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**Protecting Rights – Engaging Parliament**

**The New Seminar Room, St Johns College, Oxford**

**Friday October 16th 2015**

**PROGRAMME**

**8.45 TEA/COFFEE – The Dining Hall**

**9.05**  **Welcome and Introduction:** Professor Anne Davies, Dean of the Faculty of Law

**9.15-10.45 Session 1: Perspectives from Parliament**

*Chair: The Rt Hon Sir Stephen Sedley*

The Rt Hon Dominic Grieve QC MP, ‘The Attorney General and the Rule of Law’

 Lord Macdonald of River Glaven QC, ‘Crime and Punishment in the House of Lords’

 Daniel Greenberg, ‘How Formulaic Thinking Killed Human Rights in Legislation’

**10.45-11.00 TEA/COFFEE in the Cloisters**

**11.00-12.30** **Session 2: Institutional Roles and Relationships**

*Chair: Dr Adam Tucker*

Dr Aileen Kavanagh, ‘Judges and Parliamentarians: Partners in a Collaborative Enterprise’

Lord Justice Philip Sales, ‘Partnership and Challenge: The courts' role in managing the integration of rights and democracy’

Dr Jeff King, ‘Court/Parliament Interaction and Section 4 of the Human Rights Act 1998’

**12.30-1.30 LUNCH – The Prestwich Room**

**1.30-3.00pm Session 3: Legislative Rights Review at Home and Abroad**

*Chair: Professor Graham Gee*

Professor Janet Hiebert, ‘Parliament and Rights: The Challenges for Assessing and Debating Compatibility under the HRA’

Professor Robert Leckey, ‘Engaging the legislature: Judicial prompts to parliamentary rights protection’

Professor George Williams, ‘How effective is Australia's parliamentary system for human rights protection?’

**3.00-3.15pm TEA/COFFEE in the Cloisters**

**3.15-4.30pm Session 4: The Role of Parliamentary Committees**

*Chair: Professor Stephen Tierney*

Mr Murray Hunt, ‘The Role of the JCHR in Upholding Rights’

Professor Rick Rawlings, ‘Not just the JCHR: The Constitution Committee and Rights Protection’

Baroness Helena Kennedy of the Shaws QC, ‘The European Union Select Committee and its Work on Justice’

**4.45-6.15pm Session 5: Parliament and Rights**

 *Chair: Dr Alison Young*

Mr Liam Laurence-Smyth, ‘Impeached or questioned: why the House of Commons ought to keep an eye on Strasbourg’

 Lord Justice David Bean, ‘Parliament and the Law Commission’

Dr Richard Ekins, ‘Assisted Suicide and the Separation of Powers: Legislative and Judicial Deliberation’

 **6.45pm DRINKS RECEPTION – The Saddler Room**

**7.30pm DINNER – The Old Room**

**Biographies**

**The Rt Hon Sir Stephen Sedley** was called to the Bar in 1964 and became a Queen's Counsel in 1983. He sat as a High Court judge from 1992-1999, a Lord Justice of Appeal from 1999-2011 and sat on the Judicial Committee of the Privy Council and as a judge ad hoc of the European Court of Human Rights. He chaired the Judicial Studies Board’s working party on the Human Rights Act 1998 and from 1999-2012 was President of the British Institute of Human Rights. From 2011-2015, he was a visiting Professor at the University of Oxford. He also helped to establish the Public Law Project and is a Trustee of the Equal Rights Trust.

**The Rt Hon Dominic Grieve QC MP** is a barrister and has been the MP for Beaconsfield since 1997. He was the Shadow Attorney General from 2003-09 and Shadow Home Secretary from 2008-09. He was Attorney General for England and Wales and the Advocate General for Northern Ireland until July 2014. Dominic was called to the Bar in 1980 and was appointed a Queen’s Counsel in 2008. Dominic is currently Chairman of the Executive Committee of the Society of Conservative Lawyers, President of the Franco-British Society and Vice-Chairman of the Franco-British Council. He is Honorary Recorder of the Royal Borough of Kingston upon Thames.

**Lord Macdonald of River Glaven QC** became the Warden of Wadham College, Oxford in September 2012. One of the founders of Matrix Chambers, he was Director of Public Prosecutions from 2003 to 2008. In 2007, he was knighted for services to the law. In July 2010, he became a Liberal Democrat Peer and a member of the House of Lords. He was a member of the House of Lords Constitution Committee from 2012-2013. In January 2011, he became Chair of Reprieve. A Visiting Professor of Law at the London School of Economics from 2009-2012, he is currently a member of the Advisory Board of the Centre for Criminology at the University of Oxford.

**Daniel Greenberg** was Parliamentary Counsel (UK) from 1991 to 2010. He is now: a legal adviser in the Office of the Speaker's Counsel, House of Commons; consultant Parliamentary Counsel at Berwin Leighton Paisner LLP; and the General Editor of Westlaw UK Annotated Statutes and Insight Encylopaedia.

**Dr Adam Tucker** is 50th Anniversary Research Lecturer and Deputy Director of Research at the University of York. He was previously a lecturer at the University of Manchester, a lecturer at the University of Leicester and a college lecturer at Christ Church, Oxford. Adam’s research interests lie in the fields of constitutional law, constitutional theory and legal philosophy, and has had his research published in journals such as Public Law, Law Quarterly Review and Oxford Journal of Legal Studies.

**Dr Aileen Kavanagh** is an Associate Professor of Law and a Fellow of St Edmund Hall, University of Oxford. She teaches and researches in the areas of constitutional and administrative law, human rights and constitutional theory. She has published widely in national and international journals. Her book, *Constitutional Review under the UK Human Rights Act 1998* (CUP 2009), was shortlisted for the Society of Legal Scholars Peter Birks Prize for Outstanding Legal Scholarship 2009. In 2015-16, she was awarded a British Academy Fellowship for work on a new book called *Rights in the Collaborative Constitution*.

**The Rt Hon Lord Justice Philip Sales** was called to the Bar in 1985. He was appointed First Treasury Junior Counsel (Common Law) in 1997. He became a QC in 2006 and continued to act in the re-named post of First Treasury Counsel (Common Law) until his appointment to the High Court, Chancery Division in 2008. He was an Assistant Recorder, 1999–2001; Recorder, 2001–08; and Deputy High Court Judge, 2004–08. He was appointed as a Lord Justice of Appeal in 2014.

**Dr Jeff King** joined UCL Faculty of Laws as a Senior Lecturer in 2011. He is the Co-Editor of Current Legal Problems, the Co-Editor of the UK Constitutional Law Blog, and the Treasurer of the UK Constitutional Law Association.  Previously, he was a Fellow and Tutor in law at Balliol College, and CUF Lecturer for the Faculty of Law, University of Oxford (2008-2011), a Research Fellow at the Centre for Socio-Legal Studies, Oxford (2008-2010), a Research Fellow and Tutor in public law at Keble College, Oxford (2007-08) and member of the Study of Parliament Group. Prior to that he was an attorney at Sullivan & Cromwell LLP in New York City (2003-04).  His book *Judging Social Rights* (CUP 2014) was awarded the Society of Legal Scholars Peter Birks Prize for Outstanding Legal Scholarship 2015.

**Graham Gee** is a Professor of Public Law at the University of Sheffield. His research is focused on the changing nature and character of the UK constitution, with some of his recent work examining changes to the governance, leadership and selection of the judiciary in England and Wales. He holds law degrees from the University of Exeter, Harvard and the University of Oxford, and spent seven years at the University of Birmingham before joining the University of Sheffield in 2015. Graham recently authored *The Politics of Judicial Independence in the UK's Changing Constitution* (CUP 2015) (with Robert Hazell, Kate Malleson and Patrick O'Brien)

**Professor Janet Hiebert**has been teaching in the Department of Political Studies, Queens University since 1991. She has published widely, with books including, most recently, *Parliamentary Bills of Rights. The Experiences of New Zealand and the United Kingdom* (CUP 2015) (with James Kelly). Earlier work includes *Charter Conflicts: What is Parliament’s Role?*  (McGill-QUP 2002), and *Limiting Rights: The Dilemma of Judicial* (McGill-QUP 1996). She has served as a member of the Ontario Electoral Boundaries Commission. Her current research project examines the use of bills of rights and other statutory instruments to alter the norms of legislative decision-making.

**Professor Robert Leckey** is director of the Paul-André Crépeau Centre for Private and Comparative Law and an associate professor and William Dawson Scholar in the Faculty of Law, McGill University. He is, most recently, the editor of *After Legal Equality: Family, Sex, Kinship* (Routledge 2015) and author of *Bills of Rights in the Common Law* (CUP 2015).

**Dr George Williams AO** is the Anthony Mason Professor at the University of New South Wales. His books include Australian Constitutional Law and Theory and Human Rights under the Australian Constitution. As a barrister, he has often appeared in the High Court of Australia. In 2005 he lead a public inquiry that brought about Australia’s first State bill of rights, the Victorian Charter of Human Rights and Responsibilities. He is a columnist for the Sydney Morning Herald, and for this term is a fellow in the Institute of Advanced Study at Durham University

**Stephen Tierney** is Professor of Constitutional Theory and Director of the Edinburgh Centre for Constitutional Law and Senior Fellow of the ESRC Centre on Constitutional Change. He is Legal Adviser to the House of Lords Select Committee on the Constitution and co-editor of the UK Constitutional Law blog. He is also a member of the Judicial Appointments Board for Scotland. He served as Constitutional Adviser to the Scottish Parliament Scotland Bill Committee in 2011 and the Scottish Parliament’s Referendum (Scotland) Bill Committee in 2013. His many publications include *Constitutional Referendums: The Theory and Practice of Republican Deliberation* (OUP 2012) and *Nationalism and Globalisation* (Hart Publishing 2015).

**Murray Hunt** is Legal Advisor UK Parliament's Joint Committee on Human Rights was a key founding member of Matrix Chambers, London and has specialised in human rights law and public law. Since 2011, he has been a Visiting Professor at the University of Oxford, where he has carried out research projects on 'Parliaments and Human Rights' funded by the AHRC. He is author of *Using Human Rights Law in English Courts* (Hart Publishing 1997) and has edited Hunt, Hooper & Yowell (eds) *Parliament and Human Rights* (Hart Publishing 2015).

**Richard (Rick) Rawlings** has held the Chair of Public Law at UCL since 2006. He is a former Legal Adviser to the House of Lords Constitution Committee and was previously Professor of Law at LSE. Rick’s areas of expertise range across both constitutional and administrative law. His many works include *Law and Administration* (1st edn 1984) (with Carol Harlow); *Delineating Wales: Constitutional, Legal and Administrative Aspects of National Devolution* (University of Wales Press 2003); *The Regulatory State: Constitutional Implications* (OUP 2010) (with Tony Prosser and Dawn Oliver); and *Sovereignty and the Law* (OUP 2013) (with Peter Leyland and Alison Young).

**Baroness Helena Kennedy of the Shaws QC** is a leading barrister and an expert in human rights law, civil liberties and constitutional issues. She is a member of the House of Lords and chair of Justice. She is a bencher of Gray's Inn and since 2011, has been principal of Mansfield College, Oxford. She was the chair of Charter 88 from 1992 to 1997, the Human Genetics Commission from 1998 to 2007 and the British Council from 1998 to 2004. She also chaired the Power Inquiry, which reported on the state of British democracy and produced the Power Report in 2006.

**Dr Alison Young** is a Fellow at Hertford College, Oxford. She was a tutor in law and a Fellow of Balliol College from 1997 to 2000, before returning to Hertford as a Fellow and Tutor in law in October 2000. She researches in applied constitutional theory, public law and human rights. She is the author of *Parliamentary Sovereignty and the Human Rights Act* (Hart Publishing 2009). She held a Leverhulme Research Fellowship from 2013-2015, using this to enable her to work part-time whilst writing her second book *Citizen Engaged?: Democratic Dialogue and the Consitution* (forthcoming: OUP 2016).

**Liam Laurence Smyth** is Clerk of Legislation at the House of Commons. In addition to his current duties overseeing the procedural aspects of the parliamentary law-making process, he is the Commons Clerk of the Joint Committee on the Draft Investigatory Powers Bill. In his former post as Clerk of the Journals, he was the House’s principal adviser on parliamentary privilege and also Commons Clerk to the more recent (2012–13) Joint Committee on Parliamentary Privilege. In 2009–10, he was Clerk to the Committee on Police Searches on the Parliamentary Estate.

**The Rt Hon Lord Justice David Bean** was called to the Bar (Middle Temple) in 1976. He was appointed an Assistant Recorder in 1992, Recorder in 1996 and Queen’s Counsel in 1997. He was Chairman of the Bar Council in 2002. He was appointed a judge of the High Court (Queen’s Bench Division) in July 2004, served as a Presiding Judge of the South Eastern Circuit from 2007 to 2010, and was a Judicial Appointments Commissioner from October 2010 to March 2014. He was appointed a Lord Justice of Appeal in October 2014. In August 2015 Lord Justice Bean became Chair of the Law Commission.

**Dr Richard Ekins** is a Tutorial Fellow in Law at St John's College.  He received his BA, LLB (Hons) and BA (Hons) degrees from The University of Auckland, before going on to read for the BCL, MPhil and DPhil at Oxford. He has worked as a Judge's Clerk at the High Court of New Zealand at Auckland, and a Lecturer at Balliol College, and was a Senior Lecturer in Law at the University of Auckland before moving (back) to Oxford in 2012. He has published many articles in leading journals, is the author of the monograph *The Nature of Legislative Intent* (OUP 2012) and editor of *Modern Challenges to the Rule of Law* (LexisNexis 2011) and, with Nick Barber and Paul Yowell, of the forthcoming volume *Lord Sumption and the Limits of the Law* (Hart Publishing 2016).