

The Institute of Eastern European Law of the University of Cologne is celebrating its 50th year of existence. From 1964 to 1984 under the guidance by Professor Boris Meissner and from 1984 to 2002 by Professor Georg Brunner the Institute was devoted to scientific research on the law in socialist Eastern European States. Since 2002 the Institute, under the direction of Professor Angelika Nußberger, has conducted research on constitutional and public international law in Central and Eastern European as well as the CIS countries. A further focus of the Institute's work is on the question of the direct and indirect influence of European and International law on the development of the law in the Eastern European States as well as – vice versa – the influence of the States of Central and Eastern Europe on the constitutionalisation process within the European Union.

Since 1966 the Institute has been entrusted with the editorial work of the Journal "Osteuropa-Recht". The Institute is part of the interdisciplinary research network "Institutions and Institutional change in post-socialism: between historicity and global adjustment" and of the Cologne Center for Central and Eastern European countries of the University of Cologne.



Cologne, 4th July 2014

Seminar Building University of Cologne
Main Conference Room | University Building No. 106
Universitätsstraße 37 | 50931 Köln

Organizer

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www.ostrecht.uni-koeln.de

Supported by Fritz-Thyssen-Stiftung
<http://www.fritz-thyssen-stiftung.de/>



Impressum:

Publisher: Institute of Eastern European Law of the University of Cologne
Photos: wikipedia.org
Design: Ulrike Kersting
Stand: März 2014

Conference on the occasion of the 50th anniversary of the „Institute of Eastern European Law“

25 Years after the Fall of the Wall – One Law for East and West?

European Court of Human Rights and Venice Commission
in search for unifying legal standards



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European identity is often interrelated with history and culture and, as far as it defines binding moral and ethical standards, similarly with law. The Western European States of 1949, by creating the Council of Europe, manifested and committed themselves to the principle of rule of law, together with the principle that all persons within the jurisdiction of the Member States shall enjoy human rights and fundamental freedoms. The States of the “Eastern Bloc” conversely did not share these ideals.

After the fall of the iron curtain in the 90s, the division between “East” and “West” was overcome and thus a long process of transformation initiated. 25 years later in 2014 there remain – at least at first glance – only a few differences in the essential elements of the legal systems. The constitutions of countries in Central and Eastern Europe have been modified and adapted. Far-reaching reforms followed.

But neither a common institutional framework (Council of Europe) nor comparable constitutions hide the fact that there is still no homogenous mutual European understanding of values and moral based on common legal concepts. Even 25 years after overcoming the ideological cleavage Europe is still heterogeneous. Could the Council of Europe – under its auspices – create a unified Europe as one single area of justice while considering the constitutional traditions and diverse developments of human rights protection in Eastern and Western Europe?

The conference aims at discussing this and other questions considering the work of the European Court of Human Rights, which defines and demands common European human rights standards. Furthermore the work of the Venice Commission and its guidelines on constitutional and legislative reforms will be discussed from the perspective of academics and practitioners as well as from the perspective of “East” and “West”.

Program

09.15 - 09.45	Welcoming Addresses	<p>Axel Freimuth President University of Cologne</p> <p>Martin Henssler Dean of the Faculty of Law University of Cologne</p>
09.45 -10.00	Introductory Remarks	Angelika Nußberger Judge at the European Court of Human Rights (Germany)
10.00 -10.30	Different standards for “old” and “new democracies” – an outdated model? The practice of the Venice Commission	Simona Granata-Menghini Deputy Secretary of the Venice Commission
10.30 -10.45	Discussion	
10.45 -11.00	Coffee Break	
11.00 -11.30	The search for common standards –experiences with former communist States as new members of the European Court of Human Rights in the 1990s	Nina Vajic Former Judge of the ECHR (Croatia) and President of Section I
11.30 -11.45	Discussion	
11.45 -12.45	How much European wisdom is needed in countries in transition? And how is it used? – Perspective from a “new” democracy Perspective from an “old” democracy	<p>Peter Paczolay President of the Constitutional Court of Hungary</p> <p>Bill Bowring Professor of Law, School of Law Birkbeck, University of London</p>
12.45 -13.00	Discussion	

13.00 -14.15	Lunch Break	
14.15 -14.45	Judge in two different worlds? Comparison between the work at the Polish Constitutional Court and at the European Court of Human Rights	Lech Garlicki Former Judge at the Polish Constitutional Court and at the European Court of Human Rights (Poland)
14.45 -15.00	Discussion	
15.00 -16.30	<p>“All States are equal, but some States are more equal than others?” – Experiences working at the European Court of Human Rights</p> <p>Panel Discussion</p>	<p>Ganna Yudkivska Judge at the ECHR (Ukraine)</p> <p>Ineta Ziemele Judge at the ECHR (Latvia)</p> <p>Mark Villiger Judge at the ECHR, President of Section V (Liechtenstein)</p> <p>MODERATION:</p> <p>Lauri Mälksoo Professor of International Law, Tartu University</p>
16.30 -17.00	How many legal cultures in Europe? Why history, religion and ideology matter	Ulrich Schmid Professor at University St. Gallen

