

*Toogdag 2019*

*Annual Research Day*

*Netherlands Network for Human Rights Research*

20 & 21 June 2019



*The (In)Effectiveness of Human Rights: Are Human Rights a Myth or a Lived Reality?*

**Maastricht University, Faculty of Law**

The adoption by the United Nations of the *Universal Declaration of Human Rights* in 1948 marked the beginning of the modern system of protection of human rights at the international level. Since that date, much has been said about the effectiveness or, rather, the ineffectiveness of human rights. This perceived ineffectiveness relates not only to institutional challenges at the international level but also to national implementation mechanisms and processes. In addition, questions have arisen as to whether individuals or groups of individuals actually benefit from the normative guarantees contained in human rights law and whether human rights can be effectively translated into practice in a meaningful way. A related issue is the question as to whether there are differences between various branches of law (such as international criminal law, international human rights law, administrative law, and private law) in making human rights norms effective either at the international or the national level, and to what extent are these issues relevant in domains other than law. In addition, one can question whether there are differences between civil and political rights, on the one hand, and economic, social and cultural rights, on the other hand, when it comes to effectiveness? Furthermore, what about the horizontal application of human rights norms in this respect?

In light of the above, the 2019 Toogdag of the Netherlands Network for Human Rights Research seeks to explore, from an interdisciplinary perspective, whether human rights are, in fact, a myth or a lived reality? The conference is structured around three sub-themes: i) The effectiveness of international law: institutions and processes; ii) The effectiveness of human rights monitoring and implementation at the domestic level; and iii) Human rights at the individual level: individual experiences and key actors.

**Coordinated by**



# Programme<sup>1</sup>

20 June 2019

16:00-18:00 PhD workshop

18:00-18:30 Break

18:30-21:00 Documentary for all members of the NNHRR followed by drinks and finger-food

21 June 2019

10:00-10:30 Registration & coffee

10:30-11:30 Welcome by Prof. Fons Coomans and (interdisciplinary) plenary roundtable  
(together with panel members from different backgrounds): *Unpacking the concept of 'effectiveness'*

11:45-13:15 Parallel thematic panels

Panel 1: The effectiveness of international law: institutions and processes

Panel 2: The effectiveness of human rights monitoring and implementation at the domestic level

13:15-14:15 Lunch break

14:30-16:00 Panel 3 (plenary): Human rights at the individual level: individual experiences and key actors

16:00-16:15 Coffee break

16:15-17:00 Closing keynote speech

17:00-18:00 Drinks

Organizers: Prof. Dr. Fons Coomans, Dr. Andrea Broderick, Dr. Roland Moerland, Claire Boost - Maastricht University, Faculty of Law

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<sup>1</sup> Programme is subject to change.

### **Panel 1: The effectiveness of international law: institutions and processes**

International human rights law has long been the subject of criticism, with many initiatives having been proposed to strengthen the human rights treaty body system itself. Challenges relate not only to non-compliance with reporting obligations, but also to significant backlogs in the consideration of States Parties' reports and individual complaints. In other fields of law, such as international criminal law, effectiveness has also been a contested issue, with calls for an oversight mechanism and recommendations to improve the functioning of the International Criminal Court. In view of this, one must pose serious questions as to whether the institutions and processes at the international level are capable of real reform or whether the reforms already proposed would lead to further challenges and ineffective functioning of the system? Are there reforms that have not been put forward that could act as a panacea to this (in)effectiveness dilemma? One can also ask whether similar challenges are evident in non-legal domains and what we can learn cross-domain?

### **Panel 2: The effectiveness of human rights monitoring and implementation at the domestic level**

Without effective enforcement at the domestic level, human rights are meaningless. Domestic courts, national human rights institutions (NHRIs), Ombudspersons Offices and other bodies, are essential partners in the protection and promotion of human rights at the national level. However, in a similar vein to the challenges faced at the international level, the effectiveness of the domestic institutions and processes has been called into question. Does the ratification of human rights treaties have a real effect on state behaviour? Do the domestic mechanisms adequately take into account the recommendations of human rights treaty bodies and the findings of international courts, and to what extent do domestic courts interpret human rights consistently with the international level? What about human rights effectiveness in 'illiberal' democracies? Moreover, does the study of effectiveness in non-legal domains teach us anything about potential reforms?

### **Panel 3 (plenary): Human rights at the individual level: individual experiences and key actors**

Even if international and national mechanisms and processes implement human rights, this does not mean that individuals or groups of individuals, especially victims of human rights violations, benefit from the normative guarantees contained in human rights law. Several issues prevent the realisation of human rights in practice and the enjoyment of substantive rights. This panel seeks to explore individual experiences and to analyse to what extent individuals or groups of individuals can contribute to the satisfaction of their own human rights. Moreover, how can key actors, such as grassroots organisations, human rights defenders and human rights NGOs potentially contribute to ensuring the satisfaction of human rights, or is their role diminished by institutional structures?

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