

JGLS **VIRTUAL** GUEST SEMINAR



O.P. JINDAL GLOBAL
INSTITUTION OF EMINENCE DEEMED TO BE
UNIVERSITY
A Private University Promoting Public Service



Jindal Global Law School
India's First Global Law School

JUDICIAL DIALOGUE BETWEEN REGIONAL HUMAN RIGHTS COURTS AND CONSTITUTIONAL COURTS



SPEAKER

DR. ANTAL BERKES

Lecturer in Law, Brunel University London

Antal holds a Master in Law from the Eötvös Loránd University (Budapest); postgraduate degrees from the Central European University (Human Rights LLM) and Université Aix-Marseille III (Master in International Law). He completed his PhD at Université Paris 1 (Panthéon-Sorbonne) in co-supervision with the Eötvös Loránd University (Budapest) in 2015 with a thesis entitled "*Grey Zones: the Protection of Human Rights in Areas out of the Effective Control of the State*". Antal's research interests are public international law and European Union law. Between 2016 and 2018, Antal was postdoctoral research fellow at the University of Manchester, Manchester International Law Centre. In 2019, he was postdoctoral research fellow at the University of Pretoria, SARChI Professorship on International Constitutional Law (Prof Erika de Wet), where he was writing his book entitled *International Human Rights Law in Areas Beyond State Territorial Control* (forthcoming).

ABSTRACT:

The focus of this seminar is on the modes of interaction between constitutional courts (understood as encompassing supreme courts in decentralized systems of constitutional review) and regional human rights courts with particular emphasis on the concept of judicial dialogue. Methods of judicial dialogue and systemic integration of international law do provide important interpretative tools for domestic and international courts but, because of the leeway in the hands of judges, do not pre-determine the outcome of the case. Both majority and minority judges often rely on the methods of judicial dialogue and systemic integration according to their preferred outcome. However, there is a need for a rigorous conceptualisation of those methods. It is argued that domestic constitutional courts should follow a comparative and international law friendly approach while international courts should clarify what the relevant rules of international law applicable in the relations between the parties are, based on dominant State practice. Thus, the seminar supplements state-centric perspectives on constitutional adjudication and highlights the relationship between key judicial bodies at domestic and international levels.

Recommended reading: participants are invited to familiarise with any of the decisions related to the South African *Prince* saga related to the decriminalisation of the use, possession and cultivation of cannabis (the 2002 Prince II and 2018 Prince III judgments of the SA CC, the 2004 decision of African Commission on Human and Peoples' Rights, and the 2007 views of the Human Rights Committee). The use of judicial dialogue is particularly manifest in the *Prince II* judgment of the South African Constitutional Court, both in the minority (esp. paras 72, 152-157, 164-168) and the majority (paras 119-129) opinions.

MODERATOR Dr. Max Steuer, Assistant Professor, Jindal Global Law School

WED | 28th APR | 2021

5:15 PM – 7:00 PM (IST)

Join us on
MS TEAMS

<https://bit.ly/3aaUDc5>