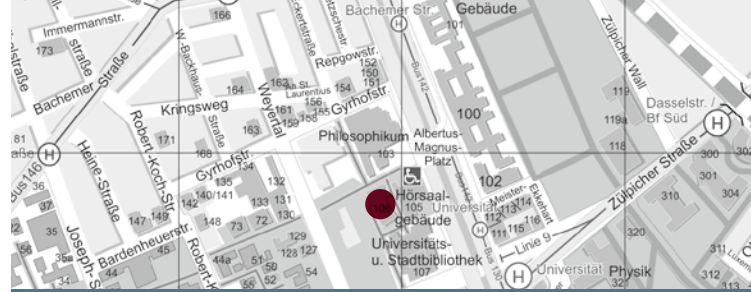


The idea of inalienable rights granted to all people, has always been in competition with the need for security and vital interests of states. Be it human rights on the international level or fundamental rights or freedoms on the national constitutional level.

The strength and power of a state is measured by how effectively it responds to threats and whether it can avert the danger of attacks. For states that claim to be obeying the rule of law and are constitutional states in an international community, defensive or offensive measures in the interests of national security, whether in criminal, military, or in the political sphere, must always be measured against human rights or fundamental freedoms derived from constitutional law, common law and international law. While defending the security interest of the state, the observance of international human rights and constitutional fundamental rights' standards, is a balancing act. The current relevance is demonstrated by contemporary events in the world as well as in the home states of the participants.

The Seminar therefore aims on developing ideas for solutions to solve the paradox, that a state might need to restrict freedoms of its people to safeguard their freedoms?



Cologne, 3rd – 7th November 2015

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

Human Rights vs. National Security

SHOULD FREEDOM BE RESTRICTED TO SAFEGUARD FREEDOM?

Organizer

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PROGRAM

Tuesday, 3rd November

Arrival of the participants

20.00 - 22.00	Welcome Reception
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Wednesday, 4th November

09.00 - 09.30	Registration	
09.30 - 09.45	Introductory Remarks	
09.30 - 09.45	Welcome Speech by the Dean of the Faculty of Law of the University of Cologne	<i>Prof. Ulrich Preis (Cologne)</i>

1 st Panel	Privacy and Data Protection vs. National Security Interests	Chair: Prof. Caroline von Gall
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09.45 - 10.45	Restrictions on the Internet vs. National Security Challenges of JHA databases and smart borders: data protection, privacy, non-discrimination Data retention Directive before the Polish Constitutional Court	<i>Daria Kotova (Moscow)</i> <i>Krisztina Antal (Pécs)</i> <i>Piotr Raś (Łódź)</i>
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10.45 - 11.00	Discussion
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11.00 - 11.20	Coffee Break
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1 st Panel		Chair: Prof. Tomasz Milej
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11.20 - 12.20	Can freedom of Information be restricted by national security or does unlimited freedom threaten the state integrity? Limitations to the Right to Privacy in connection with Investigative Activities Violation by Germany of privacy rights through mass surveillance	<i>Lisa Schöddert (Cologne)</i> <i>Gulnaz Zhuravleva (Moscow)</i> <i>Sophie Dittmeyer (Cologne)</i>
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12.20 - 12.40	Discussion
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12.40 - 14.00	Lunch Break
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2 nd Panel	Freedom of Expression, Speech and Association vs. National Security Interests	Chair: Prof. Tímea Drinóczi
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14.00 - 15.20	National Security as a tool for the limitation of the freedom of expression: A case study of Burundi Restrictions on audiovisual media: national security implementation or reduction of freedom of expression? "Gag-Law" or Law for Citizen Security in Spain Freedom of Association: New Restrictions in the Legislation of the Russian Federation in Response to International Sanctions	<i>Gilbert Hagabimana (Dar es Salaam)</i> <i>Gabrielė Monstvilaitė (Vilnius)</i> <i>Elena Leyva (Cologne)</i> <i>Yury Varlamov (Moscow)</i>
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15.20 - 15.40	Discussion
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15.40 - 16.00	Coffee Break	
3 rd Panel	Religion vs. National Security	Chair: Prof. Vaidotas Vaičaitis
16.00 - 16.40	Religion, Religious Freedom and National Security Balance between freedom of religion in public and national security	<i>Martin Valchanov (Cologne)</i> <i>Kaline Ozola (Riga)</i>
16.40 - 17.00	Discussion	
19.00	Dinner	

Thursday, 5th November

4 th Panel	Refugees and the Right of Asylum vs. National Security	Chair: Prof. Artūrs Kučs
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09.30 - 10.10	Security, Refugee and Jordan Responsibility of Frontex on Human Rights: especially in the case of Sea Operations and JRO's	<i>Mousa Sami Al-Qaaida (Pécs)</i> <i>Luca Sárai-Szabó (Pécs)</i>
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10.10 - 10.30	Discussion
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10.30 - 10.50	Coffee Break
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5 th Panel	Human Rights vs. Military Interests	Chair: Samir Felich
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10.50 - 12.10	Proportionality test between the use of military force and human rights (in peacetime) The use of armed drones in light of International Law and Human Rights Shooting down aircrafts. Case law before Polish and German Constitutional Courts Shooting down aircraft by states in the light of sovereignty of airspace	<i>Aušra Vainorienė (Vilnius)</i> <i>Bence Kis Kelemen (Pécs)</i> <i>Marcin Kłos (Łódź)</i> <i>Mateusz Osiecki (Łódź)</i>
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12.10 - 12.30	Discussion
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12.30 - 14.00	Lunch Break
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6 th Panel	Human Rights vs. National Security Interests in Fighting Terrorism	Chair: Prof. Ágoston Csanád Mohay
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14.00 - 15.00	Terrorism and Human Rights: Digging Into Securitization and its Impact on the Enjoyment of Human Rights in Uganda Freedom and security after Kadi – influence of the CJEU's judgment on practice of Polish Administrative Courts Deprivation of freedom of movement through confiscation of passports for future possible terrorist.	<i>Edrine Wanyama (Dar es Salaam)</i> <i>Małgorzata Grobelna (Łódź)</i> <i>Saskia Münster (Cologne)</i>
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15.00 - 15.20	Discussion
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15.20 - 15.40	Coffee Break
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6 th Panel		Chair: Anastasia Timofeeva
15.40 - 16.20	Can freedom of speech be restricted due to security concerns of the state? Free Speech Considerations in Combating Incitement to Terrorism.	<i>Endre Dudás (Pécs)</i> <i>Mārtiņš Birģelis (Riga)</i>
16.20 - 16.40	Discussion	
17.00	Dinner	

Friday, 6th November

7 th Panel	Balancing Fundamental and Human Rights with National Security	Chair: Prof. Izabela Skomerska
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09.30 - 10.30	Is there a right to security according to the ECHR? Derogations from Human Rights Treaties in Times of Emergency Lithuanian lustration as national security v. Right to respect for private life (ECtHR case-law)	<i>Marija Daka (Pécs)</i> <i>Olga Kiseleva (Moscow)</i> <i>Aurelija Daubaraitė (Vilnius)</i>
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10.30 - 10.50	Discussion
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10.50 - 11.10	Coffee Break
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7 th Panel		Chair: Prof. Anita Rodiņa
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11.10 - 12.10	Balance between fundamental rights and national security protection: practice/case law of the Constitutional Court Human Rights at the Crossroads: Addressing the Overriding National Security Concerns in Tanzania Limitations to Citizens' Rights in Connection with the Sochi Winter Olympic Games	<i>Dita Amoliņa (Riga)</i> <i>Nicolous Praygod Amani (Dar es Salaam)</i> <i>Irina Osmankina (Moscow)</i>
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12.10 - 12.30	Discussion
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12.30 - 13.45	Lunch Break
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13.45 - 14.45	Final Remarks
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14.00 - 17.30	Sightseeing in Cologne (Guided Tour at the Cologne Cathedral)
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18.30	Dinner
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Saturday, 7th November

Departure of the participants