



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

## TREUP International conference

### Human Rights in a Changing Europe – Colliding Spheres of Justice?

15 June, 10am-4.20pm. Moot Court Room, QUB School of Law



### Organising Committee:

Prof. Gordon Anthony

Dr. Sara Clavero

Prof. Brice Dickson

Prof. Dagmar Schiek

## Background

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).

Human rights protection by the EU has attained a critical relevance on several accounts: on the one hand, a number of Member States (including, but not limited to the UK) have taken critical approaches to the rule of law and human rights protection in the EU. These include the UK, whose desire to leave the EU is among others motivated by human rights protection through the Court of Justice, but current proceedings relating to Poland, for example, and the recent activities of Italy renouncing its humanitarian obligations towards refugees, are examples demonstrating that distance in other Member States. On the other hand, the EU is criticised for not providing sufficient human rights protection, among others in relation to austerity measures and in the area of asylum and refugees. Yet, the EU is not a human rights organisation, and its Court is not a human rights court. The European Court of Human Rights (ECtHR), established by the ECHR, is a human rights court, though it operates within a legal framework lacking the supranational quality of EU law.

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.

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. With respect to social justice, the ECtHR has recently embraced collective labour rights as well as other social rights. As for 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).

The aim of this conference is to explore divergence and convergence of the two European human rights regimes in two exemplary fields.

## Programme

The conference is structured in 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) will speak on “Equality and Social Justice”, and Professor Daniel Sarmiento (University Complutense of Madrid) on “Human Rights and the Administration of Criminal Justice”.

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**10.00-10.30** Registration and welcome coffee

**10.30-10.45** Introduction  
*Prof. Dagmar Schiek, Queen’s University Belfast*

### Panel 1: Equality and Social Justice

Chair: Prof. Brice Dickson, Queen’s University Belfast

**10.45-11.15** Keynote address 1  
*Dr. Evelyn Collins, NI Equality Commission*

**11.15-11.30** Questions & Answers

**11.30- 11.50** Positive action in the case law of the European Court of Human Rights and the European Court of Justice  
*Biljana Kotevska, Queen’s University Belfast*

**11.50- 12.10** The challenges of Brexit: Highlighting intersectional invisibilities  
*Dr. Amal Ali, University of Lincoln*

**12.10-12.30** The interpretation of constitutional identity in the EU and ECHR legal systems: convergence or divergence?  
*Dr. Massimo Fichera, University of Helsinki*

**12.30-13.00** Discussion

**13.00-14.00** Lunch

### Panel 2: Human Rights vs Criminal Justice

Chair: Prof. Gordon Anthony, Queen’s University Belfast

**14.00-14.30** Keynote address 2  
*Dr. Daniel Sarmiento, University Complutense of Madrid*

**14.30-14.45** Questions & Answers

- 14.45- 15.05** The Ne Bis in Idem Principle in European Union Law and the ECHR: Is a common European standard possible?  
*Dr. Araceli Turmo, University of Nantes*
- 15.05– 15.25** A European standard of human rights protection in the AFSJ?  
*Dr. Maribel González Pascual, Pompeu Fabra University*
- 15.25-15.45** Competing for authority? Lessons from national courts' practices in European human rights cases  
*Šejla Imamović (co-authored with Prof. Monica Claes), Maastricht University*
- 15.45-16.15** Discussion
- 16.15 -16.20** Towards a comprehensive human rights protection in Europe?  
*Prof. Dagmar Schiek, Queen's University Belfast*
- 16.30-18.00** Wine reception
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## Panel abstracts

### Panel 1: Equality and Social Justice

#### **Positive Action in the Case Law of the European Court of Human Rights and the European Court of Justice**

*Biljana Kotevska*

The paper compares the approach of the ECtHR and the ECJ to accommodating difference in discrimination cases. In specific, it focuses on identifying the milestones in development and the current state of affairs in relation to how the two courts approached the issue of positive action. The paper takes positive action to be of key importance for a substantive pursuit of equality, thus considers the case law through this prism.

The paper starts with building a base for the comparative overview of the case law. It does so by considering two important points. Firstly, it discusses how positive action is understood in this paper, why it is considered important, and why it was selected as a central point for a discussion on accommodating difference under the two courts. Second, it presents a brief outline of the legal framework on grounds of which these two courts operate. In order for a case to be considered by these two courts, it has to fall within the scope of the law, including its personal and material scope.

In view of the substantive underpinning of the understanding of the equality adopted in this paper, discussing the contextualization in the adjudication of discrimination cases arises as a particularly important matter, and is thus also considered for both the ECtHR (in cases such as *Alajos Kiss*, *Aksu*, *Timishev*, *Sejdić*) and the ECJ (in cases such as *Coleman*, *Andrius Kulikauskas*, *PvS*).

Once the ground for discussion is set, the paper moves on to considering the case law of the ECtHR and of the ECJ, first individually and then in comparison. The case law under the two courts shows a similar pattern, but a different development. Regardless of the fact positive action was discussed in its very early equality jurisprudence (*Belgian Linguistics* case), it took the ECtHR a while to develop a clearer understanding of positive action and its importance, including from a substantive equality prism. One of the most positive developments in front of the ECtHR seems to be refraining from applying the margin of appreciation in cases where racial discrimination (*Sejdić*) or racial violence (*Nachova*) is at stake, alongside a more pronounced duty to integrate (*DH*, *Suk*) and a duty to investigate (*Opuz*). The ECJ also started with a clear understanding on the need for positive action in its earlier case law (*Commission v France*). A line of cases followed showing the ECJ wobbled towards finding its voice and position on positive action (*Kalanke*, *Abrahamson and Anderson*, *Marschall*, *Briheche*, *EC v Italy*). Like with the ECtHR, the ECJ seems to be moving towards case law embraces positive action.

The findings could be summarised as the ECtHR being slow and the ECJ being reluctant in embracing and adjudicating positive action, and the jurisprudence of both courts not being settled well yet. It also shows how the notion of positive action under the two courts evolved over time, and what role did the notions of exception and justification (*Waddington 2014*) play in this evolution.

## **The Challenges of Brexit: Highlighting Intersectional Invisibilities**

*Dr. Amal Ali*

The legal regulation of Muslim communities within Europe has been a topic for scholarly debate for some time now and has become even more prominent in a post Brexit landscape. These discussions are often framed around human rights, multiculturalism, citizenship and the law and focuses on the management of religious and cultural difference in the public sphere. While both the Convention and EU Law have been a source of rights for many minorities in the United Kingdom, it has not been equipped to deal with claims regarding multiple or intersectional discrimination.

This paper critiques the reality that an increasing number of regions, provinces and States across Europe have restricted the manifestations of religious belief, with limited intervention from the ECtHR. Current restrictions on religious freedom across Europe include work place bans, bans at educational establishment and a general ban which extends to the public sphere. Similarly, the CJEU held that workplace bans do not run counter to their anti-discrimination legislation, if it enables the employer to pursue the legitimate policy of ensuring religious and ideological neutrality.

Drawing from intersectional theory, which argues that identity politics often replicate the exclusion of other groups; this paper will use intersectionality to identify shared assumptions and understandings of 'gender' and 'religion' which may continue to reassert traditional perceptions of women and religion. This is especially important in light of the fact that since the UK's decision to leave the European Union, there has been an increase in hate crimes against Muslim minorities. While the EU's anti-discrimination legislation has generally improved the UK's equality infrastructure, it important to acknowledge that both legal systems do little to protect the rights of those in the margins.

## **The interpretation of constitutional identity in the EU and ECHR legal systems: convergence or divergence?**

*Dr. Massimo Fichera*

The case-law on constitutional identity has increased over the years and has become an additional test to gauge to what extent it is possible to reach a reasonable level of cooperation between the European Court of Human Rights on the one hand and the Court of Justice of the European Union on the other hand. Spanning a wide range of fields, including social and economic policies, cultural differences, immigration and asylum and criminal justice, the case-law on constitutional identity demonstrates that the role of national courts, especially constitutional courts, is crucial for the functioning of both the EU and the ECHR regimes. This paper argues that the language of constitutional identity has been useful for the demarcation of national and transnational spheres of influence, mostly because it has brought to the surface the feature of conflict. Conflict plays an essential role in the context of transnational law and should not be concealed or ignored. The first part therefore focuses on the theoretical dimension of constitutional identity, and its relationship with the notion of national identity. However, the second part argues that the language of constitutional identity should be complemented by the parallel language of the common constitutional traditions, in order to facilitate convergence and cooperation in at least some areas of EU law. In particular, recent events such as Brexit and the economic and financial crisis might propel important reforms in the social field, as long as the two languages are not viewed as alternative, but as complementary.

## Panel 2: Human Rights vs Criminal Justice

### **The *Ne Bis in Idem* Principle in European Union Law and the ECHR: Is a Common European Standard Possible?**

Dr. Araceli Turmo

*Ne bis in idem* is an essential component of criminal law, for which European standards were formulated by parallel case-laws of the European Court of Human Rights and the European Court of Justice. Both Courts protect it as a fundamental right, often applied in relation to *res judicata*. Their case-laws show an awareness of the importance of setting common standards, however it remains difficult to establish whether they are able to reach this goal. As the ECJ increasingly engages in dialogue with national courts and the ECtHR on difficult constitutional issues related to criminal law, as evidenced by *M.A.S*<sup>1</sup>. last year, *ne bis in idem* is a particularly interesting example to analyse the difficulty the two European Courts have had in aligning themselves in order to establish a common constitutional norm.

The Court of Justice has always had a somewhat ambivalent attitude towards the Strasbourg approach to *ne bis in idem*. It consistently states that it wishes to maintain equivalent standards of protection, but also insists on the legitimacy of an autonomous interpretation. This was apparent in *Åkerberg Fransson*<sup>2</sup>, but that and the *Bonda* case<sup>3</sup> also showed the ECJ's willingness to work towards achieving common European standards by complying with important aspects of its Strasbourg counterpart's case law. Following the ECtHR's *A and B v Norway* ruling<sup>4</sup>, which appeared to overrule previous case law concerning the compatibility of double proceedings with this fundamental right, the ECJ thus had to decide whether to comply with this new approach or resist it.

Three rulings made on 20 March 2018, *Menci*<sup>5</sup>, *Garlsson et al*<sup>6</sup> and *Di Puma*<sup>7</sup> illustrate the ECJ's approach to the relationship between both legal orders. In his Opinion in the *Menci* Case<sup>8</sup>, Advocate General Campos Sánchez-Bordona seemed to adopt a tone of reproach when he noted the difficult position the ECJ faced when, after having tried to comply with the ECHR interpretation in its previous case law, it now found that the two interpretations once again appeared to be incompatible following the ECtHR's latest rulings. While the Advocate General proposed resistance in order to preserve a higher standard of protection in EU law, the ECJ chose the path of compromise. It seems to have agreed to introduce the *A and B* solution into EU law (combining criminal and administrative proceedings is sometimes compatible with *ne bis in idem*) but refused to do the same with the *A and B ratio decidendi* (*ne bis in idem* does not apply in certain cases because both proceedings should be understood as a single entity). By stating that *ne bis in idem* always applies, but that violations may be justified, the ECJ seems to grant itself some leeway in determining which standard to apply to such double proceedings within the EU, while complying - to some extent - with the wishes of some Member States and the ECtHR. The choice of higher standards and a higher degree of control from the EU Court is notably apparent in the proportionality tests and the insistence on a specific assessment of *res judicata*, both of which appear to be insufficient in the ECtHR's approach.

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<sup>1</sup> ECJ Case C-42/17, *M.A.S. & M.B. (Taricco II)*.

<sup>2</sup> ECJ Case C-617/10, *Åklagaren v Hans Åkerberg Fransson*

<sup>3</sup> ECJ Case C-489/10, *Bonda*.

<sup>4</sup> ECtHR Case *A and B v Norway*, Applications Nos 24130/11 and 29758/11.

<sup>5</sup> ECJ Case C-524/15, *Luca Menci*.

<sup>6</sup> ECJ Case C-537/16, *Garlsson Real Estate et al*.

<sup>7</sup> ECJ Joined Cases C-596/16 and C-597/16, *Di Puma and Zecca*.

<sup>8</sup> See § 60 of his Opinion.

## **A European Standard of Human Rights protection in the AFSJ?**

*Dr. Maribel González Pascual*

Mutual trust and mutual recognition of decisions in the AFSJ (Area of Freedom, Security and Justice) has as its basic premise the equivalent protection of fundamental rights and the respect of the rule of law in the different Member States. The existence of an equivalent fundamental rights standard and of legal guarantees is essential to legitimate mutual recognition in the AFSJ. Therefore, it is of paramount importance to ascertain whether such a standard exists indeed, how and by whom it is made up and what are the problems related to its operation in practice.

In this connection, the point of departure is dual: on the one hand, Article 53 of the Charter and on the other hand, the resistance of Member States to the 'communitarisation' of the AFSJ. Article 53 of the Charter provides that the level of protection awarded by the Charter cannot adversely affect the level of protection of fundamental rights recognised by national constitutions and by the ECHR. At the same time, the CJEU has clarified in *Opinion 2/13* and in the *Melloni* case, respectively, that neither the rights of the CEDH nor those contained in national constitutions, can undermine the effectiveness of secondary law in the AFSJ. This fact should lead to a sustained increase in the standard of protection awarded by the Charter itself. However, the position of the CJEU in this field is precarious, because Member States have expressly established limitations to EU competences (e.g. Articles 70, 76, 82, 83, 87, 89 TFEU). This reluctance of the Member States has incentivized to a great extent the cautious approach of the CJEU when it comes to the interpretation of the scope of certain fundamental rights (see, for example, the restrictive approach in *Covaci*).

This case-law is evolving however, driven by two reasons. On the one hand, the adoption of secondary law with a more protective content enables the CJEU to protect fundamental rights more firmly (see *MA* or *Ghezelbash*). On the other hand, national courts, as well as the ECtHR (in *Avotins*) have questioned the preeminence of the effectiveness of EU law over fundamental rights, particularly when it comes to cases concerning the prohibition of degrading and inhuman treatment (ECtHR in *MS v Greece and Belgium*). This fact has led to a paradigmatic change in case-law both in the area of criminal law and asylum law (CJEU in *Aranyosi* and *CK*). Moreover, national courts strongly refer to the guarantees established by the case-law of the ECtHR in the fields of family and private life and the right to liberty. Besides, the assessment of the effective fulfilment of the adequate standards by the different Member States is also the subject of growing national jurisprudence, which relies on the standards of the ECHR. This competing case law is striving to carve out a European standard of human rights aligned with the needs of the AFSJ (ECtHR in *Pirozzi v. Belgium*). This trend will be the main topic of my participation.

## **Competing for authority? Lessons from national courts' practices in European human rights cases**

*Šejla Imamović (with Prof. Monica Claes)*

Ever since *Internationale Handelsgesellschaft* the CJEU has consistently rejected national constitutional rights as yardsticks for EU action, and has developed EU fundamental rights as general principles instead, based on common constitutional traditions and international treaties, most prominently the ECHR. More recently, since the entry into force of the Lisbon Treaty, the Court seems to distance itself from the ECHR and its Court: many commentators have pointed to declining references to the ECtHR case law, to the lack of engagement with the ECHR in the interpretation of the EU Charter and not least to *Opinion 2/13*, which has been seen as a flagrant motion of distrust. Since the coming of age of the Charter, the CJEU is presenting itself more and more as a human rights court – despite the by now infamous statement of its former president Skouris that the CJEU is not a

human rights court. And in developing its position as a human rights court, the CJEU time and again emphasizes its autonomy and the autonomy of EU law.

The ECtHR, despite its clear disappointment about *Opinion 2/13*, has not retaliated. It has confirmed its *Bosphorus* case law. Well aware of the inadequacy of the Latvian proceedings and the obvious breach of procedural fairness in the *Avotins* case, the Strasbourg Court found the shortcomings not to have reached the threshold, ultimately producing an ambiguous judgment containing implicit messages.

It should not be forgotten that, in the relationship between the CJEU and the ECtHR, the national courts are also involved. While the CJEU is positioning itself as an autonomous human rights court building on the authority of EU law, many national courts, when asked to decide hard cases, often look to the national constitution and to the ECHR for guidance on human rights issues first. Reference can be made to the recent judgment of the German Constitutional Court in which the Constitutional Court found that the challenged decision of the German Higher Court, ordering the execution of a European Arrest Warrant in the application of the test provided in the case law of the CJEU, violated the complainant's right to a lawful judge. Another example is the reference of the Irish High Court to the CJEU in the *Artur Celmer* case, inquiring about the consequences of the threat to the rule of law and the independence of the judiciary in Poland. Her analysis too is based more on the ECHR and on European 'common standards' as laid down by the Venice Commission, than on the EU Charter or EU law.

This paper argues that the CJEU should pay due regard to the ECHR and national constitutional traditions, if it is not to alienate national courts. Its insistence on the autonomy of the EU and its Court is misguided. National courts increasingly demonstrate their commitment to the ECHR and constitutional standards. Partnering with Strasbourg and with constitutional courts would increase, rather than threaten, the CJEU's authority and legitimacy as a human rights court.

## Speaker's Biographical Notes

### Keynote speakers

#### **Dr. Evelyn Collins CBE, Equality Commission for Northern Ireland**

Evelyn Collins has been Chief Executive of the Equality Commission for Northern Ireland since March 2000, an organisation with a wide remit under Northern Ireland's equality laws. She is a law graduate of Sheffield University, and has Masters' degrees from the University of Toronto (Criminology) and Queen's University Belfast (Human Rights and Discrimination Law). Evelyn has worked on equality issues since the 1980s, mostly in Northern Ireland but also as a national expert working on gender equality in the European Commission in Brussels.

She was Chair of the Board of Equinet, the European Network of Equality Bodies, from October 2013 to October 2017. She is a member of the European Commission's Advisory Committee on Equal Opportunities between Women and Men. Evelyn was appointed as a Trustee of the Equal Rights Trust in September 2017. She also serves on the Board of the Chief Executives' Forum in Northern Ireland and is a Fellow of the Royal Society of Arts.

Evelyn was awarded the CBE in 2008, for services to the public in Northern Ireland. In July 2014, the University of Ulster awarded Evelyn the honorary degree of Doctor of Law (LLD) for her contribution to the promotion of equality and good relations.

#### **Dr. Daniel Sarmiento, Complutense University of Madrid, Spain**

Daniel Sarmiento is a Lecturer on Administrative and European Union Law at the Complutense University of Madrid. Since 2015, he has also been counsel at the Madrid office of the international law firm Uria Menendez. His practice areas are European Union law and Spanish public law.

He has extensive experience in the public sector, having worked for the Spanish Central Administration (2004-2006) and as a legal secretary in the Court of Justice of the European Union (2007-2015). His practice in European Union law covers a wide range of areas, such as competition, state aids, banking law, regulatory, litigation, constitutional law, private international law, tax law, criminal law and institutional affairs.

He is a member of the executive committee of the Spanish Association for the Study of European Law, a fellow of the European Law Institute and a member of the editorial board of the *Revista de Derecho Comunitario Europeo*. Since 2010, he has coordinated the Global Judicial Forum at the Center for European Studies of IE University.

### Panel speakers and Chairs

#### **Dr. Amal Ali, University of Lincoln, United Kingdom**

Amal Ali is a Senior Lecturer in Law at the University of Lincoln and possesses a PhD in Law from the University of Sheffield. Her ongoing research, which stems from her doctoral thesis, examines the jurisprudence and policy documents of the right to manifest a religious belief within the ECHR and its implementation within Contracting Party States.

### **Prof. Gordon Anthony, Queen's University Belfast, United Kingdom**

Gordon Anthony is Professor of Public Law in the School of Law, Queen's University Belfast. Educated at Queen's and the Academy of European Public Law, he has held visiting positions at institutions in Greece, Holland, France, Portugal, and the United States. His main research interests are in the areas of judicial review, public authority liability, and the relationship between UK law and European law. Professor Anthony's work on judicial review has been cited with approval on numerous occasions by the Northern Ireland High Court and Court of Appeal.

He is a member of the Conseil' d'Orientation de la Chaire Mutations de l'Action Publique et du Droit Public, Sciences Po, Paris and of the Executive Committee of the UK Constitutional Law Association. He is also a member of the European Group of Public Law, Athens, Greece, where is Director of the Academy of European Public Law. He was called to the Bar of Northern Ireland in 2011.

### **Prof. Brice Dickson, Queen's University Belfast, United Kingdom**

Brice Dickson is Professor of International and Comparative Law at the School of Law, Queen's University Belfast. His research is focused on two overarching themes: the development of international human rights law and the application of human rights principles by national supreme courts.

Formerly Professor of Law at the University of Ulster, he became the first Chief Commissioner of the Northern Ireland Human Rights Commission (NIHRC) on its establishment in 1999, serving two three-year terms. Since re-joining Queen's in 2005, Brice has spent time as a visiting research professor at Fordham University New York, the University of New South Wales and the University of Melbourne. He was Director of Research in Human Rights at Queen's from 2008-11 and Director of the School of Law's Human Rights Centre during the same period.

In 2013 he was awarded a Leverhulme Research Fellowship to allow him to spend more time researching the contribution made by the Supreme Court of Ireland to the development of law in that jurisdiction.

### **Dr. Massimo Fichera, University of Helsinki, Finland**

Massimo Fichera is Academy of Finland Research Fellow and Adjunct Professor in EU Law at the Faculty of Law, University of Helsinki. Prior to this position, he was, in the same University, Lecturer in European Studies at the Network for European Studies and, previously, Post-Doctoral Researcher in the Academy of Finland project on 'The Many Constitutions' led by prof. Kaarlo Tuori. He holds a PhD in Law (University of Edinburgh, UK) and a Master's in International Affairs (ISPI, Milan, Italy). He qualified as Avvocato in Italy and graduated at the Faculty of Law of the University of Messina (Italy). He has been Visiting Fellow at the University of Lund, Faculty of Law, as well as the European University Institute and is currently Visiting Fellow at the IASH, University of Edinburgh. His research and teaching interests lie in the area of constitutional theory and EU Law, in particular the interplay between EU and international law. He is also interested in the notion of transnational law and in the discipline of comparative constitutional law.

### **Dr. Maribel González Pascual, Pompeu Fabra University, Spain**

Maribel González Pascual is Aggregate Professor in Law at Pompeu Fabra University, Spain. She was a research scholar at Salamanca University, at the National Institute of Public Administration and at the Max Planck Institut für ausländisches öffentliches Recht und Völkerrecht. In addition, she has been a visiting scholar at the abovementioned Max Planck Institut, the Deutsche Universität für Verwaltungswissenschaften, the Maastricht Center for European Law, Bristol University and Bergamo University. She is the co-leader of the project European Governance and Constitutional

Transformation (Funded by the Spanish Ministry of Economy and Competiveness). Her research interests are comparative research on Federal States and fundamental rights in Europe, particularly welfare rights, as well as the interplay between mutual recognition principle and fundamental rights.

#### Šejla Imamović, Maastricht University, The Netherlands

Šejla Imamović is a PhD Candidate at the Faculty of Law of Maastricht University. She is working on a PhD on 'The place of national courts in the new European fundamental rights landscape'. Šejla has published a number of articles in journals such as *European Law Review*, *European Journal of Human Rights* and *European Papers*. She is a scholar of the Maastricht Centre for European Law and a member of the IUS COMMUNE Research School.

#### Biljana Kotevska, Queen's University Belfast, United Kingdom

Biljana Kotevska, MA, LL.M, is a PhD candidate at the School of Law, Queen's University Belfast (UK). Her doctoral research looks at how intersectional inequalities are addressed in the post-Yugoslav space. Biljana is the non-discrimination country expert on Macedonia in the European Commission's Network of Legal Experts in Gender Equality and Non-discrimination since January 2011. For the last ten years, she has worked as a researcher in think-tank organisations in SEE, and as an expert and consultant for IGOs (EU, CoE and OSCE) and NGOs (mainly from Macedonia) on equality and non-discrimination, ESCR, NHRIs and minority rights. Before joining QUB, Biljana was a lead researcher and project coordinator at the EPI (Macedonia), where she led a regional research project on intersectionality in the area of social protection in Macedonia and Bosnia and Herzegovina.

#### Prof. Dagmar Schiek, Queen's University Belfast, United Kingdom

Dagmar Schiek is Professor of Law at Queen's University Belfast, Jean Monnet ad personam Chair in EU Law and Policy, and convenor of the Jean Monnet Centre of Excellence "Tensions at the Fringes of the European Union" (TREUP). Her research interests cover the Europe's economic and social constitution in an ever-closer integrated world, international and EU Non-Discrimination Law and comparative law as a critical approach to law, having published widely in these fields.

Dagmar is active in the University Association of Contemporary European Studies, an individual member of the IUS COMMUNE research school and affiliated to Euro-CEFG, and a member of the journal advisory boards of the *Maastricht Journal of Comparative and European Law*, and *Kritische Justiz* (Critical Legal Studies, Germany). She has held a number of visiting faculty positions at various institutions including London School of Economics, Maastricht University, University of Hamburg and Ulster University. She has been a member of the European Commission's Legal Expert Network on application of Community Law on equal treatment between women and men for more than 10 years from 2000, initially as German national expert, and later as ad hoc expert.

#### Dr. Araceli Turmo, University of Nantes, France

Araceli Turmo is Assistant Professor (Maître de Conférences) in EU Law at the University of Nantes, France. She completed her PhD at the Université Panthéon-Assas (Paris II). Her doctoral thesis on *Res Judicata* in European Union Law was published by Bruylant in 2017. It aims to prove that the ECJ has constructed an autonomous, complex doctrine of *res judicata*, specific to EU law, and distinct from concepts such as *ne bis in idem* or *stare decisis*. Her main areas of research are European Union procedural law, European citizenship, fundamental rights, and the AFSJ, in particular European criminal law and asylum policy.