

WG Hart Legal Workshop 2018:

‘Building a 21st Century Bill of Rights’

Call for Papers

We are pleased to invite submissions for papers to be presented at the WG Hart Legal Workshop 2018 – ‘**Building a 21st Century Bill of Rights**’ – to be held at the [Institute for Advanced Legal Studies](#), University of London, 11th and 12th June 2018.

Almost all States have some form of a bill of rights in their national legal system. Whilst their specific content will vary, most cover many of the same issues such as the procedure for amendment, links with international law and institutions, and the status of the bill of rights in relation to other laws. The purpose of this workshop is to fill a significant gap in practice and scholarship and make an original contribution to current debates by bringing together scholars to discuss the construction of an effective 21st century bill of rights.

Whilst there has been discussion in the UK concerning the adoption of a “British” Bill of Rights, debate has focused on – and been largely limited to – addressing perceived negative characteristics of the Human Rights Act 1998. Creative thinking about topics such as the process of drafting a bill of rights, the role of human rights-promoting institutions, the extension of human rights law to the private sector and the experience of other jurisdictions is largely either absent or compartmentalised.

Confirmed speakers to date include:

- Harriet Harman M.P., Chair, Joint Committee on Human Rights
- Professor Conor Gearty, LSE
- Judge Tim Eicke, European Court of Human Rights
- Martha Spurrier, Director, Liberty
- Professor Colm O’Cinneide, UCL

Alongside keynote addresses, the following nine sessions will address a number of the most important questions any State concluding, or revising, a bill of rights should address. These questions encompass issues relating to the process of adoption, content and institutional position of a bill of rights, as well as the relationships between the various governmental, non-governmental and international actors conditioned by the bill of rights.

1. **Establishing the bases of a bill of rights.** What are the purposes of a bill of rights? Can a bill of rights embed in the absence of a human rights ‘culture’?
2. **Design and implementation.** How can popular ‘ownership’ be secured? What role can be played by social media and other methods of public engagement? Is it possible to ‘crowdsource’ a bill of rights?
3. **Linkages with international and comparative laws and institutions.** Do bills of rights have a common, universal, core? To what extent might (or should) constitutional ‘borrowing’ influence the development of a bill of rights? Can international coordination enhance the effectiveness of a bill of rights?

4. **The protected rights.** What challenges are presented by the inclusion in the bill of rights of economic, social and cultural rights? Should bills of rights protect third generation or group rights? Is the list of civil and political rights most commonly protected by national bills of rights unsuited to combatting new threats to human interests in the 21st Century?
5. **The bill of rights in the national constitutional order.** Should the bill of rights be considered as apart from ordinary law? How might questions of interpretation and (dis)application be resolved? How could a bill of rights allocate complementary roles to the branches of government?
6. **Claimants and respondents.** What are the benefits and drawbacks of an *actio popularis*? Should national human rights commissions have special status to bring claims under the bill of rights? What is the role of interveners? Should the bill of rights reach into the private sector or beyond the territorial jurisdiction?
7. **Remedies.** Does a bill of rights offering less than a strike down power for courts really provide effective protection? Are damages an effective and appropriate remedy? What alternatives to damages are possible? Should judges be able to direct respondents to make changes to law, policy or practice in response to a finding of violation?
8. **Rights and civil society.** How important is access to justice when seeking to put in place an effective bill of rights? How can the abilities of legislatures to prevent violations, and secure broader rights-compliance, be enhanced? How important is it for the executive to have a strong human rights policy and procedures in place to check for violations of the bill of rights?
9. **Addressing the populist backlash.** Is there a backlash against courts and national human rights law or is this only the experience in a handful of states? Are current criticisms of national human rights law justified? Is it possible to successfully combat a backlash? Can human rights only gain acceptance in tandem with societal responsibilities?

Papers are welcome on any of these themes. Abstracts of approximately 300 words and a short speaker biography should be submitted to the Academic Directors ([Merris Amos \(m.e.amos@qmul.ac.uk\)](mailto:m.e.amos@qmul.ac.uk); [Roger Masterman \(r.m.w.masterman@durham.ac.uk\)](mailto:r.m.w.masterman@durham.ac.uk); [Hélène Tyrrell \(helene.tyrrell@ncl.ac.uk\)](mailto:helene.tyrrell@ncl.ac.uk)) by 31st December 2017, with full versions of the accepted papers due for submission by 30th April 2018. Contributions from early career researchers will be particularly welcomed and will be integrated into the workshop sessions. It is our intention that a selection of the presented papers will be published as an edited collection following the workshop.

Merris Amos, School of Law, Queen Mary University of London,
Roger Masterman, Durham Law School, Durham University,
Hélène Tyrrell, Newcastle Law School, Newcastle University

NB a conference registration fee will apply.

*For general enquiries or if you are simply interested in attending the Workshop, please contact:
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