



Jean Monnet Centre of Excellence – Tensions at the Fringes of the EU – Regaining the Union's purpose

Human Rights in a Changing Europe – Colliding spheres of Justice?

School of Law, Queen's University Belfast Friday 15 June 2018, 10.00am-4.00pm

Using the image of colliding spheres, this conference invites debate on the state of human rights protection in Europe under the legal regimes of the European Union and the European Convention of Human Rights (ECHR). The ECHR, as an international Treaty, obliges 47 signatory states to guarantee a range of mainly civil and political rights under the supervision of the European Court of Human Rights, while the European Union (EU) has only gradually developed human rights protection, progressing from general principles of law (1962) to the Charter of Fundamental Rights of the European Union (CFREU), legally binding from 2009 on the EU and its Member States (if implementing EU law). The European Court of Human Rights in Strasbourg (ECtHR) and the EU Court of Justice in Luxembourg (CJEU) interpret and uphold the respective human rights regimes, mostly in a spirit of cooperation with occasional frictions – the latter being illustrated by the CJEU's Opinion of December 2014 rejecting the draft treaty on the EU's accession to the ECHR. The UK's decision to withdraw from the EU may put an end to whatever role the CFREU may have played in that State, suggesting an increasing relevance for the ECHR in guaranteeing a level playing field in human rights protection in Europe. That level playing field may well be tilted if the current government is able to realise its plans to change the way the ECHR is applied in the UK.

The conference will have **two plenary panels** devoted to fields **illustrating discord and cooperation** between the two Courts, with one **key note speaker** for each. **Dr Evelyn Collins** (Chief Executive of the Equality Commission for Northern Ireland and Chair of the Board of EQUINET, the European Network of Equality Bodies) will speak on "**Equality and Social Justice**", and **Professor Daniel Sarmiento** (University Complutense of Madrid) on "**Human Rights and Administration of Criminal Justice**".

While the EU boasts a wide range of legislation and treaty rights and an expansive body of case law on equality, the CJEU has been reluctant to fully accept collective labour rights and other CFREU social rights. Conversely, the ECHR's non-discrimination provision only became a free-standing norm through Protocol No 12 (in force for ratifying states from 2005), though the ECtHR has been more proactive than the CJEU in relation to new types of discrimination, such as those based on sexuality or sexual orientation. As regards social justice, the ECtHR has recently embraced collective labour rights as well as other social rights. As regards the relationship between human rights and criminal justice, the EU has introduced minimum standards for victims' and defendants' rights through Directives 2012/29/EU and 2013/48/EU, while the more recent Directive (EU) 2017/541 on combating terrorism has given rise to criticism under human rights aspects. The CJEU has, from 2014, sought to develop its jurisprudence on the right to a fair trial. The ECtHR has also issued influential judgments relating to a fair trial, following the CJEU's lead in ensuring that human rights are not disproportionately affected by counter-terrorism measures. Both Courts have protected rights in the context of domestic violence and human trafficking, as well as on the appropriate scope of the *ne bis in idem* principle (the right not to be tried or punished twice for the same offence or crime).

Call for papers

We invite papers exploring divergence and convergence of the two European human rights regimes in any relevant field, their relevance for the constitutionalisation of Europe or their implications for the UK's future position in Europe. Abstracts of up to 500 words, accompanied by a short auto-bio-graphical note should be submitted by **30 April 2018** to trepup@qub.ac.uk. Queries about the conference can be addressed to Professor Dagmar Schiek (d.schiek@qub.ac.uk) or Dr Sara Clavero (sara.clavero@qub.ac.uk).