the Convention);
3. positive obligations of the state in the context of Article 3 of the Convention (inhuman and degrading treatment);
4. implementation of the Law of Ukraine "On Social Services" in terms of provision of social services to persons who are not members of a respective community;
5. validity of the application of administrative penalties in accordance with Article 204-3 of CAO, taking into account the absence of a clearly regulated legal procedure and in the context of Article 1 of Protocol No. 1 to the Convention (protection of property), the principle of legality (approach to the interpretation of ECHR as law);
6. validity of the application of administrative penalties in accordance with Article 204-2 of CAO in the absence of clear legal provisions governing the question of exemptions from this liability.

Also, Ms Tralo provided statistics on securing the social rights of IDPs and people living in the non-government-controlled areas based on the report on the results of analysis of the system of compulsory state pension and social insurance and social security, approved by the Decision of the Accounting Chamber No. 15-4 of 13.07.2021:

- 1,278,200 pensioners were registered with offices of the Pension Fund of Ukraine (hereinafter referred to as PFU) in Donetsk and Luhansk oblasts as of August 2014;
- 119,200 persons (9.3%) have never applied for pensions in GCA;
- 1,159,000 persons (90.7%) applied to PFU offices from August 2014 to December 2020, of whom over 45% did not receive pensions for various reasons as of 01.01.2021;

- pension arrears to IDPs, according to estimations of PFU, exceed UAH 83 billion as of 01.01.2021; arrears to IDPs on social insurance and expenditures of the Social Insurance Fund of Ukraine amount to UAH 7.8 billion.

According to PFU, in 2019–2020, courts of first instance conducted proceedings on claims of IDPs regarding the resumption of pension payments and repayment of arrears for previous years estimated at UAH 245.5 million and UAH 76.8 million respectively, of which claims were upheld in full or in part in the amount of UAH 224.5 and UAH 57.1 million respectively. In accordance with judgments of courts of various instances that came into force, pension benefits were calculated in the amount of UAH 1,062.3 million in 2019 and UAH 291.4 million in 2020, of which only UAH 93.1 million and UAH 40.9 million were paid respectively.



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**Anastasiia Mykhachenko**, Judge of the Kramatorsk Local Court of Donetsk Oblast, spoke on “Domestic and gender-based violence against women during the armed conflict in eastern Ukraine”. She said that there was a problem of the quality of drawing up administrative offence reports submitted to courts, in particular, the absence of a list of evidence, except explanations of the survivor of violence and identification of the type of violence committed.

Also, urgent protection orders attached to the protocols contain a list of risks that create a basis for the application of the restrictions concerned, but the police neither specify the grounds for relevant conclusions nor justify possible risks. The rapporteur made a special mention of the fact that due to the heavy workload, there is a risk that administrative offences could be examined formally, on the basis of available documents, because court cannot request evidence on its own. There is the problem of identification of a particular type of domestic violence and assessment of the situation.

When hearing criminal proceedings, prosecutors add expert opinions as evidence, which formally detail all types of violence specified in law,

except sexual violence where it was not committed, and it is impossible to establish the reasons that made the expert draw that conclusion.

The rapporteur drew attention to the fact that the Supreme Court published **the review of the case law** of the Civil Cassation Court at the Supreme Court of Ukraine on issuance of restrictive orders in compliance with the Civil Procedure Code of Ukraine, which summarises problems faced by judges in hearing of such claims. Specifically, regarding the ban on the stay of a co-owner in the apartment, the Supreme Court ruled that this was a legitimate restriction on the co-owner's right, as there was no other way to prevent violence.

## Closing remarks



**Bohdan Monich**, the Chairperson of the Council of Judges of Ukraine, Judge of the Seventh Administrative Court of Appeal, said that problems of the work of courts in communities along the "contact line" are very important. He pointed out a number of bottlenecks that the Council of Judges of Ukraine is attempting to remove, in particular staffing problems of Ukrainian courts.

The situation is more complicated in Donetsk and Luhansk oblasts than in the rest of the country. For example, no criminal judges are left in Luhansk Court of Appeal, which may affect the quality of future judgments. The five-year term of office of judges appointed for the first time by decrees of the President of Ukraine of August – September 2016 expires in September. 128 out of 246 judges remain in power in Donetsk Oblast, and 50 out of 122 in Luhansk Oblast. The same problem is typical for the rest of Ukraine.

Judge Monich emphasised the problem of funding for courts. He stressed the importance and complexity of the work of judges of Donetsk and Luhansk oblast in emergency settings.



**Roman Khashchenkov**, Community Security and Social Cohesion Coordinator, UN Recovery and Peacebuilding Programme, thanked the Forum participants for debates and lively discussions, which highlights the relevance of the issues discussed. He said that it was interesting to hear opinions and ideas on improving the accessibility and convenience of services regardless of residence of users of these services, whether in GCA or in NGCA. Mr Khaschenkov pointed out that all problems could be solved through their discussion and common search for ways and opportunities for their solving, with regard to the needs of the target audience.

Based on the Forum results, participants have formulated the following issues that need to be addressed

**Section I. Issues of compensation for damage caused by armed conflict in eastern Ukraine:**

- The need to set a procedure for the use of civilian property in the interests of military personnel and for the payment of compensation for the use of the property concerned;
- The need to raise people's awareness of opportunities for protecting their rights;
- The need to immediately resolve the problem of non-enforcement of court decisions;
- Court judgments on compensation for non-compliance of the state with the positive obligation should not deprive a person of the right to apply, through the newly developed mechanism, for compensation for the destroyed real estate; refusals should therefore be challenged;
- The need to resolve the issue of land plots on which the damaged / destroyed housing is located;
- The need to finalise the applicable procedure for compensation for the destroyed housing;
- The need to develop and adopt a comprehensive law on the protection of property rights of conflict-affected people;
- It is advisable to create a state register of property destroyed, damaged and lost as a result of armed conflict.

- The need to integrate the compensation process with long-term decisions and the transitional justice law.
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## **Section II. Improving the administration of justice in the context of armed conflict in eastern Ukraine:**

- The need for sufficient funding for digitalisation of services;
- The need to raise awareness of stakeholders of the obligation to adhere to the culture of communication, the inadmissibility of abuse of rights;
- The need to train judges and external actors in the use of UJITS;
- The need to provide judges with access to vital records registries;
- The need to hold trainings for judges and representatives of the free legal aid system on transitional justice in various formats, including through study visits;
- The need to increase the number of judges in courts of Donetsk and Luhansk oblasts;
- The need to ensure, in the conditions of transitional justice, protection of judges against undesirable influence (pressure), in particular to guarantee their physical safety; examine some cases in other oblasts where necessary;
- The need to increase guarantees of impartiality of courts, in particular through improving communication;
- The need to study logistical needs of courts;
- The need to work with the media and public organizations to help raise public awareness of the opportunities for receiving fair compensation and of the procedure for going to court;

- The need to approve a legal mechanism for the transfer of court cases and people serving sentences from NGCA;
  - The need to respect the principle of information security in the context of digitalisation of services.
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### **Section III. Judicial protection of human rights in the context of armed conflict in eastern Ukraine. Justice in the context of the COVID-19 pandemic:**

- The need to work, in an appropriate manner, on disclosure of public information;
- The need to solve the issue of “imposing” the IDP status on people who relocated from Donetsk and Luhansk oblasts before the events of 2014, but did not change their place of registration;
- The need to take action in respect of approval and implementation of the administrative procedure for registration of births and deaths occurred in the non-government-controlled areas, which was announced at the previous Forum, but was not adopted;
- The need to address the issue of abuse on the part of PFU offices of requirements to establish documented facts, e.g., cohabitation relationship;
- The need to have a legal opinion on the CMU Resolution No. 637 “On Payment of Social Benefits to Internally Displaced Persons”;
- The need to develop a uniform approach to cases on inheritance of benefits unpaid during the testator’s life, in particular including the failure to pay the full amount specified in the certificate of inheritance, the failure of a PFU office to provide a notary with information on the amount of unpaid pension with a reference to a three-year term (incomplete information), and the failure to accrue pensions or other benefits;

- The need to resolve the issue of administrative penalties in accordance with Article 204-3 of CAO;
- The need to resolve the issue of administrative penalties in accordance with Article 204-2 of CAO;
- The police need to pay more attention to evidence and completion of reports of domestic violence.



**Annex I**

**AGENDA  
IV JUDICIAL FORUM**

**“The administration of justice  
in the context of the armed conflict  
in eastern Ukraine”**

**16 September 2021, the “President” Hotel, Kyiv**

09:00—09:30		Registration and welcome coffee
09:30—10:00	Welcome remarks	<ul style="list-style-type: none"> <li>— <b>Ms. Dafina Gercheva</b>, Resident Representative, UNDP in Ukraine</li> <li>— <b>Ms. Olha Stupak</b>, Judge of the First Trial Chamber of the Civil Court of Cassation within the Supreme Court</li> <li>— <b>Mr. Viktor Barvitskyi</b>, Ukrainian Parliament Commissioner's for Human Rights Representative on Human Rights Regarding Right on Information and Representation in the Constitutional Court</li> <li>— <b>Mr. Oleksii Salnikov</b>, the Chairperson of the State Court Administration of Ukraine, a.i.</li> </ul>
Moderator	<b>Ms. Anastasiia Mykhalkchenko</b> , Judge, Speaker-judge of the Kramatorsk City Court of Donetsk Oblast	
		<b>Section I (10:00—12:00)</b>
Moderator	<b>Ms. Anastasiia Mykhalkchenko</b> , Judge, Speaker-judge of the Kramatorsk City Court of Donetsk Oblast	
		<b>Compensation for the damage caused by the armed conflict in eastern Ukraine</b>
10:00—10:20	Introduction	<b>Ms. Olha Stupak</b> , Judge of the First Trial Chamber of the Civil Court of Cassation within the Supreme Court
10:20—11:40	Expert reports and discussions	<b>Ms. Valeria Lutkovska</b> , Programme Director, the Ukrainian Institute for Human Rights
		<b>Mr. Ievhen Petrov</b> , Judge of the Third Trial Chamber of the Civil Court of Cassation within the Supreme Court
		The cases of the Supreme Court on obtaining the compensation for the damages caused by the armed conflict in eastern Ukraine
		<b>Mr. Volodymyr Khorbaladze</b> , Housing, Land and Property Coordinator, the Norwegian Refugee Council
11:40—12:00	Summary	National compensation mechanism for the damaged and/or destroyed civilian property during the armed conflict in eastern Ukraine
12:00—13:00	Lunch	

Section II (13:00—15:00)			
Moderator	<b>Ms. Hanna Lebedieva</b> , Judge, Speaker-judge of the Mykolaiv District Administrative Court		
<b>Improving the administration of justice during the conflict in eastern Ukraine</b>			
13:00—13:20	Introduction Administrative Court	<b>Ms. Hanna Lebedieva</b> , Judge, Speaker-judge of the Mykolaiv District	
13:20—14:40	Expert reports and discussions Parliament	<b>Mr. Roman Babii</b> , Member of the Parliament	E-justice as a guarantee of citizens' rights protection
		<b>Ms. Larysa Shvetsova</b> , the Member of the High Council of Judges, the Secretary of the Third Disciplinary Chamber of the High Council of Justice	Use of the Unified Judicial Information and Telecommunication System by judiciary
		<b>Mr. Serhii Chornutskyi</b> , the Deputy Head of the State Court Administration of Ukraine	The launch of the Electronic Court. Mobile application. Judicial process using "EASYCON" Platform
		<b>Mr. Oleksii Plotnikov</b> , LL.D., Senior Jurist, CSO "Tenth April"	Capacity development of local general courts in Donetsk and Luhansk oblasts in cases related to the armed conflict within the period of transitional justice
14:40—15:00	Summary		
15:00—15:30	Coffee		

Section III (15:30—17:30)			
Moderator	<b>Judicial protection of human rights during the armed conflict in eastern Ukraine.</b> <b>Justice in times of the COVID-19 pandemic</b>		
15:30—15:50	Introduction	<b>Mr. Viktor Barvitskyi</b> , Ukrainian Parliament Commissioner for Human Rights Representative on Human Rights Regarding Right on Information and Representation in the Constitutional Court	
15:50—17:10	Expert reports and discussions	<b>Ms. Oksana Epel</b> , Judge of the Sixth Appeal Administrative Court	The case law of the Supreme Court on the internally displaced persons' social rights protection
		<b>Ms. Natalia Frolova</b> , Judge of the Artemivsk Local Court of Donetsk Oblast	Quarantine restrictions and accessibility of justice at the local level
		<b>Ms. Anastasiia Mykhalkchenko</b> , Judge of the Kramatorsk Local Court of Donetsk Oblast	Domestic and gender-based violence against women during the armed conflict in eastern Ukraine
		<b>Ms. Yuliia Tralo</b> , Legal Aid Coordinator, Charitable Fund "Right to Protection"	Accessibility of justice under the quarantine restrictions for the people living in non-government controlled areas
17:10—17:30	Summary		
17:30—18:00	Concluding remarks	<ul style="list-style-type: none"> <li>— <b>Mr. Bohdan Monich</b>, the Chairperson of the Council of Judges of Ukraine, Judge of the Seventh Administrative Court of</li> <li>— <b>Mr. Victor Munteanu</b>, the UN Recovery and Peacebuilding Programme Manager</li> <li>— <b>Mr. Serhii Chornutskyi</b>, the Deputy Chairperson of the State Court Administration of Ukraine</li> </ul>	



