

# COLUMBIA UNIVERSITY WORLD LEADERS FORUM

## COURTS AND GLOBAL NORMS ON FREEDOM OF EXPRESSION VIRTUAL CONFERENCE

Thursday, October 21, 2021

*Cosponsored by Global Freedom of Expression*

### **Welcoming Message:**

[Roberto Saba](#)

Constitutional Law and Human Rights Law Professor, University of Buenos Aires, and University of Palermo (Argentina)

### **Opening Remarks:**

[Lee C. Bollinger](#)

President and Seth Low Professor, Columbia University in the City of New York  
Founder of Columbia Global Freedom of Expression

### **SESSION 1: The application of international legal standards and comparative law practices in deciding upon freedom of expression cases:**

Deliberations that take place in the global public sphere require global norms on freedom of expression, which include international human rights law standards and principles drawn from comparative law. High Courts and International Courts are crucial institutions responsible for defining the scope of the exercise of freedom of expression as well in imposing limits to political power when it threatens this freedom. In many countries around the world, national courts resort to global norms when addressing conflicts regarding freedom of expression what usually expands the highest standards on freedom of expression. Global norms that reflect high standards of protection can help contain regressive trends and the way in which Courts apply them has become crucial for the future of freedom of expression and for the quality of global public sphere.

### **Introduction of the Honorable Judges and the topic of the session:**

[Dr. iur. Dana Schmalz](#)

Senior Research Fellow, Max Planck Institute for Comparative Public Law and International Law

**Presentations by five Honorable Judges:**

- [Honorable Judge Stella Anukam](#), African Court on Human and People's Rights
- [Honorable Justice Stephen G. Breyer](#), Supreme Court of the United States
- [Honorable Justice D.Y. Chandrachud](#), Supreme Court of India
- [Honorable Judge Eduardo Ferrer Mac-Gregor Poisot](#), Inter-American Court of Human Rights
- [Honorable Justice Daniela Salazar Marín](#), Constitutional Court of Ecuador

**INTERMISSION****SESSION 2: Challenges for judicial protection of freedom of expression in the digital sphere:**

Despite all the work done by Courts interpreting and protecting freedom of expression, they have had to face new challenges that surfaced in the last few decades, such as the advent of global platforms and consequent discussion about the application of global standards regarding the reach and content of freedom of expression in the digital sphere. In most nations, anxiety has increased regarding the dissemination of information that can cause substantial damage in people's lives or undermine democratic institutions, among others risks. At the same time, based on these concerns, both governments and the public have often pushed for greater constraints on freedom of expression online creating new dilemmas and problems to be solved.

**Introduction of the Honorable Judges and of the topic of the session:**

[Prof. Ruth Rubio Marín](#)

Professor of Constitutional Law, University of Sevilla

Professor at the School of Transnational Governance, European University Institute

**Presentations by four Honorable Judges:**

- [Honorable Justice Cármen Lúcia Antunes Rocha](#), Supreme Federal Court of Brazil
- [Honorable Justice of the First Senate Susanne Baer](#), Federal Constitutional Court of Germany
- [Honorable Judge Darian Pavli](#), European Court of Human Rights
- [Honorable Justice Alejandro Linares Cantillo](#), Constitutional Court of Colombia

**Closing Remarks:**

[Prof. Catalina Botero Marino](#)

Columbia Global Freedom of Expression

Former Special Rapporteur for Freedom Expression (OAS)

Co-chair of the Facebook and Instagram's Oversight Board

## **Panelists:**



**Cármén Lúcia Antunes Rocha**  
**Federal Supreme Court of Brazil**

She is a Professor at the Pontifical Catholic University of Minas Gerais since 1984. In 2006 she took office as Minister of the Federal Supreme Court. In 2009 she took office as effective Minister of the Superior Electoral Court and in 2012 she assumed the Presidency of this Court. In 2016 she assumed the presidency of the Federal Supreme Court and the National Council of Justice.



**Stella Anukam**  
**African Court on Human and People's Rights**

Judge Stella Anukam is a Judge of the African Court on Human and Peoples' Rights, Arusha, Tanzania. A 1984 Law graduate of the University of Ife, Oyo State, Nigeria. She was called to the Nigerian Bar in 1985. A member of many Professional bodies, a Chartered Arbitrator, Chartered Secretary and Administrator, certified Negotiator and Mediator, with over 34 years of professional legal experience in Public Service, and expertise in international Law and Human Rights.



**Susanne Baer**  
**Federal Constitutional Court of Germany**

Professor Baer serves as Justice of the Federal Constitutional Court in Germany, elected by the Bundestag in 2011 to the First Senate, for a 12 years term. She is the Professor of Public Law and Gender Studies at Humboldt University Berlin and a Lea Bates Global Law Professor at the University of Michigan Law School, where she received an honorary doctorate in 2014, as she did from the universities of Hasselt/Belgium 2017 and Lucerne/Switzerland 2018. She is a Corresponding Fellow at the British Academy of Arts and Sciences, where she gave the Maccabean Lecture in 2019. She has taught regularly at CEU Budapest, and visiting in Austria, Switzerland and Canada.

Photo credit: Britney Marjure



**Stephen G. Breyer**  
**Supreme Court of the United States**

Stephen Breyer, born in San Francisco in 1938, is a justice on the Supreme Court of the United States. He is a graduate of Stanford, Oxford, and Harvard Law School. He taught law for many years as a professor at Harvard Law School and at the Kennedy School of Government. He has also worked as a Supreme Court law clerk (for Justice Arthur Goldberg), a Justice Department lawyer (antitrust division), an Assistant Watergate Special Prosecutor, and Chief Counsel of the Senate Judiciary Committee (working closely with Senator Edward M. Kennedy to pass the Airline Deregulation Act).

In 1980 he was appointed to the United States Court of Appeals for the First Circuit by President Carter, becoming Chief Judge in 1990. In 1994 he was appointed a Supreme Court Justice by President Clinton. He has written books and articles about administrative law, economic regulation, and constitutional law, including *Regulation and Its Reform*, *Breaking the Vicious Circle: Toward Effective Risk Regulation*, *Active Liberty*, *Making Our Democracy Work: A Judge's View*, *The Court and the World* and, *The Authority of the Court and the Peril of Politics*, which was recently published. His wife, Joanna, was born in Great Britain and is a retired clinical psychologist. They have three children (Chloe, Nell, and Michael) and six grandchildren.

Photo credit: Collection of the Supreme Court of the United States



**Dhananjaya Y Chandrachud**  
**Supreme Court of India**

Hon'ble Dr Justice Dhananjaya Y Chandrachud is a judge of the Supreme Court of India. He was previously the Chief Justice of the Allahabad High Court (October 2013 – May 2016) and a judge of the Bombay High Court (March 2000 – October 2013). He joined the Bombay Bar after obtaining an LLM and SJD from Harvard Law School. Justice Chandrachud graduated with a BA (Honours) in Economics from St Stephens's College, Delhi. He completed his LL. B from Delhi University.



**Eduardo Ferrer Mac-Gregor Poisot**  
**Inter-American Court of Human Rights**

He earned his LL.B from the Autonomous University of Baja California and his Dr. iur. in the University of Navarra, Spain with a specialization in Human Rights from the Institut International des Droit de l'Homme in Strasbourg, France.

He held different positions at Mexico's Supreme Court of Justice. He was also Secretary of the First Circuit Collegiate Court; and Secretary of Study and Account of the Central Chamber of the Electoral Tribunal. He was Executive Secretary of the Drafting

Commission for the Code of Judicial Ethics of the Federal Judiciary; Coordinator for the elaboration of the Ibero-American Code of Judicial Ethics, and representative of the Supreme Court of Justice of the Nation before the Venice Commission. He was a member of the Directive Board of the Federal Institute of Public Defendants. He was chosen to serve as an ad hoc judge of the Inter-American Court of Human Rights in the *Cabrera García y Montiel Flores vs. México* (2009-10) case. In 2013 he was elected Judge of the Inter-American Court of Human Rights.



**Alejandro Linares Cantillo**  
**Constitutional Court of Colombia**

Alejandro Linares Cantillo is an Associate justice of the Colombian Constitutional Court. He has an LL.B. from the Universidad de Los Andes in Bogota, holds an LL.M degree from Harvard University, and is a PhD in Law from the Universidad Externado de Colombia. Justice Linares has practiced law for more than 30 years in both the public and private sector. Additionally, he has taught at several universities in Colombia, for example, the Universidad de Los Andes, Universidad del Rosario, and Universidad del Norte.



**Darian Pavli**  
**European Court of Human Rights**

Darian Pavli has served as judge of the European Court of Human Rights, elected in respect of Albania, since January 2019. Before joining the Court, Judge Pavli had an extensive human rights law practice, which included litigation before leading international and regional human rights mechanisms. His practice maintained a strong focus on freedom of expression and association, and national security-related restrictions of rights, among others. He has also contributed to various standard-setting efforts in Europe, the

Americas and other regions. In recent years, Judge Pavli advised the Parliament of Albania on matters related to major justice reforms, as well as defamation and freedom of information law reforms. Judge Pavli holds advanced law degrees from Central European University and New York University Law School.





**Daniela Salazar Marín**  
**Constitutional Court of Ecuador**

Daniela Salazar Marín is the Vice President of the Constitutional Court of Ecuador. She is a law professor at the Universidad San Francisco de Quito (USFQ), where she served as Vice Dean and as Co-Director of the Legal Clinic. She worked as a human rights specialist at the Inter-American Commission on Human Rights. She received her law degree from USFQ and a master's degree (LL.M) from Columbia University.

### **Moderators:**



**Ruth Rubio Marín**  
**University of Sevilla**

Ruth Rubio Marín is Professor of Constitutional Law at the University of Sevilla as well as member of the Faculty of The Hauser Global Law School Program at New York University and the holder of the UNIA Unesco Chair in Human Rights. Formerly, she held a Chair in Comparative Public Law at the European University Institute in Florence, Italy where she currently forms part of the School of Transnational Governance. Professor Rubio has taught at several other prestigious academic institutions including Columbia

Law School and Princeton University. Her research attempts to understand how public law creates categories of inclusion and exclusion around different axis including gender, citizenship, nationality and ethnicity. Her most recent book is Global Gender Constitutionalism and Women's Citizenship, Cambridge University Press (forthcoming 2022).



**Dana Schmalz**  
**Max Planck Institute for Comparative Public Law and International Law**

Dana Schmalz is a postdoctoral research fellow at the Max Planck Institute for Comparative Public Law and International Law in Heidelberg/Berlin. Her work centers on international and European refugee law, fundamental rights and democratic theory. Dana holds a Ph.D. in law from the University of Frankfurt (2017) and an LL.M. in Comparative Legal Thought from Cardozo Law School, New York. Her book "Refugees, Democracy and the Law. Political Rights at the Margins of the State" was published in 2020.

Dana Schmalz is a founder and the Co-Editor-in-Chief of Voelkerrechtsblog and an associate editor for migration and refugee law at Verfassungsblog. She is an associate editor of the International Journal of Constitutional Law (ICON) and belongs to the editors of the journal Kritische Justiz.

In the fall/winter term 2021/2022, Dana Schmalz is a visiting professor (Lehrstuhlvertretung) at the University of Jena.