



## NETHERLANDS NETWORK FOR HUMAN RIGHTS RESEARCH

### Toogdag 2018

*(Annual Research Day)*

### *The Future of Human Rights - Human Rights of the Future*

**Friday 22 June 2018**

**Warande-Building, Tilburg University, Tilburg**

#### **Introduction**

In 2018 we celebrate that it is 70 years ago that the international community adopted the Universal Declaration of Human Rights. Despite historic advances in human rights law over the decades, human rights seem to have fallen on hard times. The world is a different place now posing several challenges to human rights law as it stands, for example in relation to cross border movement, non-state activity and scientific developments. Increasing numbers of refugees and migrants are testing the resilience of human rights. The world continues to witness human rights abuse at the hands of non-state actors which international human rights law with its state centric focus seemingly is unable to effectively address. Such developments in practice together with more theoretical criticism have led some to announce 'the end times of human rights'. Yet, it may also be argued that human rights law is now needed more than ever and a more optimistic perspective is called for. The current challenges may be viewed as opportunities to further expand human rights law to help fulfill the original promise.

During this *Toogdag* we will take stock and confront some emerging and persistent challenges to human dignity and discuss the role of human rights and human rights law.

Coordinated by



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### Program Toogdag

09:30 - 11:00	PhD-meeting Presentation by Intersentia on publishing your PhD
10:30 - 11:00	Registration and coffee
11:00 - 12:00	Welcome Key note <b>Morten Kjærum</b>  <i>Prof. Kjærum is the chair of the Raoul Wallenberg Institute, head of the EU Fundamental Rights Agency (FRA) 2008-2015, founder Danish Human Rights Institute, Chair of the board of the European Council on Refugees and Exiles (ECRE) and former member of the Committee on the Elimination of Racial Discrimination.</i>  Q&A
12:00 - 13:30	Lunch Poster-presentations members NNHRR in the foyer
13:30 - 15:00	Parallel thematic panels: <ul style="list-style-type: none"><li>❖ Panel A: Business and human rights: Quo Vadis?</li><li>❖ Panel B: People out of place: what to expect from human rights law?</li><li>❖ Panel C: Human rights in the digital age: new frontiers.</li></ul> <i>(For more information &amp; call for contributions, see below)</i>
15:00 - 15:30	Break
15:30 - 16:30	Panel-discussion: the future of human rights
16:30 - 17:30	Drinks



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### Panel A

#### *Business and human rights: Quo Vadis?*

After the adoption of the UN Guiding Principles on Business and Human Rights, a fragile consensus emerged around a new business and human rights paradigm, which promised to overcome the previous stalemate in human rights discourse around the need for new binding international law measures. A variety of new initiatives entered the arena, instigated by both governments and private actors, to help decrease the negative impacts of businesses: to help overcome the corporate impunity for harm which has arisen under so-called 'governance gaps'. Ten years on, it is important that we evaluate this paradigm, reflecting on what has been achieved, what has failed, what challenges remain, and where solutions lie. What is 'business and human rights': the best attempt we have of ending negative impacts arising from businesses, a rhetoric disguising the legitimisation of these impacts, or a plaster over inevitable wounds left by economic globalisation? As of 2018, can we still believe in what was proffered by the UN Guiding Principles, is there a need to return to the promise of creating new international law obligations (e.g., a business and human rights treaty), should we accept defeat, or is there another way forward?

During the NNHRR Toogdag this panel will try to bring the discussion on human rights and business a step further. **We invite members of the NNHRR, especially junior researchers, to submit a presentation abstract (500-1000 words) before 1<sup>st</sup> of May.** Submissions can be sent to [d.m.heerdt@uvt.nl](mailto:d.m.heerdt@uvt.nl). In the panel three scholars will be given the opportunity to give a presentation of 25 minutes, followed by a discussion of 15 minutes.

### Panel B

#### *People out of place: what to expect from human rights law?*

In the field of migration there is a strong divide between persons granted refugee status, subsidiary protection and other migrants. Those who qualify as refugees are provided the protection under the Refugee Convention in those states party to it. Those who fall outside the scope of the Refugee Convention nor receive subsidiary protection are destined to find other ways to regularize their stay or live a life in illegality. Many of these migrants are equally unable to return to their home country or to rely on protection from the home country. Without the protection in the host country they risk human rights violations, abuse, exploitation and becoming stateless.

What role can or must human rights play in order to protect these migrants? In 2010 Alexander Betts in his article 'Soft Law and the Protection of Vulnerable Migrants' ([available here](#)) argues that 'despite the existence of international human rights norms that should, in theory, protect migrants who fall outside the scope of the refugee convention, there remains a fundamental normative and institutional gap in the international system'. Rather than requiring new hard law treaties to fill the gap, he argues that a "soft law" framework should be developed to ensure the protection of vulnerable irregular migrants.



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During the NNHRR Toogdag this panel will try to bring the discussion on the role of human rights to protect migrants a step further. **We invite members of the NNHRR, especially junior researchers, to submit a presentation abstract (500-1000 words) before 1<sup>st</sup> of May.** Submissions can be send to [c.r.j.rijken@uvt.nl](mailto:c.r.j.rijken@uvt.nl). The presentation can be a commentary to Betts' paper or relate to an aspect, right or group connected to the central theme. In the panel three scholars will be given the opportunity to give a presentation of 25 minutes, followed by a discussion of 15 minutes.

### Panel C

#### *Human rights in the digital age: new frontiers*

Robust, pluralistic public debate is an essential feature of any democratic society. Technological developments, in particular the advent of the Internet and social media, have generated unprecedented opportunities for individualized communication and for imparting ideas. Another result of those technological developments has been the emergence of a new set of private actors (i.e., intermediaries), who exercise gate-keeping functions over online expression insofar as they can control access to content and can influence the terms and topics of public debate. Concerns thus arise that key decisions about public speech are taken by powerful private actors without sufficient regulatory oversight. These developments prompt probing questions about whether and how existing human rights frameworks can continue to safeguard robust, pluralistic public debate in which a diversity of voices and critical opinions can be articulated and heard in the digital age.

The affordances of advanced technological possibilities in the fields of data processing, surveillance and connectivity have long triggered concerns for the rights to privacy and data protection. The newly adopted EU data protection framework enters into force in May 2018. Along with progressive CJEU case law concerning data retention obligations or EU-US data sharing agreements, this can be seen as advances for the protection of freedoms in the digital age. Yet, it remains to be seen whether this legal framework will adequately address ongoing technological developments and in particular, big data, internet of things, automated decision-making, predictive analytics, or algorithm-based personalised recommendation systems, insofar as they challenge its applicability and the safeguards it provides for.

New-frontier themes for human rights in the digital age are not, of course, limited to issues concerning the rights of freedom of expression, privacy and data protection. The NNHRR working group on human rights in a digital age also has a keen interest in the wider human rights dimensions of artificial intelligence, for instance.

During the NNHRR Toogdag, this panel session will seek to advance the discussion on human rights in the digital age. **We invite members of the NNHRR, especially junior researchers, to submit a presentation abstract (500-1,000 words) before 1 May.** Submissions can be sent to [rgellert@uvt.nl](mailto:rgellert@uvt.nl). In the panel session, three scholars will be given the opportunity to give a presentation of 25 minutes each, followed by a discussion of 15 minutes

