

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)

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| 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 & 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)

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| 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)

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| 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 & 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)

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| 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 & 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

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| 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 & 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

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| 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 & 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)

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| 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)

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| 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

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| 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 & 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)

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| 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 & 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

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| 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)

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| 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)

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| 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)

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| 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 & 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)

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| 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 & 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)

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| 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)

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| 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