



CHAIRMANSHIP OF ESTONIA
Council of Europe
May–November 2016
PRÉSIDENCE DE L'ESTONIE
Conseil de l'Europe



Eesti 34
õigusteadlaste
päevad

Wednesday, 12 October

19:30–22:00 Welcoming evening of the **Ministry of Foreign Affairs of the Republic of Estonia** (Building of the Estonian Students' Society, Jaan Tõnissoni 1)

Thursday, 13 October

9:00–10:00 Morning coffee
(Vanemuine Concert Hall, doors will open at 8:30)

Plenary meeting

(Vanemuine Concert Hall, simultaneous interpretation in English, webstream)

10:00–10:20 Opening/debate "Is Restriction of Liberty for Security Considerations Justified?"
(instructors from debate club SpeakSmart)

Irene Kull, *Professor of Civil Law, University of Tartu, Chairman of the Estonian Academic Law Society*

Jüri Heinla, *President of the Estonian Association of Lawyers*

Does international law matter?

Moderator: **Lauri Mälksoo**, *Academic, Professor of International Law, University of Tartu*

10:20–12:00 Speakers: **Marina Kaljurand**; **Marie Jacobsson**, *Sweden's Ministry for Foreign Affairs, Member of the International Law Commission (ILC)*; **Rein Müllerson**, *Research Professor of International Law and Politics, Tallinn University*; **Cuno Tarfusser** *ICC judge, Italy*; **Peter Tomka**, *ICJ judge, Slovakia*

12:00–12:30 Coffee break

Human rights – the situation and development in Estonia

Moderator: **Uno Lõhmus**, *Visiting Professor, University of Tartu*

12:30–14:00 Speakers: **Aino Lepik von Wirén**, *Director General of the Estonian Foreign Ministry's Department for European and Trans-Atlantic Cooperation*; PhD **Rait Maruste**, *Member of the Riigikogu*; LLM **Madis Ernits**, *Judge, Tartu Circuit Court, Doctoral Student, University of Tartu*; **Paul Keres**, *Attorney-at-Law, Law Firm Glikman Alvin & Partnerid*

14:00–15:00 Lunch, dividing the participants into sections

Security I. Security Argument in Limitation of Fundamental Rights

(Vanemuine Concert Hall, simultaneous interpretation in English, webstream)

Moderator: **Heili Sepp**, Adviser and Head of the Department at the Chancellor of Justice, Doctoral Student, University of Tartu

15:00–16:30 *History Doctor* **Ivo Juurvee**, Head of the Internal Security Institute, Estonian Academy of Security Sciences
What We Might Have Learned from the Period between 1918–1940
LLM **Madis Ernits**, Judge, Tartu Circuit Court, Doctoral Student, University of Tartu
Security and Fundamental Rights
PhD **Arnold Sinisalu**, Director General of the Estonian Internal Security Service
Security as a Prerequisite for Ensuring Fundamental Rights

16:30–16:50 Coffee break

Security II. Information as a Weapon in Internal and External Security

(Vanemuine Concert Hall, simultaneous interpretation in English, webstream)

Moderator: **Janek Luts**, Head of Communications, Chancellery of Chancellor of Justice

16:50–18:00 *MA (National Defense University, USA)* **Mikk Marran**, Director General, Estonian Information Board
A view of the Force Executives
MA (King's College, London) **Merle Maigre**, Security Policy Adviser to the President of Estonia
Defining Aggression in a Conflict Situation
MA (US Army War College, USA) **Taimar Peterkop**, Director General, Information System Authority
Law and Information Systems

Working and Entrepreneurship I. Change in the Relationship between Employers and Employees

(Dorpat Conference Centre: Struve I and II Halls, webstream)

Moderator: **Indrek Niklus**, Head of the Private Law Unit, Ministry of Justice

15:00–16:30 **Gaabriel Tavits**, Professor of Social Law, University of Tartu
How Flexible Can the Legal Regulation of Employment Relationships Be Made?
Peep Peterson, Head, Estonian Trade Union Confederation
Changing Labour Market and the Employees' Expectations on the Legal Order
Karin Madisson, Partner and Attorney-at-Law, SORAINEN Law Firm, Chairman of the Commercial Law Committee, Estonian Bar Association
From a Factory Worker in Narva to a Skype Programmer. The New Forms of Modern Employment and Their Obstacles in Estonia

16:30–16:50 Coffee break

Working and Entrepreneurship II. The Future of Employment Relationships. The Need for the State to Intervene in Labour Relations and Work Conflicts

(Dorpat Conference Centre: Struve I and II Halls, webstream)

Moderator: **Tiina Saar-Veelma**, *Head of Staff at Proexpert and specialist in work satisfaction*

16:50–18:00 **Annika Uudelepp**, *Long-term Head of Praxis*
To Adapt to the Times or be Left Behind? The Work of the Future is the Reality of Today

Meeli Miidla-Vanatalu, *Deputy Director General for Labour Law, Labour Inspectorate*

Modern Employment Relationships and Monitoring of Working Conditions

Egle Käärats, *Deputy Secretary General on Labour, Ministry of Social Affairs*
Flexible Employment Relations. To which Direction Should we Flex?

International Humanitarian Law

(Assembly Hall of the University of Tartu)

Moderator: *Mag. iur.* **Andres Parmas**, *Lecturer of Criminal Law, University of Tartu*

15:00–16:30 *Dr. iur.* **René Värk**, *Associate Professor of International Law, University of Tartu*
Difficulties in Classifying Modern Armed Conflicts

Kalle Kirss, *Deputy Director of the Legal Department, Ministry of Defence*
Detention in Non-International Armed Conflicts

Olavi Jänes, *Legal Advisor, Baltic Defence College*
Direct Participation in Hostilities by Civilians or Under Which Circumstances Does a Civilian Become a Lawful Target

Madis Vainomaa, *Independent Expert (Human Rights and Vulnerable Groups)*
The Role of Human Rights Defenders in Documenting Violations of Law During Armed Conflicts

16:30–16:50 Coffee break

International Criminal Law

(Assembly Hall of the University of Tartu)

Moderator: *Dr. iur.* **René Värk**, *Associate Professor of International Law, University of Tartu*

16:50–18:00 *Mag. iur.* **Andres Parmas**, *Judge, Tallinn Circuit Court, Lecturer of Criminal Law, University of Tartu*
The Limits of the Possibilities of Criminal Law

Tiina Intelmann, *former President of the Assembly of the ICC*
International Criminal Court and the Changing World Policy

Eerik Heldna, *Deputy Director General, Estonian Internal Security Service*
Foreign Fighters and the Implementation of the Penal Code

Legal History. Human and Power

(Dorpat Conference Centre: Baer Hall, webstream)

Moderator: **Marju Luts-Sootak**, *Professor of Legal History, University of Tartu*

15:00–16:30 *Dr. iur.* **Hesi Siimets-Gross**, *Associate Professor of Legal History and Roman Law, University of Tartu, Lawyer Linguist, Court of Justice*

Marelle Leppik, *Lawyer, Law Firm LMP, Doctoral Student, University of Tartu*

The 1906 Constitution of the Russian Empire – the First Document on Fundamental Rights in the History of Estonia?

Ken Ird, *Doctoral Student, University of Tartu*

Bad Old Swedish Times and Russia's Humane Paragon? On Death Sentences in the Courts of the Baltic Sea Provinces in the XVIII Century

Dr. phil. **Andres Andresen**, *Associate Professor in Estonian History, University of Tartu*

Defence League – Exercise of State Authority on a Voluntary Basis

16:30–16:50 Coffee break

16:50–18:00 **Marju Luts-Sootak**, *Professor of Legal History, University of Tartu*

General Principles and Clauses in the Projects of the Civil Code of the Republic of Estonia (1925–1940) – In the Interests of Individuals or the Public?

Mag. iur. **Hannes Vallikivi**, *Chairman of the Board, Estonian Bar Association, Chief Partner, Law Firm Derling*

Political Processes in the Republic of Estonia at the Beginning of the 1930s

Dr. iur. **Priidu Pärna**, *Notary in Tallinn*

Architectural and Iconographic Expressions of Historical Powers in Estonia

20.00 **Festive Evening**

(Estonian National Museum: the doors will open at 19:30 and close at 23:00)

Friday, 14 October

Security III. Broad-based National Defence

(Assembly Hall of the University of Tartu, webstream)

Moderator: *Mag. iur.* **Mari-Liis Pöder-Korjagina**, *Chairman of the Foundation on International Law of War and National Defence Law; Head, Legal Section of the Estonian Reserve Officers' Association*

9:30–11:00 *MA* **Jonatan Vsevirov**, *Secretary General, Ministry of Defence*
Estonian Defence Solution

Taavi Veskimägi, *Estonian Defence Industry Association*

The Role of the Defence Industry in Ensuring Defence Readiness

MD, PhD **Tiit Meren**, *Surgeon, Hospital of Reconstructive Surgery, Estonian Reserve Officers' Association*

How Volunteer Reserve Officers Working in Civil Medicine are Providing Additional Capability to Estonian Broad-based National Defence

11:00–11:30 Coffee break

Security IV. Limits of Administrative and Offence Proceedings in the Context of Security

(Assembly Hall of the University of Tartu, webstream)

Moderator: **Inna Ombler**, *State Prosecutor*

11:30–13:00 *LLM* **Norman Aas**, *Secretary General, Ministry of Justice*
Preventive and Repressive Defence of Public Order – A Legal and Political Perspective
Kristjan Siigur, *Chairman, Tallinn Administrative Court*
Viewing the Viewers: Hidden Collection of Information as a Method of Protection of Everyone's Rights, and its Control Mechanisms
Mag. iur. **Martin Triipan**, *Attorney-at-Law and Partner, Raidla Ellex Law Firm*
Collection and Use of Data by Security Authorities. Elasticity and Limits of the Protection of Rights

Shared Economy I. Shared Economy as the Future of Entrepreneurship

(Dorpat Conference Centre: Struve I and II Halls, webstream)

Moderator: **Juhan Lepassaar**, *Head of Cabinet to Vice-President Andrus Ansip, European Commission*

9:30–11:00 *LLM* **Kilvar Kessler**, *Chairman of the Board, Estonian Financial Supervision Authority*
Shared Economy in the Financial Sector: Old Idea Rediscovered?
Andres Sooniste, *Director General, Consumer Protection Board*
Share and Answer?
Dmitri Jegorov, *Deputy Secretary General of Tax and Customs Policy, Ministry of Finance*
Taxes and Shared Economy: Complete Clarity vs. Total Confusion
Kaidi Ruusalepp, *Founder and Head of Funderbeam, former CEO of Tallinn Stock Exchange, one of the authors of the Digital Signatures Act*
Hacking the Articles. Journey of a Sharer

11:00–11:30 Coffee break

Shared Economy II. Participants of a Sharing Service, Their Rights and Obligations

(Dorpat Conference Centre: Struve I and II Halls, webstream)

Moderator: **Küllike Jürimäe**, *judge in the European Court of Justice*

11:30–13:00 **Karin Sein**, *Professor of Civil Law, University of Tartu, Acting Head of the Department of Private Law*
Legal Relations Between a Seller, Platform Holder and a Consumer, and the Applicable Law

Urmas Volens, Associate Professor of Civil Procedural Law, University of Tartu,
Attorney-at-Law and Partner at Nove Law Firm
Common Funding: Models of Contractual Relationships, Warranties,
Risks

Villu Kõve, Justice, Supreme Court, Associate Professor of Civil Law, University of Tartu
From Whom, Where, and How to Make a Claim When Shared or
Intermediated Goods or Services Do Not Meet Expectations or an
Intermediated Loan Is Not Repaid?

International Law III. Development of International Law and Cyberspace (Dorpat Conference Centre: Baer Hall, webstream)

Moderator: **Peter Pedak**, Director, International Law Division, Ministry of Foreign Affairs

9:30–11:00 **Erki Kodar**, Undersecretary for Legal and Administrative Affairs, Ministry of Defence
National Security, Cyberspace and International Law – Are These
Concepts Reconcilable?

Dr **Katrin Nyman-Metcalf**, Head of the Chair of Law and Technology, Tallinn Law
School, a professor, Head of Research, Estonian e-Governance Academy
Use of Cyberspace for Peaceful Purposes: What Can We Learn from
Outer Space?

Dr. iur. **Eneken Tikk-Ringas**, Research Fellow, International Institute for Strategic
Studies, Visiting Lecturer on IT Law, University of Tartu
How Has the Development of Technology Impacted Interstate
Relations and the Application of International Law?

Liis Vihul, Research Fellow, NATO Cooperative Cyber Defence Centre of Excellence
Applying International Law to Cyber Attacks. The Most Important
Conclusions from the “Tallinn Manual”

11:00–11:30 Coffee break

International Law IV. Theoretical and Practical Challenges on the Universality of Human Rights (Dorpat Conference Centre: Baer Hall, webstream)

Moderator: Dr. iur. **Mart Susi**, Associate Professor of Human Rights Law, Tallinn University

11:30–13:00 **Mari Amos**, Member of the UN Subcommittee on the Prevention of Torture
The Impact of the Environment on the Assessment on Upholding
Human Rights

PhD **Merilin Kiviorg**, Senior Research Fellow in International Law, University
of Tartu
Change in the Narrative: Human Rights on the Crossroads?

Peeter Roosma, Justice, Supreme Court
Institutional Diversity at the Service of the Universality of Human
Rights?

Dr. iur. **Mart Susi**, Associate Professor of Human Rights Law, Tallinn University
Is the Era of Human Rights About to End?

13:00–14:00 Lunch (Dorpat Conference Centre)

Final meeting. European Court of Human Rights and Estonian Law: a Monologue or a Dialogue?

(Dorpat Conference Centre: Struve I and II halls, simultaneous interpretation, webstream)

Moderator: **Julia Laffranque**, Judge, European Court of Human Rights, Vice-President of the Second Section, Visiting Professor, University of Tartu

14:05–14:50 **Guido Raimondi**, President of the European Court of Human Rights
Legal Value of the Decisions of the European Court of Human Rights

The participants in the following podium discussion are: **Maris Kuurberg**, Representative of the Government of the Republic of Estonia, European Court of Human Rights; **Julia Laffranque**, Judge, European Court of Human Rights, Vice-President of the Second Section, Visiting Professor, University of Tartu; **Andres Herkel**, Member of the Riigikogu; **Priit Pikamäe**, Chief Justice, Supreme Court; **Guido Raimondi**, President of the European Court of Human Rights; **Hannes Vallikivi**, Chairman of the Board, Estonian Bar Association

Topics to be discussed:

- Complaints filed against Estonia in the European Court of Human Rights. What have the most popular topics been throughout history and in which matters have the most violations been found? How does the executive power implement the decisions of the European Court of Human Rights in its everyday activities? How are the decisions made on Estonia being enforced? (**Maris Kuurberg**)
- Whether, how and what decisions made on Estonia have had an impact on the overall practice of the European Court of Human Rights? How do the Estonian people, their rights and problems reflect in the European context? (**Julia Laffranque**)
- To what extent do the national judicial proceedings and decisions rely on the case law of the European Court of Human Rights? What are the hopes and expectations of the Estonian judges in relation to the cooperation with the European Court of Human Rights? (**Priit Pikamäe**)
- What are the future prospects of the European Court of Human Rights? What does the application of the principle of subsidiarity and discretionary power look like in practice? (**Guido Raimondi**)
- What does the European Court of Human Rights look like to appellants and their representatives – as an impregnable fortress or the Europe's conscience and last hope? (**Hannes Vallikivi**)