

## **LISBON CONFERENCE ON SOCIAL RIGHTS IN CELEBRATION OF THE 70<sup>TH</sup> ANNIVERSARY OF THE ‘SECOND BILL OF RIGHTS’**

In early 1944 the victory of the Allied forces in World War II was already almost certain. The question was to know which peace would follow the bloodiest armed conflict that history had ever known. It was in this context that, on January 11, 1944, in his speech to Congress on the state of the Union, President Frank Delano Roosevelt launched his proposal for a “Second Bill of Rights”.

Roosevelt began by stressing the “inalienable political rights - among which the freedom of expression, press freedom, freedom of religion, trial by jury, protection against unreasonable searches and seizures without reasonable foundation”, under whose sign of which the American Republic was born. But he recognized that those rights had proved to be inadequate, solely by themselves, to ensure “equality in the pursuit of happiness”.

His words on the occasion probably are, even today and perhaps never since then as today, the best explanation of the importance of social and economic rights:

“We have come to a clear realization of the fact that true individual freedom cannot exist without economic security and independence. ‘Necessitous men are not free men.’ People who are hungry and out of a job are the stuff of which dictatorships are made.

In our day these economic truths have become accepted as self-evident. We have accepted, so to speak, a second Bill of Rights under which a new basis of security and prosperity can be established for all—regardless of station, race, or creed.

Among these are:

- The right to a useful and remunerative job in the industries or shops or farms or mines of the nation;
- The right to earn enough to provide adequate food and clothing and recreation;
- The right of every farmer to raise and sell his products at a return which will give him and his family a decent living;
- The right of every businessman, large and small, to trade in an atmosphere of freedom from unfair competition and domination by monopolies at home or abroad;
- The right of every family to a decent home;
- The right to adequate medical care and the opportunity to achieve and enjoy good health;
- The right to adequate protection from the economic fears of old age, sickness, accident, and unemployment;
- The right to a good education.

All of these rights spell security. And after this war is won we must be prepared to move forward, in the implementation of these rights, to new goals of human happiness and well-being.”

The security Roosevelt was concerned with was not simply the physical security that gives us protection against attacks from aggressors, but economic and social security. Indeed, the relation between freedom and security also appears in the field of social rights. In Roosevelt's words, “freedom from fear is eternally linked with freedom from want.”

It is this legacy that we want to celebrate today and the best way to do it is, in our opinion, to deepen the meaning of rights in a multidisciplinary reflection, in order to reach a clearer understanding of social rights’ challenges in contemporary societies. A context anyway, not without similarities to the one that existed when Roosevelt was first elected.

Below follows the project of the Conference, which will take place at the Auditorium of the University of Lisbon School of Law on the 19<sup>th</sup> and 20<sup>th</sup> May, 2014.

The Conference will include five moments:

- (i) An opening session to welcome the participants;
- (ii) A plenary session with speeches by four guest speakers, including a keynote address by Prof. Mark Tushnet, followed by debate;
- (iii) A multidisciplinary session, with experts in Law, Political Theory and Philosophy, and Sociology;
- (iv) An interactive session led by a panel of commentators with the discussion of papers selected through an international call for papers; and
- (v) A final session with a keynote address by the United Nations Special Rapporteur on the Human Right to Water and Sanitation.

## CONFERENCE PLAN

***Day 1 – 19<sup>th</sup> May, 2014***

### Opening Session

- 09h15    JOAQUIM DE SOUSA RIBEIRO  
President of the Portuguese Constitutional Court
- JORGE MIRANDA  
President of ICJP – Instituto de Ciências Jurídico-Políticas
- MARCELO REBELO DE SOUSA  
President of the Scientific Council of CIDP – Lisbon Centre for Research in Public Law

### 1<sup>st</sup> Session

Chair: CARLOS BLANCO DE MORAIS (FDUL/CIDP)

- 09h45    Opening keynote address  
          MARK TUSHNET  
          Harvard Law School
- 10h15    JEFF KING  
          University College London Faculty of Laws
- 10h45    *Coffee break*
- 11h15    OCTÁVIO FERRAZ  
          Warwick School of Law
- 11h45    JOÃO CARLOS LOUREIRO  
          Faculdade de Direito da Universidade de Coimbra
- 12h15    *Debate*
- 13h00    *Lunch\**

### 2<sup>nd</sup> Session

Note: In each module, the commentator will begin with a brief critical exposition of the paper submitted by the presenter, to a maximum of 20 minutes, to be followed by a response of the latter, in the same period of time, after which the debate shall be opened up.

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\* Only by invitation

1<sup>st</sup> Module – Chair: JOSÉ DE MELO ALEXANDRINO (FDUL/CIDP)

14h30 CARLOS BLANCO DE MORAIS (FDUL/CIDP) – presenter  
JORGE REIS NOVAIS (FDUL/CIDP) – discussant

15h45 LUÍS PEREIRA COUTINHO (FDUL/CIDP) – presenter  
PEDRO ADÃO E SILVA (ICSTE) – discussant

17h00 *Coffee break*

2<sup>nd</sup> Module – Chair: DAVID DUARTE (FDUL/CIDP)

17h30 RUI GUERRA DA FONSECA (FDUL/CIDP) – presenter  
PEDRO MAGALHÃES (ICS) – discussant

18h45 FILIPE CARREIRA DA SILVA (ICS) – presenter  
GONÇALO ALMEIDA RIBEIRO (UCP) – discussant

### ***Day 2 – 20<sup>th</sup> May, 2014***

### **3<sup>rd</sup> Session**

Note: In each module, the commentator will begin with a brief critical exposition of the paper submitted by the presenter, to a maximum of 15 minutes, to be followed by a response of the latter, in the same period of time, after which the debate shall be opened up.

1<sup>st</sup> Module – Chair: MIGUEL NOGUEIRA DE BRITO (FDUL/CIDP)

09h30 SASA SEVER (*Court of Justice of the European Union*) – presenter  
MARIANA MELO EGÍDIO (FDUL/CIDP) – discussant

10h00 ELIF ASKIN (*Max Planck Institute for Comparative Public Law and International Law*) – presenter  
MIGUEL PRATA ROQUE (FDUL/CIDP) – discussant

10h30 BORJA BARRAGUÉ and CÉSAR MARTÍNEZ (*Universidad Autónoma de Madrid*) – presenters  
TIAGO FIDALGO DE FREITAS (FDUL/CIDP/EUI) – discussant

11h00 *Coffee break*

2<sup>nd</sup> Module – Chair: TIAGO FIDALGO DE FREITAS (FDUL/CIDP/EUI)

- 11h30 RAINER PALMSTORFER (*Universität Salzburg*) – presenter  
JORGE SILVA SAMPAIO (FDUL/CIDP) – discussant
- 12h00 BADRINATH RAO (*Kettering University*) – presenter  
MIGUEL NOGUEIRA DE BRITO (FDUL/CIDP) – discussant
- 12h30 *Debate*
- 13h30 *Lunch\**

3<sup>rd</sup> Module – Chair: JORGE SILVA SAMPAIO (FDUL/CIDP)

- 14h30 LENA BOUCON (*European University Institute*) – presenter  
RUI TAVARES LANCEIRO (FDUL/CIDP) – discussant
- 15h00 LUÍS HELENO TERRINHA (FDUL) – presenter  
ALEXANDRE SOUSA PINHEIRO (FDUL/CIDP) – discussant
- 15h30 *Debate*
- 16h00 *Coffee break*

### **Closing Keynote Session**

- 16h30 CATARINA DE ALBUQUERQUE  
United Nations Special Rapporteur on the Human Right to Water and Sanitation

Organization:



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