



Organization for Security and  
Co-operation in Europe  
Project Co-ordinator in Ukraine



# V KHARKIV INTERNATIONAL LEGAL FORUM

(20-24 September 2021)

## SATELLITE EVENT “EUROPEAN VALUES AND CONSTITUTIONAL JUSTICE” September 20, 2021

<b>Partners:</b>	OSCE, National Academy of Legal Sciences of Ukraine.
<b>Who attends the event:</b>	judges, lawyers, prosecutors, attorneys, public servants, legal scholars, students, NGOs.
<b>Location:</b>	offline speakers – Yaroslav Mudryi National Law University Library&Learning Center, 9th floor, open space (84 Pushkins’ka St., Kharkiv, Ukraine)
<b>online speakers</b>	ZOOM.
<b>online participants</b>	ZOOM.
<b>Time: 11.00 am - 19.30 pm (GMT+3:00 Kyiv)</b>	
<b>Moderator:</b>	<b>Sergiy Maksymov</b> (Doctor of Law, Professor at the Department of Theory and Philosophy of Law of the Yaroslav Mudryi National Law, Corresponding Member of the National Academy of Legal Sciences of Ukraine, Editor-in-Chief of the scientific journal «Philosophy of Law and General Theory of Law»).

The event will discuss a wide range of value and methodological problems of constitutional justice in a comparative perspective from the point of view of its Europeanization and rationalization.

Among other things, attention will be paid to discussing the following issues:

- European values and constitutionalism, the choice of civilization of Ukraine;
- Constitutional justice and realization of key values: human dignity, freedom, equality, justice, rule of law, etc.;
- Judgment of the Constitutional Court as a source of law; methodology of interpretation and argumentation in the process of constitutional proceedings;
- Problems of formation of a modern constitutional doctrine in Ukraine;
- Constitutional protection of human rights in the modern world: problems and challenges.

Agenda	
10.30 - 11.00	Registration of participants
11.00 - 11.15	<p><b>Opening Ceremony</b></p> <p><b>Iurii BARABASH</b> (Professor, Vice-Rector of the Yaroslav Mudryi National Law University, Corresponding Member of the National Academy of Legal Sciences)</p> <p><b>Oleksandr VODYANNIKOV</b> (Ph. D in Law, National legal adviser OSCE Project Coordinator in Ukraine)</p> <p><b>Sergiy MAKSYMOW</b> (Moderator, Doctor of Law, Professor at the Department of Theory and Philosophy of Law of the Yaroslav Mudryi National Law University, Corresponding Member of the National Academy of Legal Sciences)</p>
11:00-13:00	<p style="text-align: center;"><b><u>Session I. European values and constitutionalism</u></b></p> <p style="text-align: center;"><b><u>Moderator – Sergiy Maksymov</u></b></p> <p><b>Oleksandr PETRYSHYN</b> (Ukraine), president of the National Academy of Legal Sciences of Ukraine, Head of the Department of Theory and Philosophy of Law of the Yaroslav Mudryi National Law University, Doctor of Law, Professor, Academician of the National Academy of Legal Sciences of Ukraine</p> <p style="color: green;"><b><i>Constitutional dimension of social reality</i></b></p> <p><b>Matthias HARTWIG</b> (Germany), Doctor of law and senior researcher at the Max Planck Institute for Comparative Public Law and International Law</p> <p style="color: green;"><b><i>European integration and constitutional identity (on-line)</i></b></p> <p><b>Sergey PROLEEV</b> (Ukraine), Doctor of Philosophy, professor. Head of the Department of Philosophy of Culture, Ethics and Aesthetics of the Hryhorie Skovoroda Institute of Philosophy of the National Academy of Sciences of Ukraine</p>

	<p><i>Europe against itself: values versus interests (on-line)</i></p> <p><b>Rainer ARNOLD</b> (Germany), Professor, Dr. Dr h.c.mult, University of Regensburg</p> <p><i>Constitutional justice in the light of the realization of key values of constitutionalism (on-line)</i></p> <p><b>Justyn PISKORSKI</b> (Poland), Judge of Republic of Poland Constitutional Court, Doctor of Law, Professor of Adam Mickiewicz University, Foreign member of the National Academy of Legal Sciences of Ukraine</p> <p><i>European values and the civilizational choice (on-line)</i></p> <p><b>Roman ZYMOVETS</b> (Ukraine), Candidate of Philosophical sciences, researcher, Hryhorie Skovoroda Institute of Philosophy of the National Academy of Sciences of Ukraine</p> <p><i>To the theory of contemporary constitutional patriotism</i></p>
13.00-14.00	coffee break (lunch)
14.00 – 15.30	<p style="text-align: center;"><b><u>Session II. Constitutional values and constitutional justice</u></b></p> <p style="text-align: center;"><b><u>Moderator – Dmytro Vovk</u></b></p> <p><b>Martin KRYGIER</b> (Australia), Gordon Samuels Professor of Law and Social Theory, The University of New South Wales (UNSW Sydney); Honorary Professor, RegNet, Australian National University; Senior Research Fellow, Rule of Law Program, CEU Democracy Institute, Budapest</p> <p><i>Why the ideal of the rule of law is not just a European, but a universal, value (on-line)</i></p> <p><b>Stephan KIRSTE</b> (Austria), professor of legal and social philosophy at the Faculty of Law of the University of Salzburg, Professor Colaborador at the Pontificia Universidade Católica do Rio Grande do Sul (Brazil)</p> <p><i>Human dignity as an individual right and a constitutional value (on-line)</i></p> <p><b>Oleksandr VODYANNIKOV</b> (Ukraine), Ph. D in Law, National legal adviser OSCE Project Coordinator in Ukraine</p> <p><i>Equality: constitutional paradigm, principle and law</i></p> <p><b>Paolo SANDRO</b> (United Kingdom), Lecturer in Law at the University of Salford (Manchester), doctor of Public Law from the University of «Roma Tre» in Rome and a Ph.D. in Legal Theory from the University of Edinburgh.</p> <p><i>Lex and ius: on the dualist structure of constitutional democracy (on-line)</i></p> <p><b>Toma BIRMONTIENE</b> (Lithuania), Professor at Mykolas Romeris University Law School, Institute of Public Law. Former Justice of the Constitutional Court of Lithuania (2005-2014)</p>

	<p><i>The independence of Constitutional Courts as an Inevitable principle of Rule of Law (on-line)</i></p> <p><b>Dainius ZALIMAS</b> (Lithuania), Professor at the Mykolas Romeris University (Vilnius), the former President of the Constitutional Court of the Republic of Lithuania (2014-2021)</p> <p><i>Constitutional Responses to the Current Challenges to the Rule of Law and Human Rights (on-line)</i></p>
15.30-16.00	coffee break
16.00-17.30	<p style="text-align: center;"><b><u>Session III. Constitutional doctrine and constitutional justice</u></b></p> <p style="text-align: center;"><b><u>Moderator – Viktor Smorodynsky</u></b></p> <p><b>Lubomyr LETNYANCHYN</b> (Ukraine), Ph.D in Law, Associate Professor, lecturer in the Department of Constitutional Law of Ukraine of the Yaroslav Mudriy National Law University. Member of the Scientific Advisory Board of the Constitutional Court of Ukraine</p> <p><i>Constitutional doctrine of Ukraine: problems of legalization, transformation and Europeanization</i></p> <p><b>Vasyl LEMAK</b> (Ukraine), Judge of the Constitutional Court of Ukraine, Doctor of Law, professor. Corresponding member of the National Academy of Legal Sciences of Ukraine</p> <p><i>Law and Politics in the Jurisprudence of the Constitutional Court of Ukraine: Main Problems</i></p> <p><b>Oleg PERVOMAYSKIY</b> (Ukraine), Judge of the Constitutional Court of Ukraine, PhD in Law, Associate Professor, Senior researcher at Fedir Burchak Scientific-research institute of private law and entrepreneurship of the National Academy of Legal Sciences of Ukraine</p> <p><i>Values of constitutionalism in the procedure of amending the Constitution of Ukraine</i></p> <p><b>Stanislav SHEVCHUK</b> (Ukraine), Doctor of Law, Professor, Corresponding Member of the National Academy of Legal Sciences of Ukraine, Judge of the Constitutional Court of Ukraine (2014-2019), Chairman of the Constitutional Court of Ukraine (2018-2019)</p> <p><i>The role of constitutional changes in 2019 regarding the geopolitical orientation of Ukraine in the development of constitutional jurisprudence</i></p> <p><b>Victor HORODOVENKO</b> (Ukraine), Judge of the Constitutional Court of Ukraine. Doctor of Law, professor, Corresponding member of the National Academy of Legal Sciences of Ukraine</p>

	<p><i>Methodology of interpretation and argumentation in the decisions of the Constitutional Court of Ukraine: progressive trends</i></p> <p><b>Dmytro VOVK</b> (Ukraine), Ph.D in Law, director for the Rule of Law and Religion Studies, Yaroslav Mudryi National Law University</p> <p><i>Constitutional Justice in Post-Soviet Legal Systems: Why It Does Not Work?</i></p> <p><b>Viktor SMORODYNSKY</b> (Ukraine), Ph. D in Law, Associate Professor, lecturer in the Department of Theory and Philosophy of Law of the Yaroslav Mudryi National Law University</p> <p><i>Invaluableness of constitutional justice: Viennese hopes and Kyiv realities</i></p>
17.30-18.00	coffee break
18.00-19.30	<p><b><u>Session IV. Methodology and ideology of constitutional justice (challenges and prospects)</u></b></p> <p><b><u>Moderator – Sergiy Maksymov</u></b></p> <p><b>Sergiy RIZNYK</b> (Ukraine), Doctor of Law, Associate Professor, Vice-Rector for scientific and pedagogical work and international cooperation of Ivan Franko National University of Lviv</p> <p><i>Application of the case-law of the ECHR in the administration of constitutional justice in Ukraine</i></p> <p><b>Vsevolod RECHITSKY</b> (Ukraine), Ph.D in Law, Associate Professor, lecturer in the Department of Constitutional Law of Ukraine of the Yaroslav Mudryi National Law University</p> <p><i>On taking into account the paradox of consequences of Max Weber in the construction of constitutional paradigms</i></p> <p><b>Michael SAVCHIN</b> (Ukraine), Doctor of Law, professor, Director of the Research Institute of Comparative Public Law and International Law of Uzhhorod National University</p> <p><i>Constitutional justice and European values systematic</i></p> <p><b>Olena BORYSLAVSKA</b> (Ukraine), Doctor of Law, Associate Professor, professor of the Department of Constitutional Law, Ivan Franko National University of Lviv</p> <p><i>European Values and Their Influence on the Ukrainian Official Constitutional Doctrine's Formation</i></p> <p><b>Oksana HRYSCHUK</b> (Lviv), Doctor of Law, Professor, Professor of the Department of Theory and Philosophy of Law, Faculty of Law, Ivan Franko National University of Lviv</p>

***Constitutional values and principles in decisions of constitutional courts***

**Sergiy MAKSYMOW** (Ukraine), Doctor of Law, Professor at the Department of Theory and Philosophy of Law of the Yaroslav Mudryi National Law University, Corresponding Member of the National Academy of Legal Sciences

***Natural-law argumentation in the constitutional courts decisions***

**Stanislav POGREBNIYAK** (Ukraine), Doctor of Law, Professor at the Department of Theory and Philosophy of Law of the Yaroslav Mudryi National Law University

***Values-principles-rules: how not to get lost in the proceedings***

**Tetyana SLINKO** (Ukraine), Ph. D in Law, Associate Professor, Head of the Department of Constitutional Law of Ukraine, Yaroslav Mudryi National Law University

***Freedom of expression as the European constitutionalism fundamental value***

**DISCUSSION**

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