

JUSTICE Human Rights Conference

Monday 6 July - Thursday 9 July 2020



Monday 6 July 17.00 - 19.30

Keynote Address

'The human rights impact of the coronavirus'
Philip Alston, *John Norton Pomeroy Professor of Law at New York University School of Law*

Review of the Year

Caoilfhionn Gallagher QC, *Doughty Street Chambers*

Tuesday 7 July 17.00 - 19.00

1. Climate Change and Human Rights

Chair: Lord Carnwath of Notting Hill
Richard Harvey, *Garden Court Chambers, Legal Counsel Greenpeace International*
Tessa Khan, *Climate Litigation Network*
David Wolfe QC, *Matrix Chambers*

The climate crisis is increasingly being recognised and adjudicated as a human rights issue by courts and quasi-judicial bodies. In December 2019, the Supreme Court of the Netherlands upheld a ground-breaking order requiring the Dutch government to significantly reduce greenhouse gas emissions on the basis of its obligations under Articles 2 and 8 of the European Convention on Human Rights. The Supreme Courts of Ireland and Norway will be hearing human rights-based challenges to national climate policies this year, and the expansion of Heathrow Airport was successfully challenged this year in the UK Court of Appeal on public law grounds. As the gap between the needed reductions in greenhouse gas emissions and government action continues to grow, and the impacts of climate change worsen, this panel will explore how human rights and public law is increasingly being used as tool to establish accountability for the climate crisis.

2. Inquests and Inquiries

Chair: Paul Bowen QC, *Brick Court Chambers*
Nicholas Griffin QC, *QEB Hollis Whiteman*
Charlotte Haworth Hird, *Bindmans*
Thalia Maragh, *Garden Court Chambers*

Inquests and inquiries serve as society's formal responses to the most traumatic events it endures. This year, COVID-19 led to the suspension of all public inquiry hearings, although not before the Grenfell Tower Inquiry was mired in fresh controversies regarding the appointment of panellists and undertakings from the Attorney General. The Manchester Arena Inquiry, converted from an inquest on account of closed material, also made headlines when survivors of the attack were denied core participant status. Meanwhile, guidance from the Chief Coroner suggesting that inquests will not be the correct forum to investigate "high-level government or public policy" such as national arrangements for PPE sparked discussion around how the State will fulfil its Article 2 obligations in investigating coronavirus deaths. Whether Government will see fit to establish a public inquiry into its own handling of the crisis remains to be seen. This panel will explore the realities of these challenges for all actors in light of the State's human rights obligations.

3. Immigration and Asylum

Chair: Judge Michelle L Brewer, *First-tier Tribunal Immigration and Asylum Chamber*
Una Boyd, *Committee on the Administration of Justice*
Kenneth Campbell QC, *Arnot Manderson Advocates*
Louise Hooper, *Garden Court Chambers*

The end of free movement as we know it will soon be confirmed when the Immigration and Social Security Co-ordination (EU Withdrawal) Bill receives Royal Assent. Extraordinarily broad delegated powers and a new points-based system will follow. Different approaches to Brexit between the home nations continue: in Scotland, calls grow for devolved immigration powers to attract labour, whilst the courts have deemed non-EEA spouses of Northern Irish-born citizens to fall within the EU Settlement Scheme. Meanwhile, the cost of citizenship remains under challenge and immigration detention was scrutinised by the Supreme Court, although half the detainee population has since been released due to the pandemic.

This panel will explore the impact of a changing, often hostile landscape upon individual rights, offering perspectives from Scotland, England and Northern Ireland.

Wednesday 8 July 17.00 - 19.00

4. Judicial Review

Chair: Sir Michael Fordham
Catherine Callaghan QC, *Blackstone Chambers*
Andrew Lidbetter, *Herbert Smith Freehills*
Jennifer Macleod, *Brick Court Chambers*

Judicial review is a vital mechanism by which the state is held to account for its decision-making. The past year has seen the state attempt to assume extensive powers in extraordinary circumstances, from the prorogation of parliament, to the measures instigated in response to the COVID-19 pandemic, resulting in a number of significant judicial reviews.

This session will examine the relationship between political decision-making and judicial review, including looking at the ramifications of the Cherry/ Miller (No 2) case. The session will also discuss the effect of the Covid-19 pandemic on judicial review, and the role of judicial review in the Government's response, in particular considering the wave of challenges to various aspects of the State's response to the pandemic. We will also look beyond prorogation and the pandemic at the key human rights decisions of the last year.

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5. Crime and Human Rights

Chair: Sir Brian Leveson

Francis Fitzgibbon QC, *23 Essex Street*

Shelagh McCall QC, *Black Chambers*

Sandra Paul, *Kingsley Napley*

Criminal justice navigates major interferences with the rights to liberty and privacy for those accused and for witnesses. As such, the fair application of the criminal law is crucial from the outset of an investigation, through to justifying prosecution and sentence.

This session will round up the year's key decisions of the UK Supreme Court and consider emerging approaches of courts, including responses to terrorism in England and Wales and sexual offences cases in Scotland. The session will consider the challenges to criminal justice posed by the Coronavirus Acts and Regulations, and their consistency with the UK's human rights obligations.

6. Family, the Court of Protection and Human Rights

Chair: Dame Nathalie Lieven

Alex Ruck-Keene, *39 Essex Chambers*

Deirdre Fottrell QC, *1 Garden Court*

Rachael Kelsey, *SKO Family Law Specialists*

Society's changing concept of parenthood has continued to challenge existing law this year. The Supreme Court determined the limits of parental consent in relation to a child's deprivation of liberty; the Law Commission tackled surrogacy; and the Family Court considered trans-parenthood and the definition of "mother". The Supreme Court also considered jurisdictional forum-shopping in international divorces, a practice which could increase sharply post-Brexit. Meanwhile, numbers of unrepresented litigants have risen, alongside alarm at the way some vulnerable people and abuse victims are treated in the courts. Public interest in the business of the courts continues, with the Family Court considering increased transparency, whilst medical treatment cases in the Court of Protection attract heavy media attention. Finally, experiences of remote justice during the COVID pandemic have produced ingenious problem-solving, frustration and concern, with the sector trying to protect Article 6 rights whilst avoiding delay.

The panel will consider the year's developments and explore how it expects the Family Court and Court of Protection to evolve in response, including a comparative perspective from Scotland.

Thursday 9 July 17.00 - 19.30

Fireside Chat

Sandie Okoro, *General Counsel and Senior-Vice President, World Bank*

Plenary Debate

'Our rights in times of Coronavirus'

Conor Gearty, *Professor of Human Rights Law at the London School of Economics and Political Science*

Tom Tugendhat MP, *Conservative Party, Chair of the Foreign Affairs Select Committee*

Joanna Cherry QC, *SNP, Spokesperson on Justice and Home Affairs*

Baroness Kennedy of The Shaws QC, *Labour member of the House of Lords*

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