

New challenges for international lawyers

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Talking points

The role of the Council of Europe and the Parliamentary Assembly in particular in **standard-setting** and **monitoring**

General issues

Accountability: Still Westphalian world? New actors? International organizations (EU law, “black lists”, EU accession to ECHR); transnational corporations; non-state actors (including non-recognizes self-proclaimed states)

Justiciability: for economic and social rights, for “new rights”? *Jus cogens* – can (should) be extended? Legal basis for peace-making and peace-keeping, the concept of humanitarian intervention?

For existing judicial mechanisms – **execution** of judgments? Sanctions, enforcement? (Hirst vs UK)

The need in new interpretation of “old” rights

Freedom of media: the right-holder? What is media? Definition of a journalist? Fake news, m(d)isinformation campaigns: is a deliberate lie covered by the freedom of expression? Duties of service providers and platforms (Delfi vs Estonia)? Re-consideration of the concept of free

transfrontier broadcasting (EC Convention, EU Audiovisual directive)

Asylum: international norms but national implementation. Differences in acceptance rates, international cooperation and “burden-sharing”, departure from legal standards in favour of political decisions (alternative status?), reconsideration of the Dublin system...

Anti-Covid measures: proportionality? Personal freedom vs safety of others? Acceptability of different treatment on the basis of the vaccination status? The nature of expert conclusions? “Anti-vaxxism” as a part of identity?

New areas

Hybrid war. Definition? Is it a variant of “genuine” war which permits restrictions of and derogations from fundamental rights?

Digital rights. Late EP President Sassoli in 2018: access to the Internet as a new human right. 26 January 2022: EC proposed to define a set of principles for a human-centred digital transformation - the European Declaration on Digital rights and principles that would be a reference framework for people, and a guide for businesses and policy-makers.

AI: personal accountability? Autonomous vehicles, LAWS...