



Strasbourg, 7 April 2009

CDL-UD(2009)002prog
Or. Engl.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

in co-operation with

**THE FACULTY OF LAW AND THE CLUSTER OF EXCELLENCE
“FORMATION OF NORMATIVE ORDERS”
OF GOETHE UNIVERSITY, FRANKFURT AM MAIN, GERMANY**

and with

**THE CENTRE OF EXCELLENCE
IN FOUNDATIONS OF EUROPEAN LAW AND POLITY RESEARCH
HELSINKI UNIVERSITY, FINLAND**

UNIDEM SEMINAR

**“DEFINITION AND DEVELOPMENT OF HUMAN RIGHTS
AND POPULAR SOVEREIGNTY IN EUROPE”**

**Goethe University, Campus Bockenheim,
Mertonstr. 17–23, Main Building, Assembly Hall
Frankfurt am Main, Germany**

15 – 16 May 2009

DRAFT PROGRAMME

Friday 15 May 2009

09h00-09h30: Registration of participants

09h30-10h00: Opening speeches

- Mr Ulfrid Neumann, Dean of the Faculty of Law, Goethe University, Frankfurt am Main
- Mr Jan Helgesen, President of the European Commission for Democracy through Law (Venice Commission), Professor, University of Oslo
- Mr Kaarlo Tuori, Professor of Jurisprudence, University of Helsinki, Finland, Member of the Venice Commission, Speaker of the Centre of Excellence of Helsinki
- Mr Klaus Günther, Representative of the Cluster of Excellence of Frankfurt am Main

10h00-13h00: First session

Chair: Mr Ulfrid Neumann, Dean of the Faculty of Law, Goethe University, Frankfurt am Main

1. Introductory conferences

10h00-10h30

- Conference 1.1.: The definition and development of human rights as an act of collective self-determination

Mr Klaus Günther, Professor of Theory of Law and Criminal Law, Goethe University, Frankfurt am Main

10h30-11h00

- Conference 1.2.: Is there a human right to democracy?

Ms Samantha Besson, Professor of International Public Law and European Law, University of Fribourg, Switzerland

11h00-11h30 Coffee break

11h30-12h00

- Conference 1.3.: Why should democratic states agree to international Human Rights conventions?

Mr Richard Bellamy, Professor of Political Science and Director of the School of Public Policy, University College London

12h00-13h00 Discussion on the first session

13h00-14h15 Lunch

14h15-18h00: Second session

Chair: Mr Jan Helgesen, President of the Venice Commission, Professor, University of Oslo

2. Definition and development of human rights through procedures of popular sovereignty

14h15-14h35

- Conference 2.1.: From above or from the bottom up? The protection of Human Rights between descending and ascending interpretations.

Mr Sergio Dellavalle, Professor for General Theory of Public Law, Max Planck Institute for Comparative Public Law and International Law, University of Turin

14h35-14h45

- Comment 2.1.

Mr Tuomas Ojanen, Professor of Constitutional Law, University of Helsinki

14h45-15h00 Questions

15h00-15h20

- Conference 2.2.: Human rights and transfers of sovereignty in the European Union: consequences for the definition and development of human rights

Mrs Catherine Schneider, Professor, Centre of Studies on International Security and European Co-operations, Pierre Mendès-France University, Faculty of Law, Saint Martin d'Hères, France

15h20-15h30

- Comment 2.2.

Mr Christoph Möller, Professor of Public Law, Georg-August University of Göttingen

15h30-15h45 Questions

15h45-16h15 Coffee break

16h15-16h35

- Conference 2.3.: Definition and development of human rights in the international context and popular sovereignty

Mr Hauke Brunckhorst, Professor of Sociology, Head of Study, University of Flensburg

16h35-16h45

- Comment 2.3

Mr Inge Lorange Backer, Professor, Department of Public and International Law, University of Oslo

16h45-17h00 Questions

17h00-18h00 Conclusions of the first day

Saturday 16 May 2009

09h00-13h00: Third session

Processes of definition and development of human rights besides popular sovereignty

Chair: Mr Armin von Bogdandy, Director at the Max Planck Institute for Comparative Public Law and International Law, Heidelberg

9h00-9h20

- Conference 3.1.: Popular sovereignty and jurisdiction: the diversity of legal traditions in Europe and the Finnish example

Mr Kaarlo Tuori, Professor of Jurisprudence, University of Helsinki, Member of the Venice Commission, Speaker of the Centre of Excellence of Helsinki

9h20-9h30

- Comment 3.1.

Mr Richard Clayton, QC, Barrister, London, Associate Fellow at the Centre for Public Law, University of Cambridge

9h30-9h45 Questions

9h45-10h05

- Conference 3.2.: Judicial review as a substitute for not yet constituted instances of popular sovereignty

Mr Peter Paczolay, President of the Constitutional Court of Hungary, Member of the Venice Commission.

10h05-10h15

- Comment 3.2.:

Mrs Regina Kreide, Professor, Justus – Liebig, University of Gießen

10h15-10h30 Questions

10h30-10h50

- Conference 3.3.: Human rights defined by the sovereign will of the people v. human rights defined by international standards

Mr Andras Sajó, Judge, European Court of Human Rights, Strasbourg, University Professor (on leave) Central European University, Budapest

10h50-11h00

- Comment 3.3

Ms Jarna Petman, Professor of International Law, University of Helsinki, Member of the European Committee of Social Rights, Council of Europe, Strasbourg

11h00-11h15 Questions

11h15-11h30 Coffee Break

11h30-13h00 Closing Session

Chair: Mr Peter Paczolay, President of the Constitutional Court of Hungary, Member of the Venice Commission

11h30-12h30 Closing Discussion

12h30-12h40

- Conclusions by the General Rapporteur

Ms Gret Haller, Senior lecturer at Goethe University, Frankfurt am Main, former President (Speaker) of the Swiss Parliament, Member of the Venice Commission

12h40-13h00 Closing statements

- Mr Kaarlo Tuori, Speaker of the Centre of Excellence of Helsinki University
- Mr Klaus Günther, Representative of the Cluster of Excellence of Goethe University
- Mr Jan Helgesen, President of the Venice Commission
- Mr Ulfrid Neumann, Dean of the Faculty of Law, Goethe University