



Universität
Basel

Juristische
Fakultät



SifJ Schweizerisches
Institut für Judikative

1st Basel Conference Judiciary



EAJ

at the Faculty of Law of the University of Basel

in collaboration with

SifJ Swiss Institute for the Judiciary

supported by

EAJ European Association of Judges

Judicial independence and separation of powers in Europe and Switzerland – where do we stand?

Face-to-face and online event

Friday, March 12, 2021

13.15 – 17.45

Faculty of Law, University of Basel

Peter Merian-Weg 8

CH-4002 Basel

Pro lure Auditorium

COVID-19 reservation: Depending on the COVID-19 restrictions for larger events in March 2021, we may have to organise an online event only. Whenever possible, however, we wish to organise the conference as a hybrid event.

Judicial independence and separation of powers in Europe and Switzerland – where do we stand?

Judicial independence and the separation of powers is a cornerstone of the democratic rule of law. While not so long ago this was taken for granted, at least in the Western world, this cornerstone has recently been increasingly called into question again. Especially in Europe, judicial independence and separation of powers – and thus democracy – have come under increasing pressure.

The half-day event will provide an opportunity to get an overview of where and in what ways these cornerstones are being undermined and to discuss what can be done about it.

The first part of the conference is reserved for a look at Europe: Renowned speakers active in international law will give an overview of the situation and report on what the organs of the EU and of the Council of Europe are doing or can do.

In a second part, the presentations will be devoted to the situation in Switzerland *de lege lata* and *de lege ferenda*. The problem analysis by the former President of the Swiss Federal Supreme Court and the external point of view of a scholar on the Swiss judiciary will be followed by the presentation of two proposals for amending the Swiss constitutional law.

Both parts will be deepened and concluded with panel discussions.

A diverse and informative conference with a clear focus awaits you. Competent speakers present the legal situation, highlight selected problems, show possible solutions and are not afraid to ask critical questions about the status quo

The organisers

The conference "Judicial Independence and Separation of Powers in Europe and Switzerland – Where do we stand?" is organised at the Basel Faculty of Law in cooperation with the Swiss Institute of the Judiciary and supported by the European Association of Judges.

The conference is aimed at lawyers, politicians and others interested in the organisation of the democratic constitutional state, the separation of powers and the judiciary.

Programme and speakers

Friday, March 12, 2021

From 12.45 p.m. Registration and welcome coffee

13.15 – 13.20 **Welcome and introduction**

Prof. Dr. iur. Stephan Breitenmoser, Professor at the University of Basel; Judge at the Federal Administrative Court, St. Gallen (conference chair)

13.20 – 13.40 **Europe: Task, role and influence of the CJEU in safeguarding judicial independence**

Prof. Dr. Dres. h.c. Andreas Voßkuhle, ex. President of the Federal Constitutional Court, Karlsruhe; Professor at the University of Freiburg i. Br.

13.40 – 14.00 **Europe: Task, role and influence of the ECtHR**

Prof. em. Dr. Dr. h.c. mult. Dieter Grimm, LL.M. (Harvard), ex. Judge of the Federal Constitutional Court, Karlsruhe

14.00 – 14.20 **Europe: The role and possible influence of the Venice Commission**

Prof. Dr. Dres.h.c. Angelika Nußberger, ex. Vice-President at the European Court of Human Rights (ECHR), Strasbourg

14.20 – 15.00 **Panel Discussion: Judicial Independence and Separation of Powers in Europe - Current Problems and the Possibilities of the CJEU, ECtHR and Venice Commission**

Participants: Dieter Grimm, Angelika Nußberger, Andreas Voßkuhle and Anne Sanders

Moderation: Stephan Breitenmoser, Thomas Stadelmann

15.00 – 15.30 *Coffee break*

15.30 – 15.50 **Switzerland: Problems and need for change from the perspective of the Swiss Judiciary**

Prof. Dr. iur. Ulrich Meyer, ex. President of the Swiss Federal Supreme Court, Lausanne

15.50 – 16.10 **Switzerland: Problems in Switzerland from a European perspective**

Prof. Dr. iur., M.Jur. (Oxford), Anne Sanders, Bielefeld University

16.10 – 16.30 **Switzerland: Appointment of judges by lot**

Adrian Gasser, Initiative Committee "Justizinitiative", Zug

16.30 – 16.50 **Switzerland: Alternative model**

Prof. Dr. iur. Peter Uebersax, Titular Professor of Public Law and Public Procedural Law at the University of Basel; Clerk of the Court and Scientific Advisor at the Federal Supreme Court, Lausanne

16.50 – 17.35

Panel discussion: Judicial independence and separation of powers in Switzerland - need for change and possibilities

Participants: Anne Sanders, Ulrich Meyer, Adrian Gasser, Peter Uebersax
Moderation: Stephan Breitenmoser, Thomas Stadelmann

17.35 – 17.45

Closing words

Dr. h.c. Thomas Stadelmann, Federal Judge, President of the Swiss Institute for the Judiciary (conference chair)

Registration, conditions of participation and notes

Friday, March 12, 2021

Registration

Online registration:

www.tagung-judikative.ch

Conference papers

Face-to-face event

CHF 100.- incl. refreshments during breaks.

Online event

The conference will be held simultaneously as a webinar interactively on the online platform Zoom.

Online participation is free of charge.

Registration deadline

Face-to-face event: 10 March 2021

Online event: 12 March 2021

The registration will be confirmed.

Information

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The conference will be held in German. Webinar participants will have the opportunity to follow the proceedings on separate language channels in French or English.