

**PANEL SESSIONS**

**INTERNATIONAL CONFERENCE**

**THE GLOBAL CHALLENGE OF HUMAN RIGHTS INTEGRATION:  
TOWARDS A USERS' PERSPECTIVE**

**Ghent, 9-11 December 2015**

The **abstracts** of the papers can be consulted online at <http://hrintegration.be/conferences>

**TRACK 1 - THEORIZING FRAGMENTATION AND INTEGRATION IN HUMAN RIGHTS LAW**

Track leader: Barbara Oomen, University College Roosevelt

**Panel session no. 1: Theorizing human rights in today's world**

**Wednesday 9 December, 13.30 – 15.00**

Chair: Pieter Ippel, University College Roosevelt

Venue: Refter

Some reflections on torture and human rights

*Natalina Stamile, University of Catanzaro*

The right to exist is the reason for the affirmation of *ubuntu* as a human right

*Mogobe Bernard Ramose, University of South Africa*

Are we sacrificing the natural law that binds our conscience? The dangers of fragmenting international human rights in favour of Economic Development and Cultural Relativism

*Shannon Revel, Barristers Chambers, Rownhams House*

Human Rights at the Epistemic Intersection of the General and the Particular

*Dimitrios Tsarapatsanis, University of Sheffield*

## Panel session no. 2: Legal pluralism and theorizing human rights

Thursday 10 December, 11.30 – 13.00

Chair: Barbara Oomen

Venue: Rector Vermeylen (second floor)

Human rights and the concept of translation <i>Karl Hanson, University of Geneva</i>
Analysis of “Rule of Law” Assessment Tools : A view from the Third World <i>Siddharth Peter de Souza, Von Humboldt Foundation/Max Planck Foundation</i>
A False Fragmentation: Defensive relativism and regional human rights organisations <i>Frederick Cowell, University of London</i>
Integrating Human Rights with Local Norms: Ebola, Burial Practices and the Right to Health in West Africa <i>Julie Fraser &amp; Henrike Prudon, Utrecht University</i>

## Panel session no. 3: The usefulness of human rights in addressing today’s societal problems

Thursday 10 December, 16.30 – 18.00

Chair: Barbara Oomen

Venue: Rector Vermeylen (second floor)

Human Rights, Identity and the Legal Regulation of Dress <i>Jill Marshall, University of Leicester</i>
Is the crime of human trafficking a human rights violation? <i>Julia Muraszkiewicz, Vrije Universiteit Brussel</i>
Paradoxies of Development-Rights Trade-Offs (Cases of Kerala, Costa Rica and Hungary) <i>Gábor Szabó, University of Pecs</i>
Can human rights bring social justice? <i>Eduardo Arenas CATALAN, Utrecht University</i>
The Extraterritoriality of the ICESCR and the Significance of Power: Jurisdiction in an Account of Human Rights <i>Lea Raible, University College London</i>

## TRACK 2 - CONVERGENCE AND DIVERGENCE WITHIN INTERNATIONAL HUMAN RIGHTS LAW

Track leaders: Emmanuelle Bribosia and Isabelle Rorive, Université libre de Bruxelles

### Panel session no. 1: Tracing the convergence and divergence of international human rights in the European Union

**Wednesday 9 December, 13.30 – 15.00**

Chair: Emmanuelle Bribosia

Venue: Rector Vermeylen (second floor)

The Use of ECtHR Case Law by the Court of Justice after Lisbon: The view of Luxembourg Insiders <i>Jasper Krommendijk, Radboud University Nijmegen</i>
Mutual reinforcement between RED, ECHR and FCNM towards a shared burden of proof in cases on racial discrimination? Tracing avenues of convergence <i>Kristin Hennard, Erasmus University Rotterdam</i>
When non-discrimination law struggles with the “conscience” of companies <i>Emmanuelle Bribosia, Isabelle Rorive &amp; Gabrielle Caceres, Université libre de Bruxelles</i>

### Panel session no. 2: Cultural diversity as a challenge to the convergence between international human rights bodies

**Wednesday 9 December, 15.30 – 17.00**

Chair: Isabelle Rorive

Venue: Rector Vermeylen (second floor)

Convergence and divergence in the accommodation of cultural identity and socio-economic equality claims in the European and the Inter-American Courts of Human Rights <i>Valeska David, Ghent University</i>
European Muslims and the Securitisation of Rights Discourse <i>Stephanie E. Berry, University of Sussex</i>
Human Rights and Female Genital Mutilation: Dignity in the Face of Adversity <i>Janhavi Ravi Iyengar &amp; Abhishek Singh, Symbiosis Law School</i>

**Panel session no. 3: Convergence in international human rights adjudication: techniques and challenges**

**Thursday 10 December, 16.30 – 18.00**

Chair: Emmanuelle Bribosia

Venue: Refter

Rethinking the Two Margins of Appreciation <i>Oddný Mjöll Arnardóttir, University of Iceland</i>
“I move things around until they look right”: A Critical Appraisal of the Principle of “Systemic Integration” in the Human Rights Paradigm <i>Adamantia Rachovitsa, Qatar University</i>
The Protection of Minimum Socio-Economic Guarantees Throughout the Human Rights Corpus and the Idea of Overlapping Consensus <i>Ingrid Leijten, Leiden University</i>
External referencing by the ECtHR and human rights integration: (missed) opportunities for rights of persons with disabilities <i>Dorothea Staes, Université libre de Bruxelles/Saint-Louis University, Brussels &amp; Joseph Damamme, Université libre de Bruxelles</i>

**Panel session no. 4 - Convergence through adaption: Discussing the merit of new institutions and perspectives to human rights**

**Friday 11 December, 11.00 – 12.30**

Chair: Isabelle Rorive

Venue: Refter

UN Special Procedures: system puppets or user’s saviours? <i>Rhona Smith, Northumbria University</i>
Intersectional approaches to non-discrimination and substantive consolidation in international human rights law <i>Joanna Bourke-Martignoni &amp; Ivona Truscan, University of Fribourg</i>
National human rights institutions in Europe: Independent bridge-builders in a fragmented human rights landscape? <i>Katrien Meuwissen, Leuven Centre for Global Governance Studies</i>
Beyond courts and judges: human rights protection within the administrative perspective <i>Lorenza Violini, University of Milan</i>

### **TRACK 3 - CONVERGENCE AND DIVERGENCE BETWEEN NATIONAL AND INTERNATIONAL HUMAN RIGHTS LAW**

Track leader: Sébastien Van Drooghenbroeck, Saint-Louis University, Brussels

#### **Panel session no. 1: The judge, the Constitution and the Treaty**

**Wednesday 9 December, 13.30 – 15.00**

Chair: Sébastien Van Drooghenbroeck

Venue: Oude Infirmerie (second floor)

National Constitutions and the Protection of Human Rights in ASEAN <i>Irene I. Hadiprayitno, Leiden University</i>
Direct Effect of International Human Rights Treaties in Constitutional Law: Kazakhstan's Experience <i>Saule Emrich-Bakenova, KIMEP University</i>
Comparative Analysis of the Application to the European Court of Human Rights and the Constitutional Complaint to the Polish Constitutional Court <i>Liliia Maliarchuk, Jagiellonian University</i>
The "added value" of the European Convention on Human Rights in the ambit of religious freedom and religious autonomy in Belgian constitutional case-law <i>Stéphanie Wattier, Université catholique de Louvain</i>

#### **Panel session no. 2: Dialogues around human rights: some national experiences**

**Wednesday 9 December, 15.30 – 17.00**

Chair: Sébastien Van Drooghenbroeck

Venue: Oude Infirmerie (second floor)

From Localism To Globalism: One-Way Ticket? Reflections On A Complicated Relationship <i>Anna Silvia Bruno, University of Salento</i>
Implementing International Human Rights in Russia: A Pragmatic's Guide to Filling in the Blanks <i>Maria Smirnova, University of Manchester</i>
Integration of the Convention on the Rights of the Child into domestic law: the Nigerian example <i>Oluwafifehan Ogunde, University of Nottingham</i>
Beefing up domestic human rights litigation with international human rights law? The case of the South African mining industry <i>Lieselot Verdonck, Ghent University</i>

**Panel session no. 3: The permeability of the constitutional protection of human rights**

**Thursday 10 December, 11.30 – 13.00**

Chair: Antoine Bailleux, Saint-Louis University, Brussels

Venue: Refter

European Convention On Human Rights: From The Lowest Common Denominator To The Greatest Common Divisor? <i>Begüm Bulak, Université de Genève</i>
Intertwined but Different. Constitutional and International Approaches to Human Rights Protection: A “Bifocal” Analysis <i>Antonia Baraggia, University of Milan &amp; Maria Elena Gennusa, University of Pavia</i>
Norm Permeability And The National Human Rights System In The Common Law World: A Comparison Between Ireland And The United Kingdom <i>Donal Coffey, University of Surrey</i>

**Panel session no. 4: At the crossroad of national and international protection: selected topics**

**Friday 11 December, 11.00 – 12.30**

Chair: Sébastien Van Drooghenbroeck

Venue: Rector Blancquaert (third floor)

Constitutional Protection Of The Right To Food In Bolivia, Cambodia, Ghana And Kenya: Converging With Or Diverging From International Human Rights Norms? <i>Adriana Bessa, Joanna Bourke-Martignoni, Christophe Golay &amp; Teresa Hatzl, Geneva Academy of International Humanitarian Law and Human Rights</i>
Convergence And Divergence Between National And International Human Rights Law: The Case Of Madagascar <i>Clémence Razanamahery-Rico, Institut d'Etudes Politiques, Aix-en-Provence</i>
Prohibition of discrimination on the ground of social condition: an efficient tool to protect socio-economically underprivileged people? <i>Sarah Ganty, Université libre de Bruxelles</i>
European human rights law and constitutional separation of powers doctrines <i>Céline Romainville, Université catholique de Louvain</i>

## **TRACK 4 - CONVERGENCE AND DIVERGENCE BETWEEN INTERNATIONAL HUMAN RIGHTS LAW AND OTHER BRANCHES OF INTERNATIONAL LAW**

Track leaders: Paul De Hert and Stefaan Smis, Vrije Universiteit Brussel

### **Panel session no. 1: Convergence and divergence between IHRL and international criminal law**

**Wednesday 9 December, 15.30 – 17.00**

Chair: Stefaan Smis

Venue: Refter

The Future of the International Criminal Court: A Non-Human Rights Body? <i>Marina Aksenova, iCourts</i>
The Problem of Purpose: Where Human Rights Law Meets International Criminal Law <i>Patrick Keenan, University of Illinois</i>
Beyond the Courtroom: the ICC as an Enforcer of International Human Rights Law? <i>Emma Irving, University of Amsterdam</i>
The Right to Appeal a Criminal Conviction Imposed on Appeal in International Criminal Law – Towards a Common Norm? <i>Dražan Đukić, Tilburg University</i>

### **Panel session no. 2: Convergence and divergence between IHRL and transnational criminal law and international responsibility law**

**Thursday 10 December, 11.30 – 13.00**

Chair: Paul De Hert

Venue: Rector Blancquaert (third floor)

Strengthening action to end forced labour: the new International Labour Organisation Protocol of 2014 to the Forced Labour Convention, 1930 and the positive human rights obligations of States <i>Amy Weatherburn, Vrije Universiteit Brussel</i>
Trafficking in human beings: human rights-based approach v. criminal law approach, clash or integration? <i>Valentina Milano, University of the Balearic Islands</i>
Towards shared responsibility for human rights violations: the need for divergence between human rights and international responsibility law <i>Wouter Vandenhole, University of Antwerp</i>

**Panel session no. 3: Convergence and divergence between IHRL and international humanitarian law and international refugee law**

**Thursday 10 December, 16.30 – 18.00**

Chair: Stefaan Smis

Venue: Rector Blancquaert (third floor)

The Human Rights Foundations of the International Protection Regime <i>Linda Kirk, Australian National University</i>
The prohibition on arbitrary displacement: convergence and divergence of international humanitarian and human rights law <i>Deborah Casalin, CIDSE/Broederlijk Delen</i>
“It was the best of times, it was the worst of times”: a tale of detention in time of emergency <i>Federica Favuzza, University of Milan</i>
The European Court of Human Rights’ Approach to Armed Conflict: Ivory Tower or Pas de Deux? <i>Cedric De Koker, Ghent University</i>

**Panel session no. 4: Convergence and divergence between IHRL and international economic law and international environmental law**

**Friday 11 December, 11.00 – 12.30**

Chair: Paul De Hert

Venue: Oude Infirmerie (second floor)

Trade and Human Rights: A mutual exclusion? <i>Gudrun Zagel, University of the Federal Army Neubiberg</i>
The Role of the Unified Patent Court and the Court of Justice of the EU in Realising Judicial Coherence at the Human Rights-Patent Law Interface <i>Federica Baldan &amp; Esther van Zimmeren, University of Antwerp</i>
The Integration of Environmental Protection Considerations within the Human Rights Law Regime: Which Solutions have been Provided by Regional Human Rights Courts? <i>Marie-Catherine Petersmann, European University Institute</i>
Human Rights Implications of Climate Change: The Urgent Need to Mainstream Human Rights in the Post-2015 Climate Regime <i>Mohamed Behnassi, LAGOS, Ibn Zohr University of Agadir</i>



## **TRACK 5 - HUMAN RIGHTS ARE USELESS/USEFUL**

Track leader: Koen De Feyter, University of Antwerp

### **Panel session no. 1: Human rights may be useful**

**Wednesday 9 December, 13.30 – 15.00**

Chair: Koen De Feyter

Venue: Rector Blancquaert (third floor)

Strategic litigation and the multiple roles of the NGOs before the European Court of Human Rights: focus on the UK Mass surveillance cases
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<i>Jukka Viljanen &amp; Heta Heiskanen, University of Tampere</i>
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Negotiating meaning of human rights: victimhood and social agency in Chile
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<i>Katrien Klep, Utrecht University</i>
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Human Rights Practice in a Mexican Jesuit Context: Examining the Usefulness of Center Prodh
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<i>Luis Arriaga Valenzuela, Loyola Marymount University</i>
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### **Panel session no. 2: Do the regional human rights mechanisms matter?**

**Wednesday 9 December, 15.30 – 17.00**

Chair: Koen De Feyter

Venue: Rector Blancquaert (third floor)

The contribution of the Inter-American Court of Human Rights to domestic accountability efforts for serious crimes: fact or fiction?
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<i>Hanna Bosdriesz, Leiden University</i>
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The Cross-Fertilization of Human Rights Norms and Indigenous Peoples in Africa: From Endorois and Beyond
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<i>Derek Inman, Vrije Universiteit Brussel</i>
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'Part of the Game': Government Strategies against European Litigation Concerning Migrant Rights
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<i>Moritz Baumgärtel, Université libre de Bruxelles</i>
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### **Panel session no. 3: Africa and China**

**Thursday 10 December, 11.30 – 13.00**

Chair: Ellen Desmet

Venue: Oude Infirmerie (second floor)

Human Rights and Nubian Mobilization in Egypt: towards recognition of indigeneity and return to ancestral lands
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<i>Maja Janmyr, University of Bergen</i>
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Indigenous Rights, Social Exclusion and the Batwa of Rwanda

*Morag Goodwin, University of Tilburg*

Localizing the International Human Right to Education in China: A Spatial Inquiry into the Usefulness of Human Rights in Cyberspace

*Shisong Jiang, Sant'Anna School of Advanced Studies*

#### **Panel session no. 4: Meanwhile at the UN**

**Thursday 10 December, 16.30 – 18.00**

Chair: Koen De Feyter

Venue: Oude Infirmerie (second floor)

Human Rights of Working Children: A Right to Work in Dignity?

*Edward van Daalen, University of Geneva*

Local conceptions of human rights: what relevance for disenfranchised communities within the UNICEF Village Assaini Programme in Kongo Central, DRC?

*Pascal Sundi, University of Antwerp/Université Kongo*

Engagement of Indigenous Peoples in Bangladesh with the UN Human Rights Mechanisms: Beginning of a New Era?

*Bablu Chakma, (Human Rights) Kapaeeng Foundation, Bangladesh*

Accommodating new human rights claims. A proposal of a framework of analysis, applied to peasants and youth

*Arne Vandenbogaerde, University of Antwerp & Ellen Desmet, University of Antwerp/Ghent University*

#### **Panel session no. 5: Human rights may be useless**

**Friday 11 December, 11.00 – 12.30**

Chair: Koen De Feyter

Venue: Rector Vermeylen (second floor)

Human Rights – Limited Source of Solidarity? Objective of Societal Stability and the Question of Legitimizing the Limitations on Human Rights

*Siina Raskulla, University of Tampere*

Valuing Human Rights: How to assess the impact of different HRs uses on their perceived values

*Gabriele D'amico, Freie Universität Berlin/The Hebrew University of Jerusalem*

Can Human Rights Generate Social Change? The Case of the Campaign for a Right to Food Law in India in the Period 2009 to 2013

*Sara Bailey, University of Essex*