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# HUMAN RIGHTS LAW CONFERENCE 2011

13TH ANNUAL CONFERENCE

THE COALITION AND THE COURTS IN CONFLICT

WEDNESDAY 19TH OCTOBER 2011, LONDON

Find out from the experts what's new and what it means for you:

- Update your knowledge of key areas
- Ensure you are aware of all the major developments
- Learn how the law is striking the balance in controversial and contested areas
- Get a glimpse of the future
- Discuss the issues that affect your work, and exchange experience and ideas

## KEYNOTE SPEAKER:

Lord Judge. Lord Chief Justice of England and Wales

## PLENARY SPEAKERS:

Professor Vernon Bogdanor, Professor of Government, Oxford University  
Helen Mountfield QC, Matrix Chambers  
Alison Macdonald, Matrix Chambers  
John Wadham, Equality and Human Rights Commission

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# HUMAN RIGHTS LAW CONFERENCE 2011

## 13TH ANNUAL CONFERENCE

WEDNESDAY 19TH OCTOBER 2011, HOLIDAY INN BLOOMSBURY, CORAM STREET, LONDON WC1N 1HT

The coalition government is no longer a novelty. Well into its second year, what is its record on human rights – and, more importantly, what is the direction of travel?

The government set up a commission on a British Bill of Rights in March 2011 to, in Nick Clegg's words, "help us maintain, and build upon, an enduring framework of fundamental rights that will prevent the abuse and erosion of these freedoms for generations to come."

Can such lofty ambition survive policy developments justified by the need to respond to financial crisis? Immigration has been restricted and employment rights threatened. Massive cuts in legal aid may lead to rights without effective remedy. And the government's own human rights watchdog – the Equality and Human Rights Commission – faces a 60% budget cut.

The Bill of Rights Commission has arisen, at least in part, because of government's frustration with decisions in the courts. But it is the issue of privacy – and specifically the granting of superinjunctions – that has brought the judges into the spotlight and earned them the ire of Parliamentarians and the media.

On the legislative front, after many years of reports and draft bills, the Bribery Act 2010 finally came into force on 1 July 2011.

All these issues and more will be covered by the Human Rights Law Conference – from the broad brush of government policy to the fine detail that affects the day-to-day work of practitioners and policy-makers. Now in its 13th year, this conference provides comprehensive and expert analysis, ensuring you are fully up-to-date with all the latest developments across a wide range of issues.

### FIND OUT WHAT'S NEW AND WHAT IT MEANS FOR YOUR WORK

- Update your knowledge of key areas – at popular updaters sessions on criminal law and judicial review
- Ensure you are aware of all the major developments – all the key new cases and relevant legislation
- Learn how the law is striking the balance in controversial and contested areas – such as immigration, judicial review and privacy
- Get a glimpse of the future – as likely trends are highlighted and analysed and the effects of government policy are put under the microscope
- Discuss the issues that affect your work, and exchange experience and ideas with delegates from government departments, the legal profession and academia

### ENHANCE YOUR KNOWLEDGE WITH SPECIALIST WORKSHOP SESSIONS

Specialist breakout sessions, each run by leading experts, will provide in-depth coverage of particularly topical areas:

- Criminal law
- Equality
- Immigration and asylum
- Judicial review
- The Bribery Act
- Privacy, defamation and superinjunctions

### BENEFIT FROM EXPERT ANALYSIS OF IMPORTANT DEVELOPMENTS

- **What's new and why it matters** – a comprehensive review of the past year
- **Parliament and the courts** – are the judges stepping up to the plate or over the line in defending the rule of law?
- **A British Bill of Rights** – building on the European Convention or undermining its foundations?
- **Privacy and superinjunctions** – where will a report, a draft bill and a Parliamentary committee leave the balance between Article 8 ECHR (private life) and Article 10 (freedom of expression)?
- **Equality and discrimination** – does the government's review of employment law threaten hard-won rights?
- **Immigration and asylum** – what are the implications of key decisions in the European Court of Justice, the European Court of Human Rights and the UK Supreme Court?
- **Sentencing** – will the government's proposals deliver on its promise to 'break the cycle' of re-offending and an ever-growing prison population?
- **DNA retention** – where does *GC v Metropolitan Police* leave this controversial issue?
- **The Bribery Act 2010** – a new broom to sweep away corruption, or itself corrupted by last-minute lobbying?



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- 9.00 REGISTRATION
- 9.30 MORNING PLENARY SESSION**  
*Chaired by Jennifer McDermott, Withers  
Introduction from the Chair*
- 9.40 THE BILL OF RIGHTS COMMISSION**  
*Vernon Bogdanor, Professor of Government,  
Oxford University*
- In March, following parliamentary disquiet about implementing the European Court of Human Rights' judgment in *Hirst* concerning voting rights for prisoners, the government announced the formation of a commission 'to investigate the creation of a UK Bill of Rights'. Is this a good faith attempt to improve human rights protection in the UK or a cynical attempt to undermine it?
- 10:00 THE YEAR IN REVIEW**  
*Helen Mountfield QC, Matrix Chambers*
- 10.30 DISCUSSION AND QUESTIONS**
- 11.00 MORNING TEA BREAK
- 11.15 MORNING BREAKOUT SESSIONS**  
(please choose one session from following three)
- 1. CRIMINAL LAW AND HUMAN RIGHTS UPDATE**  
*Alex Bailin QC, Matrix Chambers  
Kirsty Brimelow QC, Doughty Street Chambers*
- An overview of key criminal law and human rights cases and legislative developments:
- Analyse all significant decisions of the Divisional Court, Court of Appeal, House of Lords and European Court of Human Rights
  - Examine the impact of the Sentencing Green Paper
  - Discuss the Police Reform and Social Responsibility Bill
- 2. EQUALITY: WHERE NEXT?**  
*Ulele Burnham, Doughty Street Chambers  
John Wadham, Equality and Human Rights Commission*
- More than a year after it was enacted, provisions of the Equality Act 2010 continue to be brought into force. At the same time, the government's review of employment law threatens to roll back some key protections, including awards of compensation for discrimination. Sweeping cuts to public services also threaten the main statutory watchdog, the Equality and Human Rights Commission, with the government proposing to restrict its remit and functions.
- Explore key cases, legislation and proposals in this turbulent area of the law.
- 3. IMMIGRATION AND ASYLUM**  
*Judith Farbey QC, Doughty Street Chambers  
Naina Patel, Blackstone Chambers*
- The government has continued its programme of seeking to restrict immigration and asylum, including introducing a cap on business migrants, further restrictions on appeal rights, and cuts to legal aid.
- At the same time, judgments of the European Court of Justice in *Zambrano* and *McCarthy* and the European Court of Human Rights in *MSS v Belgium and Greece* show the continuing importance of the European courts. And UK Supreme Court judgments in cases such as *WL (Congo)* and *Kambadzi* highlight serious shortcomings of the UK Border Agency's decision-making on a range of issues.
- Examine the latest legal developments in this ever-changing field.
- 12.45 LUNCH
- 13.45 AFTERNOON BREAKOUT SESSIONS**  
(please choose one session from following three)
- 4. JUDICIAL REVIEW AND HUMAN RIGHTS UPDATE**  
*Monica Carss-Frisk QC, Blackstone Chambers  
Shaheen Rahman, 1 Crown Office Row*
- From the retention of DNA in *GC v Metropolitan Police* to the ability of the Administrative Court to review decisions of the Upper Tribunal in *Cart and Eba*, judicial review continues to be one of the main battlegrounds over the legal protection of human rights in the UK.
- Study the main cases and measures in the field of public law, judicial review and human rights, including coverage of key decisions of the Administrative Court, Court of Appeal, UK Supreme Court, European Court of Justice and European Court of Human Rights.
- 5. THE BRIBERY ACT**  
*Peter Binning, Corker Binning  
Alexander Cameron QC, 3 Raymond Buildings*
- Corruption is endemic to many countries with poor human rights records. Yet the ability of UK courts to combat it has been hamstrung by the House of Lords' judgment in the BAE corruption inquiry in 2008.
- Will the Bribery Act 2010 have a significant impact on UK companies doing business abroad? What of important questions of legal certainty here in the UK?
- Explore the key issues arising under the Act, and their impact on businesses in the UK and abroad.
- 6. PRIVACY, DEFAMATION AND SUPERINJUNCTIONS**  
*Sara Mansoori, Matrix Chambers  
Heather Rogers QC, Doughty Street Chambers*
- From the ruling of the European Court of Human Rights in *Mosley v UK* to Lord Neuberger's report in May 2011 on superinjunctions; from the draft Defamation Bill to the recently established parliamentary committee established to consider the case for privacy legislation, the three-way battle between the media, Parliament and the courts shows no signs of flagging.
- Consider the state of the current law and proposed changes, in light of the broader relationship between the right to respect for one's private life under Article 8 ECHR and the right to freedom of expression under Article 10 ECHR.
- 15.15 TEA BREAK
- 15.30 AFTERNOON PLENARY SESSIONS**
- KEYNOTE SPEECH**  
*Lord Judge, Lord Chief Justice of England and Wales*
- 16.00 PANEL DISCUSSION**  
*Vernon Bogdanor, Oxford University  
Alison Macdonald, Matrix Chambers  
John Wadham, Equality and Human Rights Commission*  
**CHAIR: Roger Smith, JUSTICE**
- 17.00 CLOSE

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