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Conference

Vulnerability and the Structure of Human Rights *The Case of the European Court of Human Rights*

Tuesday April 2nd 2013

At 6:00 pm

Amphitheater SIMONE WEIL
5 allée Jacques Berque, Nantes

Conference by **Samantha Besson**
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Samantha Besson is Professor of Public International Law and European Law at the University of Fribourg (Switzerland) and Co-Director of the European Law Institute of the Universities of Bern, Fribourg and Neuchâtel. She holds a Swiss and European law degree (Universities of Fribourg and Vienna), a Magister Juris in European and Comparative law (University of Oxford), a PhD in law (University of Fribourg) and a Habilitation in legal philosophy and Swiss, comparative, international and European constitutional law (University of Bern). She was a researcher at Columbia Law School, at the University of Oxford and at the Wissenschaftskolleg zu Berlin, and a visiting professor at the University of Zurich, Duke Law School, Global Law School from the Catholic Lisbon University, University of Lausanne and Harvard Law School. From 2009 to 2013, she coordinated the Seminar for Advanced Studies of the Hague Academy of International Law. Since 2013, she has been the Human Rights Delegate of the Swiss academies of sciences, as well as a member of the scientific board for the Institute of Advanced Study in Nantes. Her publications and research interests lie in European and international legal theory, and in particular in human rights law and theory. Apart from her numerous publications in French and in English, she co-edited the collection *The Philosophy of International Law* (Oxford: Oxford University Press, 2010) and is currently completing a monograph provisionally entitled *A Legal Theory of Human Rights*.

Theme

Vulnerability is a polysemic concept. In a nutshell, one may consider that vulnerability is the quality of the individual or group whose interests are under threat. The concept of vulnerability plays an important role in the field of human rights. As a result, human rights law constitutes a privileged context in which to study the concept of vulnerability. Interestingly, understanding vulnerability turns out to be central to the structure of human rights themselves. This will be my argument in this conference. I aim at revealing and accounting for the importance of vulnerability for human rights through a review of several dimensions of the European Court of Human Rights' case-law, thereby also explaining why the Court never defines vulnerability nor tries to justify the role the concept plays in its case-law. The same pivotal role of vulnerability for the moral structure of human rights needs to be uncovered, even though it has only rarely been discussed in human rights theory but for a few exceptions such as Henry Shue's seminal book (*Basic Rights*). My presentation will begin with a general discussion of the notion and role of vulnerability for the structure of human rights, before turning to the case-law of the European Court and addressing some of the difficult issues raised by its use of the concept of vulnerability.

Samantha Besson