



EUROPEAN COURT OF HUMAN RIGHTS  
COUR EUROPÉENNE DES DROITS DE L'HOMME



Ministry for Foreign  
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*The European Court of Human Rights  
In co-operation with the Directorate General Human Rights and the Rule of Law, of the Council of Europe  
And with the support of the Finnish Government*

## **Human rights challenges in the digital age: Judicial perspectives**

**Friday, 28 June 2019  
European Court of Human Rights, Strasbourg  
Press room**

*Seminar marking the retirement of the  
Jurisconsult of the European Court of Human Rights,  
Lawrence Early*

The “*Human rights challenges in the digital age: Judicial perspectives*” seminar, organised jointly by the Directorate General of Human Rights and the Rule of Law of the Council of Europe and the European Court of Human Rights, with the financial support of the Ministry for Foreign Affairs of Finland, marks the retirement of the Jurisconsult of the European Court of Human Rights, Lawrence Early. It will bring together academics, members of the judiciary and regulators to discuss human rights challenges in the digital age. The seminar will be opened by Judge Robert Spano, Vice President of the Court, and Christos Giakoumopoulos, Director General of Human Rights and the Rule of Law of the Council of Europe. It will be structured around three main areas.

The first session will address freedom of expression in the digital environment and will be chaired by Lech Garlicki, a former President of a Section of the Court and currently Vice-president of the International Association of Constitutional Law. The second session will be chaired by Eleanor Sharpston, QC, Advocate General at the Court of Justice of the European Union and will focus on the concept of jurisdiction in the World Wide Web, including the notions of State control and territory, using data protection as a case study. The third and last session will look into the legal framework for the phenomenon of Big Data: how is such data processed and what are the implications for other protected rights? It will be chaired by Mario Oetheimer, Deputy Head of Research & Data Unit of the European Union Agency for Fundamental Rights. The conclusions of the seminar will be wrapped up by its general rapporteur Judge Spano. A volume containing mainly articles based on the speakers’ presentations will be published to consolidate the take-aways from this event.

# Human rights challenges in the digital age: Judicial perspectives

Friday, 28 June 2019

- 9:00 – 9:15 Registration and welcome
- 9:15 – 9:30 **Opening**
- ❖ Robert Spano, Judge, Vice-President, European Court of Human Rights
  - ❖ Christos Giakoumopoulos, Director General, Directorate General Human Rights and the Rule of Law, Council of Europe
- 9:30 – 11:00 **Session I - Freedom of expression in the digital environment: where to put the cursor?**
- Chair** **Lech Garlicki**  
Vice-president of the International Association of Constitutional Law
- Darian Pavli**  
Judge, European Court of Human Rights:  
*Balancing free speech and other legitimate interests in the Internet era*
- (replacing previously announced speaker **Sarah H. Cleveland**  
Louis Henkin Professor of Human and Constitutional Rights, Faculty Co-Director, Human Rights Institute Columbia Law School)
- Panelists** **Dirk Voorhoof**  
Professor Emeritus, Human Rights Centre Ghent University and Legal Human Academy:  
*Same standards, different tools? The ECtHR and the protection and limitations of freedom of expression in the digital environment*
- Christopher Docksey**  
Hon. Director General, European Data Protection Supervisor (EDPS):  
*The EU approach to the protection of rights in digital environment: today and tomorrow*
- 11h – 11h30 Coffee break
- 11:30 – 13:00 **Session II - Determining jurisdiction in the World Wide Web: the case of data protection**
- Chair** **Eleanor Sharpston**  
QC, Advocate General at the Court of Justice of the European Union
- Panelists** **Siofra O’Leary**  
Judge, European Court of Human Rights:  
*Questions of jurisdiction and data protection before the ECtHR*

### **Bertrand de la Chapelle**

Executive Director, Internet & Jurisdiction Policy Network, Paris:

*Territorial jurisdiction vis-à-vis the cross-border nature of the internet*

### **Faiza Patel**

co-director of the Liberty and National Security Program at the Brennan Center, New York University School of Law:

*Judicial safeguards against transnational surveillance and jurisdiction issues: the US point of view*

13:00 – 14:30

Lunch

14:30 – 16:00

**Session III - Big Data, big legal questions**

**Chair**

### **Mario Oetheimer**

Deputy Head of Research & Data Unit, European Union Agency for Fundamental Rights

### **Nico van Eijk**

Director of the Institute for Information Law (IViR), Faculty of Law, University of Amsterdam:

*What are the main legal questions for Big Data? Regulation of data collection and handling. Implications for other rights*

**Panelists**

### **Tim Eicke**

Judge, European Court of Human Rights:

*Big Data and the ECtHR – the acquisition, use and disposal of data by private internet intermediaries and the case-law of the Strasbourg Court*

### **Lorna McGregor**

Professor, University of Essex Law School, Director of the Human Rights Centre and PI, Director of the ESRC Human Rights, Big Data and Technology (HRBDT) project:

*Big data, technology and human rights. The right to be forgotten: what are the possible technological methods and valid criteria for erasure?*

16:00 – 16:30

Coffee break

16:30 – 17:30

**Wrap up and closing remarks**

- ❖ Robert Spano, Judge, Vice-President, European Court of Human Rights
- ❖ Roderick Liddell, Registrar, European Court of Human Rights

17:30

Verre de l'amitié

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