



# AHRI

Association of Human Rights Institutes

## THE 2014 AHRI HUMAN RIGHTS RESEARCH CONFERENCE “Human Rights Under Pressure: Exploring norms, institutions and policies”

Copenhagen, 29-30 September 2014

Organised by the Danish Institute for Human Rights and the Faculty of Law at the University of Copenhagen

Venue: Festsalen (Ceremonial Hall) , University of Copenhagen, Main Building, Vor Frue Plads 4, 1168 Copenhagen K

### THE 5 CONFERENCE TRACKS:

1. International Institutions and Their Discontents (1A, 1B, 1C, 1D)

2. Development and Human Rights (2A, 2B, 2C, 2D)

3. The European Union and Human Rights (3A, 3B, 3C, 3D)

4. Human Rights and the Other (4A, 4B, 4C, 4D)

5. Methods and Theories of Human Rights (5A, 5B, 5C, 5D)

## FINAL PROGRAMME

### Sunday 28th September

15.45 – 17.00 Social Event: Harbour Tour, start from the waterfront by Havnegade 44

17.00 – 19.00 Reception: Strandgade 98, Copenhagen K (DIHR Canteen)

### Monday 29th September

8.00 – 9.00 Registration and Coffee (Venue: Festsalen)

9.00 – 9.30 Welcome Address

9.30 – 10.45 Keynote Address: Is the Age of Human Rights Over?  
Professor Makau W. Mutua, Dean, Buffalo Law School (SUNY)

10.45 – 11.00 Coffee (Venue: Gobelinsalen/Festsalen)

11.00 – 12.30 Panel Session A (Venue: Metroanneks)

**Panel 1A:** UN Treaty-Bodies: Innovation and Opportunity?

**Panel 2A:** Quantifying Development and Human Rights

**Panel 3A:** EU Human Rights Engagement at the United Nations

**Panel 4A:** Access to Internet in Prisons and Drug Control Policies:  
Prisoners and Drug Users as “Others”

**Panel 5A:** Frontiers in Human Rights Research

12.30 – 13.45 Lunch (Venue: Gobelinsalen/Festsalen)

AHRI Executive Committee Working Lunch (Venue: Kvæsturbygning)

- 13.45 – 15.30 Panel Session B (Venue: Metroanneks)  
**Panel 1B:** The European Court of Human Rights, Its Stakeholders and Critics  
**Panel 2B:** (Roundtable) Human Rights Protection and Human Rights Promotion in Humanitarian Relief Situations  
**Panel 3B:** The EU and the Human Rights of ‘Vulnerable Groups’  
**Panel 4B:** Refugees, Asylum Seekers and Immigrants as Others  
**Panel 5B:** Metrics, Methods and Human Rights
- 15.30 – 17:00 Public Event: Development and Human Rights after 2015 (Venue: Festsalen)  
**Speaker:** Martin Bille Hermann, State Secretary for Development Policy, Danish Ministry of Foreign Affairs  
**Chair:** Morten Broberg, Professor, University of Copenhagen  
**Comments:** Margot Salomon, Associate Professor, London School of Economics  
Hans-Otto Sano, Senior Researcher, the Danish Institute for Human Rights
- 17.15 – 19.30 Reception (Venue: Festsalen)

## Tuesday 30th September

- 9.00 – 10.15 Plenary Roundtable: The State of Human Rights Research (Venue: Festsalen)  
**Chair:** Thomas Gammeltoft-Hansen, Research Director, the Danish Institute for Human Rights
1. Sally Engle Merry, Professor of Anthropology, New York University
  2. Malcolm Langford, Senior Researcher, Chr. Michelsen Institute
  3. Mikael Rask Madsen, Professor of Law, University of Copenhagen
  4. Eva Brems, Professor of Law, Ghent University
  5. Zdzislaw Kedzia, Professor of Law, Adam Mickiewicz University, Poznan
- 10.15 – 10.30 Coffee (Venue: Gobelinsalen/Festsalen)
- 10.30 – 12.00 Panel Session C (Venue: Metroanneks)  
**Panel 1C:** Creative, Comparative and Critical Reflections on Regional Human Rights  
**Panel 2C:** Investments and Human Rights  
**Panel 3C:** Coherence in EU Internal and External Human Rights Policies  
**Panel 4C:** Freedom of Expression Confronting Othering  
**Panel 5C:** Key Issues in Human Rights Methodology
- 12.00 – 13.30 Lunch (Venue: Festsalen)  
AHRI Annual Assembly Meeting for members and prospective members  
(Venue: Alexandersalen)
- 13.30 – 15.00 Panel Session D (Venue: Metroanneks)  
**Panel 1D:** International Economic Law, Human Rights and Global Welfare  
**Panel 2D:** Rights-based Development  
**Panel 3D:** Human Rights in EU External Relations  
**Panel 4D:** Religious Freedom for All  
**Panel 5D:** The Roles of Soft Law in Human Rights
- 15.00 – 15.30 Coffee (Venue: Gobelinsalen/Festsalen)
- 15.30 – 16.30 Closing Plenary Session: The Right to Privacy (Venue: Festsalen)  
**Chair:** Aleksandra Gliszczyńska-Grabias, Senior Researcher, Poznan Human Rights Centre
1. Katarzyna Szymielewicz, President, Panoptikon Foundation, Poland
  2. Martin Scheinin, Professor, European University Institute, Florence
  3. Rikke Frank Jørgensen, Researcher, the Danish Institute for Human Rights
- 16.30 – 17.00 Concluding Remarks
- 18.00 – 19.30 Opening of Human Rights Exhibition: ‘A New World Image’  
(Venue: The Royal Library, The Black Diamond, Søren Kierkegaards Plads 1, Copenhagen K)

# Panel Session A: Monday 29 September 2014, 11:00-12:30

## Panel 1A: UN Treaty-Bodies: Innovation and Opportunity?

Chair: Michael O'Flaherty, Irish Centre for Human Rights

Name/university	Title
Angela Melchiorre, Independent Human Rights Consultant	Grace under Pressure? The Committee on the Rights of the Child and Child Marriage
Kasey McCall-Smith, University of Edinburgh	Interpreting International Human Rights Standards – Treaty Body Jurisprudence as a Chisel or Hammer?
Diana Guarnizo, University of Essex	Committee on Economic, Social and Cultural Rights: Challenges in the Awarding of General Measures
Karen A. Moir, UNRISD	Intergenerational Justice and the OP-ICESCR - Respecting the Economic, Social and Cultural Rights of Future Generations
Fiona McGaughey, University of Western Australia	The Backdoor to the United Nations: NGOs' role in Human Rights Treaty Body Monitoring

## Panel 2A: Quantifying Development and Human Rights

Chair/Discussant: Allison Corkery, Center for Economic and Social Rights

Name/university	Title
Sally Engle Merry, New York University	Quantification and the Paradox of Measurement
Margaret Satterthwaite, New York University and Inga Winkler, German Institute for Human Rights	Measuring what we Value and Valuing what we Measure: The Promise and Perils of Global Monitoring for the Promotion of Equality in the Water, Sanitation and Hygiene Sector
Rene Fernando Urueña Hernandez, Universidad de Los Andes, Bogotá	Governance and Indicators in the Post-2015 Agenda: Exploring their Impact on Human Rights
Siobhán Airey, University of Ottawa	The Stakes of 'Human Rights by numbers' in International Human Rights Law - Reflections on the Indicator-isation of the Right to Development

## Panel 3A: EU Human Rights Engagement at the United Nations

Chair/Discussant: Zdzislaw Kedzia, Adam Mickiewicz University

Name/university	Title
Jakub Jaraczewski and Agata Hauser, Adam Mickiewicz University	Tangled Web of Security and Freedom. Case Study on EU and Human Rights in Counterterrorism at the UN
Grazyna Baranowska and Anna Polczynska, Poznan Human Rights Centre	EU Human Rights Priorities in the Universal Periodic Review. Do Member States Reflect on them?
Anna-Luise Chané, Leuven Centre for Global Governance Studies	Shared Vision, Different Strategies: A Comparative Analysis of the European Union and the United States at the UN Human Rights Council
Magnus Killander, University of Pretoria	The Role of the European Union in the Universal Periodic Review of African States

## Panel 4A: Access to Internet in Prisons and Drug Control Policies: Prisoners and Drug Users as "Others"

Chair: Felipe Gómez Isa, University of Deusto

Discussant: Malcolm Langford, Chr. Michelsen Institute

Name/university	Title
Rikke Frank Jørgensen, The Danish Institute for Human Rights	The Internet and Human Rights - the Development of Standards and Principles in the UN and in Europe from 2003 until Today
Manfred Nowak, University of Vienna and Peter Scharff Smith, The Danish Institute for Human Rights	Internet Access in Prisons from a Human Rights Perspective - the Principles of Normalization, Penal Populism and Penal Practice
Marie Elske Gispén, Netherlands Institute for Human Rights	Integrating Human Rights and Drug Control: Mapping the Role of the International Narcotics Control Board in Advancing Access to Controlled Medicines in Developing Countries
Yingxi Bi, Irish Centre for Human Rights	Drug Control Policy and Human Rights Crisis: a Human Rights-Based Approach towards Drug Users?

## Panel 5A: Frontiers in Human Rights Research

Chair: Thomas Gammeltoft-Hansen, The Danish Institute for Human Rights

Name/university	Title
Mikael Rask Madsen, University of Copenhagen	Making Human Rights Intelligible: How Sociology Can Further Research into Human Rights
Christine Vezina, Université Laval, Quebec	The 'Internormative effectivity' of law: An Analytical Framework for the Study of Human Rights through the Prism of Legal Sociology and Empirical Research
Gjovalin Macaj, University of Oxford	Human Rights Progress under Political Bias: The Case of the UN Human Rights Council
Axel Marx, Leuven Centre for Global Governance Studies	Applying New Methodological Tools in Human Rights Research: The Case of Qualitative Comparative Analysis (QCA)
Mark Gibney and Linda Cornett, University of North Carolina-Asheville	Physical Integrity Rights Violations and Non-State Actors

## Panel Session B: Monday 29 September 2014, 13:45-15:30

### Panel 1B: The European Court of Human Rights, Its Stakeholders and Critics

Chair: Martin Scheinin, European University Institute

Discussants: Oddny Mjöll Arnadóttir, University of Iceland and Kristin Henrard, Erasmus University Rotterdam

Name/university	Title
Barbara Oomen, University College Roosevelt, Middelburg	'A Serious Case of Strasbourg-bashing': Rights Resistance in the Netherlands
Eva Brems, Ghent University	Procedural Justice for ECHR Legitimacy
Markus Fahlbusch, Université libre de Bruxelles	Judicial Dialogue as Dynamic Implementation of European Judgements
Moritz Baumgärtel, Université libre de Bruxelles	What to Expect of the European Courts? Evaluating Court Effectiveness in the Protection of the Human Rights of Migrants

## Panel 2B: (Roundtable) Human Rights Protection and Human Rights Promotion in Humanitarian Relief Situations

Chair/Discusant: Andrej Zwitter, University of Groningen

Name/university	Title
Joost Herman, University of Groningen	From Needs to Rights: Towards a Human Rights-Based Approach to Humanitarianism
Andrej Zwitter, University of Groningen	How Human Rights Give Substance to the Right to Humanitarian Aid
Charlotte Lülf, University of Bochum	Refuge from Armed Conflict – The Protection of People Fleeing Indiscriminate Violence under International Human Rights Law, Humanitarian Law and Asylum Law
Antenor Hallo de Wolf, University of Groningen	The Human Rights Implications of NGOs Providing Essential Public Services in Times of Humanitarian Crisis
Lottie Lane, University of Groningen	Governing Non-state Armed Hroups: the Role of Human Rights in Non-international Armed Conflicts
Michal Saliternik, Haifa University	The Human Rights Responsibilities of Peace Facilitators
Ka Lok Yip, Graduate Institute of International and Development Studies, Geneva	The Danger of Conflating Humanitarianism and Human Rights from a Socio-Legal Perspective

## Panel 3B: The EU and the Human Rights of ‘Vulnerable Groups’

Chair: Jenny Goldschmidt, Netherlands Institute for Human Rights

Name/university	Title
Alexandra Timmer, Netherlands Institute for Human Rights	Prioritizing Human Rights in the EU: an Interrogation of the Concept of ‘Vulnerable Groups’
Dolores Morondo, Sonia Pereira and Cristina de la Cruz, University of Deusto	EU Democracy Support Action: The Place of Vulnerable Groups
Elina Pirjatanniemi, Åbo Akademi University	Vulnerability Revisited - a Nordic Perspective
Carmen Marquez-Carrasco, Nora Loozen and Laura Inigo Alvarez, University of Seville	An Overview of Human Rights Violations of Vulnerable Groups in Violent Conflict Settings

## Panel 4B: Refugees, Asylum Seekers and Immigrants as Others

Chair: Roman Wieruszewski, Poznan Human Rights Centre

Name/university	Title
Sarah Singer, University of London	The Edges of Human Rights Protection: Legal Limbo for Asylum Seekers Excluded from Refugee Status on the Basis of Suspected Serious Criminality
Helena Raulus, Erasmus University Rotterdam	From Reactive to Proactive: EU Methods of Fundamental Rights Assessment taking Shape, example of Common European Asylum System
Rory O'Connell, University of Ulster	Non-nationals and Socio-economic Rights in Europe
Natasa Mavronicola, Queen's University Belfast	Relativism, Diplomatic Assurances and the Non-refoulement Principle under Article 3 ECHR
Marta Szuniewicz, Polish Naval Academy	The State's Security as a Legitimate Aim of Limitations of Foreigners' Human Rights - Are there any Boundaries?

## Panel 5B: Metrics, Methods and Human Rights

Chair: Mark Gibney, University of North Carolina-Asheville

Name/university	Title
Polly Vizard and Tania Burchardt, London School of Economics	Monitoring Older People's Experiences: Quantitative Analysis using the Adult Inpatient Survey
Kjersti Skarstad, University of Oslo	Quantifying the Causes of Armed Conflict: A Human Rights Perspective
Courtney Jung, University of Toronto	Constitutionalising Socio-Economic Rights: An Agenda for Market Fundamentalism or Human Well-Being?
Malcolm Langford and Tori Kirkebø, Chr. Michelsen Institute, Bergen	Human Rights and Democracy Indicators: A Critical Review
Mart Susi, Tallinn University	A European Human Rights Index

## Panel Session C: Tuesday 30 September 2014, 10:30-12:00

### Panel 1C: Creative, Comparative and Critical Reflections on Regional Human Rights

Chair: Eva Maria Lassen, The Danish Institute for Human Rights

Name/university	Title
Ana Beduschi, University of Exeter	The Ox and the Unicorn? Critical Exploration of the Jurisprudence of the European and Inter-American Courts of Human Rights on the Protection of Aliens' Rights
Gina Bekker, University of Ulster	The African Regional Human Rights System: A 'Dis' comparative Analysis
Tanja Florath, Irish Centre for Human Rights	The Human Rights Declaration of the Association of Southeast Asian Nations: One Step forward - Two Steps back?
Christopher Roberts, Cairo Institute for Human Rights	Exceptions to the Exhaustion of Domestic Remedies - A Means to Strengthen the Effectiveness of International Rights Adjudication
Elena Katselli, Newcastle University	Displacement, the Interplay of International Human Rights and Humanitarian Law and the European Court of Human Rights

### Panel 2C: Investments and Human Rights

Chair: Morten Broberg, University of Copenhagen

Name/university	Title
Andrea Bockley, University of Vienna	Whose Human Rights? Conceptual Considerations in the Debate of Human Rights in Investment Law
Odysseas Repousis, University of Hong Kong	African Regional Investment Treaties as a Means to Promote Human Rights
Juan C. Ochoa-Sanchez, University of Oslo	The Functions and Powers of the OECD National Contact Points regarding Complaints on an Alleged Breach of the OECD Guidelines for Multinational Enterprises by a Transnational Corporation: Normative and Empirical Perspectives
Karin Lukas, Ludwig Boltzmann Institute of Human Rights, Vienna	The Inspection Panel of the World Bank – an Effective Extrajudicial Complaint Mechanism?

## Panel 3C: Coherence in EU Internal and External Human Rights Policies

Chair: Jan Wouters, Leuven Centre for Global Governance Studies

Name/university	Title
Wolfgang Benedek, University of Graz	Coherence of EU Human Rights Policies - Role of European Parliament and Council of EU
Tamara N. Lewis, University College Dublin	EU Impact Assessments: A Strategy for Coherent Human Rights Policy?
Lieselot Verdonck, Ghent University	The External Human Rights Policy of the European Union: In Search for Coherence
Veronika Apostolovski, Markus Möstl, Klaus Starl, Maddalena Vivona and Isabella Meier, European Training and Research Centre for Human Rights and Democracy (ETC), Graz	Measuring the Silver Thread: Requirements and Realities
Moritz Birk and Gerrit Zach, Ludwig Boltzmann Institute of Human Rights, Vienna	Not Competent? The Prevention of Torture in the European Union

## Panel 4C: Freedom of Expression Confronting Othering

Chair: Aleksandra Gliszczyńska-Grabias, Poznan Centre for Human Rights

Discussant: Michael O'Flaherty, Irish Centre for Human Rights

Name/university	Title
Antoine Buyse, Utrecht University	Beyond Human Rights Protection: The ECHR Abuse of Rights Clause and Othering
Michael Hamilton, University of East Anglia	Public Assembly and the Captive Audience
Sejal Parmar, Central European University	Othering in an Era of Mass State Surveillance: The Whistleblower, Journalist and Foreigner

## Panel 5C: Key Issues in Human Rights Methodology

Chair: Eadaoin O'Brien, University of Essex

Name/university	Title
Siobhán McNerney-Lankford, The World Bank	Legal Methodologies and Human Rights
George Ulrich, Riga Graduate School of Law	Ethical Issues in Doing Human Rights Research
Bård Anders Andreassen, Norwegian Centre for Human Rights	Comparative Analyses of Human Rights Performance
Margaret Satterthwaite, New York University	The Promises and Perils of Quantitative Human Rights Research



# Panel Session D: Tuesday 30 September 2014, 13:30-15:00

## Panel 1D: International Economic Law, Human Rights and Global Welfare

Chair: Margot Salomon, London School of Economics

Name/university	Title
Tara Van Ho, University of Essex	A Human Rights-Based Test for Investment Arbitrators
Klaus Beiter, University of Lincoln	Establishing Conformity between TRIPS and Human Rights
Maria Varaki, Hebrew University	A Minimalist Model of Sovereign Trusteeship for a Maximalist Re-conception of RtP
Kirsteen Shields, University of Dundee	What we Talk about When we Talk about Sovereignty

## Panel 2D: Rights-Based Development

Chair: Sejal Parmar, Central European University

Discussant: Arne Tostensen, Chr. Michelsen Institute, Bergen

Name/university	Title
Salvador Herencia Carrasco, University of Ottawa	Human Rights and Extractive Activities: The Inter-American Court of Human Rights, Indigenous People and the Protection of Collective Property Rights
Amelia Alva-Arévalo, Ghent University	The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and its Impact on the Protection of Indigenous Territories Threatened by Extractive Activities in Latin America
Ulrike Zeigermann, University of Münster	The Role of Human Rights in Coherent Policies for Sustainable Development
Phan Kim Lien, University of Antwerp	The Human Rights Based Approach to Developments – A Real Contribution to Development?
Naomi Johnstone, University of Otago (NZ)	Dynamic Development: Bridging Customary Justice Systems and Human Rights

## Panel 3D: Human Rights in EU External Relations

Chair: Jan Wouters, Leuven Centre for Global Governance Studies

Name/university	Title
Laura Beke and Nicolas Hachez, Leuven Centre for Global Governance Studies	Great Expectations: The Link between Trade and Human Rights in EU FTAs since Lisbon
Lorand Bartels, University of Cambridge	A Model Human Rights Clause for the EU's International Agreements
Jeffrey Kenner and Petr Pribyla, University of Nottingham	EU Human Rights Dialogues with Third Countries: Is there Room for Improvement?
Aravind Ganesh, Graduate Institute of International and Development Studies, Geneva	Understanding the EU Missionary Principle
Monika Mayrhofer, Ludwig Boltzmann Institute of Human Rights, Vienna	The Principle of Non-discrimination in EU's External Relations



## Panel 4D: Religious Freedom for All

Chair: Eva Brems, Ghent University

Discussant: Kristin Henrard, Erasmus University Rotterdam

Name/university	Title
Peter Cumper, University of Leicester	Freedom of Religion and LGBT Rights in Europe - Human Rights under Pressure?
Sylvie Langlaude, Queen's University Belfast	Religious Freedom, the Other and Discrimination
Stephanie Berry, University of Sussex	Protecting the 'Essence of the Right': Freedom of Religion or Belief and the Conflicting Interpretations of the European Court of Human Rights and UN Human Rights Committee
Hugh McFaul, Open University	Freedom of Religion and New Religious Movements
Jill Marshall, University of Leicester	Burqa Bans: Controlling or Empowering Identities through Human Rights Law?

## Panel 5D: The Roles of Soft Law in Human Rights

Chair: Stephanie Lagoutte, The Danish Institute for Human Rights

Discussant: Martin Scheinin, European University Institute

Name/university	Title
Thomas Gammeltoft-Hansen, The Danish Institute for Human Rights	Understanding the Role of Soft Law in Human Rights: A framework
Bruce Ossie Oswald, University of Melbourne	The Copenhagen Process: Some Reflections Concerning the Development of Soft Law
Felipe Gomez Isa, University of Deusto	The Role of Soft Law in the Progressive Development of Indigenous Peoples' Rights
John Packer, University of Ottawa	The Role of Soft Law in Minority Rights Protection and Diversity Management

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