

Human Rights Training Course

Comparative Analysis in Human Rights Research

European University Institute – Florence

10-14 June 2013

Final Programme



UiO : Norwegian Centre for Human Rights
University of Oslo


Åbo Akademi
University
Institute for
Human Rights



norden
NordForsk

Monday, 10 June 2013

Villa La Fonte (Conference Room)

Official Opening of the Training Course

09:00 – 09:20

Thesis Defence of Dorothy Estrada-Tanck (EUI)

Human Rights and Human Security under International Law: Reinforcing Obligations in the Context of Vulnerability

Examiners: Martin Scheinin, Ruth Rubio Marin, Christine Chinkin and ICJ Judge Antônio Cançado Trindade

10:00 – 12:00

Lunch Break

12:00 – 13:00

Lecture by Bård A. Andreassen (Norwegian Centre for Human Rights/University of Oslo)

Social Rights Jurisprudence to Combat Poverty: Comparative Perspectives

13:00 – 14:15

Lecture by Miriam Estrada-Castillo (Raoul Wallenberg Institute, Lund)

Comparative Analysis on International Human Rights Law and Socialist Law Applied to Vietnam's and Myanmar's Constitutions

14:15 – 15:30

Coffee/Tea Break

15:30 – 16:00

Lecture by Ebrahim Afsah (University of Copenhagen)

Contribution of Human Rights to Fractured Societies: Stabilisation vs. Protective Functions of Individual Rights

16:00 – 17:15

Informal Reception & BBQ

Bar Fiasco (Badia Fiesolana)

19:00 – Open End

Tuesday, 11 June 2013

Villa Schifanoia

Lecture by Jo Stigen (Norwegian Centre for Human Rights/University of Oslo)

Universal Jurisdiction over Serious Human Rights Violations

Cappella

09:15 – 10:30

Coffee/Tea Break

10:30 – 11:00

Lecture by Alessandra Sarelin (Åbo Akademi – Institute for Human Rights)

*Giving Meaning to Human Rights:
An Analysis of the Human Rights Discourse in Malawi*

Sala Belvedere

11:00 – 12:15

Discussion of Papers with **Ebrahim Afsah and **Jo Stigen****

Cappella

11:00 – 12:30

Bahareh Jafarian (Åbo/ Turku)
Human Rights Norms in Islamic Legal Systems

Emmanuel de Groof (EUI)
*Dialectics between Transitional Authorities and Human Rights:
Some Brief and Exploratory Considerations*

Lunch Break

12:30 – 13:30

Discussion of Papers with **Alessandra Sarelin, Bård A. Andreassen** and Miriam Estrada-Castillo

Sala Belvedere

13:30 – 15:45

Elizabeth Benedict Christensen (Copenhagen)
Assessing Vulnerable Populations & the Lived Experience of Undocumented Youth

Maja Janmyr (Bergen)
Legal Science and Empirical Realities: Methodological Contemplations from Human Rights Research in Refugee Camps

Liuda Kocnovaite (Iceland)
Relational Responsibility in the Human Rights Discourse

Discussion of Papers with **Ebrahim Afsah, Jo Stigen** and Martin Scheinin

Cappella

13:30 – 15:45

Heko Scheltema (EUI)
Different Approaches in Applying Public International Law by the European Court of Human Rights

Lisa Ginsborg (EUI)
Litigation-related Challenges to the 1267 Al Qaeda Sanctions

Cornelius Wiesener (EUI)
Interplay between Human Rights Law and IHL in Peace Operations

Coffee/Tea Break

15:45 – 16:15

Discussion of Papers with **Alessandra Sarelin, Bård A. Andreassen** and Miriam Estrada-Castillo

Sala Belvedere

16:15 – 17:00

Säde Homio (Helsinki)
Climate Change, Development and Human Rights: Philosophical Challenges

Discussion of Papers with **Ebrahim Afsah, Jo Stigen** and Martin Scheinin

Cappella

16:15 – 17:00

James Devaney (EUI)
Killing Two Birds with One Stone: Can Increased Use of Article 34(2) of the ICJ Statute Improve the Legitimacy of UN Commissions of Inquiry and the Court's Fact-finding Procedure?

Wednesday, 12 June 2013

Villa Schifanoia

Lecture by Payam Akhavan (McGill University & EUI)

Comparative Law Methodology:

The Collision of Common Law and Civil Law Approaches to Duress under International Criminal Law

Cappella

09:15 – 10:30

Coffee/Tea Break

10:30 – 11:00

**Lecture by Uladzislau Belavusau
(University of Amsterdam)**

Critical Legal Studies for Comparative Human Rights Research

Sala Belvedere

11:00 – 12:15

**Discussion of Papers with Payam Akhavan
and Jo Stigen**

Cappella

11:00 – 12:30

Joanna Nicholson (Oslo)

*Direct Participation in Hostilities. The Challenges of Interpreting an
International Humanitarian Law Concept in an International Criminal
Law Context*

Elisa Novic (EUI)

*From Genocide to Persecution: 'Cultural Genocide'
and Contemporary International Criminal Law*

Lunch Break

12:30 – 13:30

Discussion of Papers with **Miriam Estrada-Castillo,
Fermin Cordoba and Bård A. Andreassen**

Sala Belvedere

13:30 – 15:45

Sevda Clark (Oslo)

*A Tale of Two Disciplines: Reconnoitring the Methodological Terrain
between Human Rights and (Comparative) Law*

Elvis Fokala (Åbo/Turku)

Children's Rights to Participation in Africa

Alice Margaria (EUI)

*Vulnerability and Human Rights:
a Framing or a Substantial Issue?*

Discussion of Papers with **Payam Akhavan,
Jo Stigen and Martin Scheinin**

Cappella

13:30 – 15:45

Eva Jakusova (Glasgow)

*Understanding State Cooperation with the International Criminal
Courts and Tribunals: A Qualitative Comparative Analysis*

Marina Aksenova (EUI)

*Confronting State Responsibility and Individual Criminal
Responsibility under International Law*

Alexandre Galand (EUI)

*Norm Conflicts Between the Immunity of Heads of State
and the Rome Statute in Cases of SC Referrals to the ICC*

Coffee/Tea Break

15:45 – 16:15

**Discussion of Papers with **Bård A. Andreassen, Fermin
Cordoba, Michael Freitas Mohallem and Uladzislau
Belavusau****

Sala Belvedere

16:15 – 17:00

Ilaria Vianello (EUI)

*Quis Custodiet Ipsos Custodes?: The Limits of the European
Commission's Human Rights Monitoring Reports*

Discussion of Papers with **Payam Akhavan,
Jo Stigen and Martin Scheinin**

Cappella

16:15 – 17:00

Emilie Hunter (EUI)

*In Search of the Goldilocks Zone:
The Rome Statute's Effect on National Criminal Justice*

Official Conference Dinner

Mensa Terraces or Sala Rossa

Badia Fiesolana

19:00 – 22:00

Thursday, 13 June 2013

Villa Schifanoia

Lecture by Martin Scheinin (EUI)

Comparative Interpretive Method of Human Rights Law

Cappella

09:30 – 10:45

Coffee/Tea Break

10:45 – 11:15

Lecture by Fermin Cordoba (OSCE Bosnia)

Access to Social Rights in Bosnia-Herzegovina and Kosovo: role of the OSCE in post-conflict societies

Cappella

11:15 – 12:30

Lecture by Tuomas Ojanen (University of Helsinki & EUI)

*Interplay between EU Fundamental Rights, the ECHR
and Domestic Constitutional Rights*

Sala Belvedere

11:15 – 12:30

Lunch Break

12:30 – 13:30

Discussion of Papers with **Michael Freitas Mohallem**,
Fermin Cordoba, **Miriam Estrada-Castillo** and **Bård A. Andreassen**

Cappella

13:30 – 15:00

Tania Abbiate (Siena)

A Comparative Analysis of the Jurisprudence Regarding the Right to Housing in the Case of Forced Eviction

Tiago Fidalgo de Freitas (EUI & Lisbon)

Institutional Constraints and Constitutional Welfare Rights Adjudication: The Portuguese Case

Discussion of Papers with **Tuomas Ojanen**
and **Uladzislau Belavusau**

Sala Belvedere

13:30 – 15:00

Karolina Podstawa (EUI)

Non-discrimination in EU and National Case Law

Mira Turpeinen (Åbo/Turku)

Horizontal Effect of Fundamental Rights: Whose Rights are Protected and Why?

Coffee/Tea Break

15:00 – 15:30

Discussion of Papers with **Michael Freitas Mohallem**,
Fermin Cordoba and **Bård A. Andreassen**

Cappella

15:30 – 17:00

Alejandro Fuentes (Lund)

Judicial Interpretation and Indigenous Peoples' Land Rights. The Inter-American Court of Human Rights' Approach

Emma Nyhan (EUI)

Indigeneity and the Bedouin Citizens of Israel: The Rise and Fall of Language Framing Indigeneity, Indigenous Peoples' Legal Frameworks and their Articulation

Discussion of Papers with **Tuomas Ojanen**
and **Uladzislau Belavusau**

Sala Belvedere

15:30 – 17:00

Bilyana Petkova (EUI & Kent)

Three Levels of Dialogue in Precedent Formation at the European Court of Justice and the European Court of Human Rights

Ilona Nieminen (Helsinki)

Supreme Court of Finland and Freedom of Expression

Friday, 14 June 2013

Villa Schifanoia

Lecture by Michael Freitas Mohallem (University College London)

*Using and Evaluating Research Databases
for Comparative Legal Analysis*

Cappella

09:15 – 10:30

Lecture by Margot Salomon (London School of Economics)

*Socio-Economic Rights and Austerity: Normative,
Institutional and Methodological Tensions*

Sala Europa

09:15 – 10:30

Coffee/Tea Break

10:30 – 11:00

Discussion of Papers with Michael Freitas Mohallem and **Uladzislau Belavusau**

Cappella

11:00 – 12:30

Nino Tsereteli (Oslo)

*Comparative Analysis of Remedial Powers of Human Rights
Courts in the Light of Legitimacy Challenges*

Ciaran Burke (EUI)

*The Negative Impact of the European Court of Human Rights on
Scottish Criminal Defence Right*

Discussion of Papers with **Margot Salomon** and **Bård A. Andreassen**

Sala Europa

11:00 – 12:30

Margaretha Wewerinke (EUI & Cambridge)

*Protecting Humans Beings and/or the Planet?
Beyond Fragmentation of International Law*

Sara Andersen (EUI)

*Extraterritorial Application of American and
European Legal Standards in Protecting Human Rights
against Multinational Corporations*

Lunch Break

12:30 – 13:30

Discussion of Papers with **Michael Freitas Mohallem** and **Uladzislau Belavusau**

Cappella

13:30 – 15:45

Jukka Viljanen (Tampere)

*Using the El-Masri Case as an Illustration of Global Human Rights
Network and Incrementalist Approach to Comparative Analysis*

Ingvill Helland (Bergen)

Legal Culture as a Framework for the Implementation of Human Rights

Georgios Moukazis (Åbo/Turku)

*The Ethical Foundations of Human Rights: Interdisciplinary
Approach through Philosophy of Law*

Discussion of Papers with **Margot Salomon** and **Bård A. Andreassen**

Sala Europa

13:30 – 15:00

Lillian Ysen Biørnstad (Al-Quds/Jerusalem)

*Human Rights and Corporate Complicity. Civil Legal Avenues in
European 'Home States'*

Juan Ochoa (Oslo)

*Defining the Nature, under International Law, of Civil Remedial
Mechanisms for Victims of Human Rights Infringements
Involving Transnational Corporations*

Coffee/Tea Break

15:30 – 16:00

Closing Session

Sala Europa

16:00 – 16:30

EUI June Ball

Cloister & Bar Fiasco (Badia Fiesolana)

19:00 – Open End