



NETHERLANDS NETWORK FOR
HUMAN RIGHTS RESEARCH

REPORT OF THE NNHRR 'TOOGDAG' 2019

THE (IN)EFFECTIVENESS OF HUMAN RIGHTS:
ARE HUMAN RIGHTS A MYTH OR A LIVED REALITY?

NETHERLANDS NETWORK FOR HUMAN RIGHTS RESEARCH - NNHRR

Held on 20-21 June 2019

in Maastricht, Netherlands

Organized and hosted by

The Maastricht Centre for Human Rights

Faculty of Law - Maastricht University

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FOREWORD

The [Netherlands Network on Human Rights Research](#) (NNHRR) is a platform connecting both junior and senior human rights researchers from Dutch universities. This year's Annual Research Day (*Toogdag*) of the NNHRR revolved around the theme of the effectiveness of human rights, and inspired valuable presentations and discussions from many different angles. This report is a summary of the presentations and the subsequent discussions that took place during the event. The report is structured chronologically, starting with the PhD workshop and the documentary viewed on Thursday, June 20, and continuing with the presentations and discussions that took place on Friday, June 21 2019

For the first time, the event took place over the course of two days. On Thursday afternoon, PhD students were given the opportunity to engage in a cultural workshop given by Candida Snow. Following this, the documentary *The Long Haul* was shown, after which a panel discussion took place. On Friday morning, all participants at the event gathered in the Statenzaal of Maastricht University's Faculty of Law, and were welcomed by a brief speech from Prof. Fons Coomans. An interdisciplinary plenary roundtable followed, with the aim of clarifying what the panel participants mean when they talk about effectiveness in connection with human rights.

Two panels were organized for the day: one in the morning, and one in the afternoon. The morning panel focused on the effectiveness of human rights and their implementation at the domestic level. It was divided into two parallel sessions, both of which consisted of two PhD researchers presenting their work, and a representative of the Netherlands Institute for Human Rights (NIHR) introducing its work. In the first parallel session, the PhD researchers Elif Durmus and Bart Kleine Deters presented their work, and the NIHR presentation was given by Prof. Nicola Jägers. In the second parallel session, the presenting PhD researchers were Nikolaos Papadopoulos and Renata da Silva Athayde Barbosa, and Dr. Jan-Peter Loof gave the NIHR presentation.

After a lunch break, the afternoon session was opened with the theme 'Human Rights at the Individual Level: Individual Experiences and Key Actors'. The first presentation was given by the Assistant Professors Stephanie Rap and Katrien Klep on the topic of child participation in legal proceedings. Subsequently, Elif Durmus presented the work of the Cities of Refuge project, concerning the role of individual agency of local government officials in the materialization of human rights at the local level. The closing keynote speech was given by Prof Suzanne Egan from University College Dublin.

This report will address each presentation, summing up its key elements and the interesting viewpoints expressed during the subsequent discussions. We thank each participant in the *Toogdag*, both those presenting and those participating in the discussions, for providing lots of thought-provoking points on the effectiveness of human rights.

Table of Contents

PhD workshop by Candida Snow	
Communication and culture: effectiveness across cultures – does one size fit all?	3
Documentary The Long Haul	4
Welcome by Prof. Coomans and interdisciplinary plenary roundtable	5
Panel 1: The effectiveness of human rights monitoring and implementation at the domestic level	7
Parallel session 1	8
PRESENTATION 1: 'DOES THE RIGHT TO EDUCATION LEAD TO BETTER EDUCATION OUTCOMES?'	8
PRESENTATION 2: 'THE EFFECTIVE REALIZATION OF THE HUMAN RIGHTS OF REFUGEES IN TURKEY BY LOCAL GOVERNMENTS'	9
PRESENTATION 3: COLLEGE VOOR DE RECHTEN VAN DE MENS	10
Parallel session 2	11
PRESENTATION 1: 'PAVING THE WAY? THE DOMESTIC ENFORCEMENT OF THE EUROPEAN SOCIAL CHARTER SYSTEM IN LIGHT OF RECENT JUDICIAL PRACTICE'	11
PRESENTATION 2: 'THE ROLE OF THE BRAZILIAN SUPREME COURT IN THE NON-EFFECTIVENESS OF HUMAN RIGHTS – THE AMNESTY CASE'	13
PRESENTATION 3: COLLEGE VOOR DE RECHTEN VAN DE MENS	14
Panel 2: Human rights at the individual level: individual experiences and key actors	15
PRESENTATION 1: 'CHILD PARTICIPATION AS THE HOLY GRAIL. THE INTERPLAY BETWEEN THE CHILD, PARENTS AND THE STATE IN LEGAL PROCEEDINGS'	16
PRESENTATION 2: 'THE "HUMANS BEHIND HUMAN RIGHTS" - THE ROLE OF THE INDIVIDUAL AGENCY OF LOCAL GOVERNMENT OFFICIALS IN THE MATERIALIZATION OF HUMAN RIGHTS AT THE LOCAL LEVEL'	17
Closing keynote speech by Prof. Suzanne Egan	18

PhD workshop by Candida Snow

Communication and culture: effectiveness across cultures – does one size fit all?

The Annual Research Day of the Netherlands Network for Human Rights Research 2019 started off with a PhD workshop on communication and culture given by Candida Snow, Director of *Snow Culture and Communication*. In preparation for this workshop, each of the participating PhD candidates filled out a cultural survey that assessed the candidate's cultural values in the following areas: attitude towards power, I/We -orientation, collaboration/competition and attitude towards uncertainty. The results of this survey were then brought to the workshop. After giving a short introduction to Culture and Communication Research, Snow addressed each of the above-mentioned areas in depth and discussed them with the group. As the group was composed of PhD researchers with very diverse cultural backgrounds, the results of the survey reflected these differences.



This comparison led the group to a few important take-away **messages**:

- Culture is a collective social construct, displayed in learned behavior
- Culturally-displayed behavior can vary even within a country
- One can only truly understand one's own culture when comparing it with other cultures

Perhaps, the most important message: culture is never personal, it is collective.

At the end of the workshop, Snow handed out a leaflet containing a complete list of scores by country, enabling the participants to compare their individual results with a specific country's values. More information on the survey used and the list of results can be found at www.snowcc.info.

Documentary: *The Long Haul*

Inspired by the life of the late Prof. Sir Nigel Rodley, and his work in the fight for human rights, *The Long Haul* was a relevant documentary for kicking off an event on the effectiveness of human rights. It addressed the views of different scholars and practitioners on the future of human rights; a topic that came up several times at later stages of the Toogdag. The film has been produced by *Human Rights in the Picture*, an NGO based in The Netherlands.

The documentary was followed by a panel discussion with Prof. Kees Flinterman, Nadja Houben, Dr. Roland Moerland, and Prof. Fons Coomans. At the beginning of the discussion, the panelists gave their initial thoughts on the screening. It was stressed how the documentary highlights the 'long haul' towards ensuring respect for human dignity, and how new challenges and setbacks always resurface. The increasing involvement of many young people was mentioned as a positive current development in human rights, in spite of the fact that they might define human rights differently. Another positive aspect was the documentary's celebration of the possibility of individuals to make a difference, and its power to inspire individuals in a realistic manner. Finally, the documentary called attention to the creeping erosion of human rights values, and the ways in which nationalism and governmental policies can have a huge impact on the extent to which human rights are upheld. In this regards there is a need to be vigilant.

Subsequently, there was time for the audience to comment and voice thoughts. Many raised the concern of nationalism and its effect on human rights, and questioned the ability of human rights mechanisms to respond to such ways of hindering human rights implementation. The panel recognized this as a legitimate concern, and pointed out that the concept of 'relativism' makes this even more difficult: if everyone has the right to interpret rules in their own way, it is difficult to uphold a minimum standard. The importance of human rights education was also highlighted: there is a need to make more of a link between advocacy and education, as there is a lacuna with regard to knowledge on implementation mechanisms.



Welcome by Prof. Coomans and interdisciplinary plenary roundtable

Prof. Fons Coomans opened this year's *Toogdag* by introducing its theme: the effectiveness of human rights. To outline the theme, he pointed out a recent report by the UN on its own conduct in Myanmar, which explained that there has been a “systematic failure to prevent violence on the Rohingya minority”. According to the report, this failure arose for various reasons, such as mixed signals, and the competing strategies of the different UN actors involved. Effectiveness is about behavioral changes: it relies on a state of conformity between behavior and a rule. Although it can be assessed in relation to certain benchmarks, such as goals, the concept of effectiveness is inherently difficult to measure.



After the speech, a roundtable was convened in order to ‘unpack’ the idea of effectiveness. The panel was composed of the Director of the University College Dublin Centre of Human Rights, Suzanne Egan, as well as the Director of the Netherlands Section of Amnesty International, Eduard Nazarski. The third member of the panel was Jelle Klaas, the Director of the Public Litigation Project of the Dutch Section of the International Commission of Jurists, and the final member was Hans Nelen, who is a Professor of Criminal Law and Criminology at Maastricht University.



The aim of the panel was to address what ‘effectiveness’ means to each of the panelists in the context of their work. Egan mentioned that an action can be seen as effective when it accomplishes its strategic objectives. However, these objectives themselves may be difficult to define due to the presence of multiple different perspectives. According to Nazarski, in the view of Amnesty International, everyone should be able to exercise their own human rights everywhere. However, this is impossible in practice, as treaty obligations are not always complied with. Because of this, it is important to speak out about human rights: even if there would initially not be much effect, people will be more aware of them. Klaas, on the other hands, mentioned that in his work, human rights are necessary to further a person’s cause. If human rights are not effective, it is not possible to come to a good outcome, such as winning a case or changing a law. Finally, according to Nelen, effectiveness relies on specific goals, as well as assumptions that are behind these goals. After the initial thoughts on the concept of effectiveness, the panelists talked about the role of academics in strengthening human rights. According to Nelen, such a role definitely exists, for instance in the analysis and use of newly created human rights mechanisms and interventions.

One point raised by the audience was the difficulty in measuring effectiveness, and the need for finding a causal link when doing this. It was questioned whether strategic effectiveness and the fulfillment of a goal is enough, or whether overall effectiveness is necessary, meaning that there are other underlying goals to be achieved. In this vein, the need to focus on victims and their needs was highlighted. Even if a certain case may be considered a victory for human rights, human rights can only truly be effective if they genuinely further the cause of the victims themselves.

Panel 1: The effectiveness of human rights monitoring and implementation at the domestic level

After the opening plenary session of the *Toogdag* in the Statenzaal, the first thematic panel was constructed in such a way that participants could follow one of two parallel sessions. The theme for both sessions was the effectiveness of human rights at the domestic level. Domestic enforcement is vital for the fulfillment of human rights at the individual level, which highlights the important role of domestic courts, national human rights institutions and other bodies. However, domestic actors show different degrees of compliance with human rights standards, and the effectiveness of these actors in taking into account international human rights norms has sometimes been called into question.

In the first parallel session, PhD researchers Bart Kleine Deters and Elif Durmus presented their work relating to this topic. In the second session, this was done by the PhD researchers Nikolaos Papadopoulos and Renata da Silva Athayde Barbosa. At the end of both sessions, the work of the Netherlands College voor de Rechten van de Mens / Netherlands Institute for Human Rights was briefly introduced.



Parallel session 1

PRESENTATION 1: 'DOES THE RIGHT TO EDUCATION LEAD TO BETTER EDUCATION OUTCOMES?'

Bart Kleine Deters

Bart Kleine Deters, a PhD researcher from Maastricht University / UNU-MERIT introduced his research on how national laws can shape the development of human rights at the domestic level. Specifically, his research concerns the right to education, and how this right has been affected by changes in the education laws of different countries. Thus, the hypothesis tested was whether better protection of the right to education in national legislation is associated with better education outcomes.

To do this, Deters examined the data of 40 different developing states for the years 1998 to 2018. The seven minimum core obligations of states in respect to education were briefly presented, after which Deters explained that he built an index to give each country a score with regard to each of the seven pillars. For instance, for the pillar of compulsory education, it was first checked whether education in the state is compulsory, and secondly, that child labor is prohibited by law.

It was concluded that the general trend is clearly towards the expansion of the right to education, both in domestic law and in practice. The law was found to be more important in countries with a weak rule of law and/or low education expenditure.

In the subsequent discussion, members of the audience pointed out that quantitative data does not always tell the whole truth, and that qualitative information is needed in order to tell if enrollment rates actually lead to better education. It was mentioned that when external actors such as NGOs push states to reach higher enrolment rates, children are put into big schools, where they might not get the necessary attention and support in order to learn everything they need to. Deters pointed out that this is a valid concern, but mentioned that he had also looked into school completion rates during his research. In addition, the question of economic crises and their effects on the right to education was raised. However, the answer revealed that such crises do not affect education as much as one would initially think.

Although the main focus of his research is on quantitative data, Deters mentioned that he would, in future research, look into qualitative aspects as well. He is also planning on increasingly focusing on the aspects of gender difference and education in rural areas, and attempting to find information on access to education for disabled children, although data pertaining to this matter is difficult to find in many of the developing states in question.

PRESENTATION 2: 'THE EFFECTIVE REALIZATION OF THE HUMAN RIGHTS OF REFUGEES IN TURKEY BY LOCAL GOVERNMENTS'

Elif Durmus

PhD researcher Elif Durmus presented the results of the inquiries she conducted during the first three years of the 5-year research project 'Cities of Refuge'. The idea of the project is to investigate how local governments engage with human rights. This approach was inspired by frustrations with state-centric governance, and the fact that governments have not adequately been able to deal with recent crises, such as climate change and the refugee crisis. The project is led by an interdisciplinary team of five members, each focusing on different countries.

Having recently returned from her field research in Turkey, Durmus mostly focused on the findings made during her research there. However, in addition to Turkey, Durmus also conducts research on another country: Switzerland. Since Turkey and Switzerland vary greatly in their levels of constitutional autonomy, one noteworthy aspect that was discussed involved whether the degree of centralization affects the local governments' engagement with human rights.

After the entry into force of the *Law of Municipalities*, different cities and towns in Turkey have taken up the task of protecting human rights. However, the law has been criticized for its ambiguous wording, as well as its inconsistent use of the terms 'national' and 'citizens'. In addition, some of its provisions seem to contradict each other. This has led to legal ambiguity, as well as possibilities for local governments to exercise wide margins of discretion. Consequently, some municipalities have interpreted their obligations in a broad manner, whereas others have done very little. The field research also found that often there is little transparency, and certain regions seem very eager to proclaim a lot, while not doing much in practice.

Cross-cutting findings revealed that many of the actions prompted by the introduction of the law are ad-hoc, project-based, and often not very sustainable. However, Durmus still highlighted positive aspects: for instance, via these projects, training and experience is provided to the local people in human rights work. Subsequently, human rights can become more present not only at the national, but also at the local level.

In the last part of the presentation, several questions arose. Firstly, Durmus was asked about the impact of individuals, instead of local governments, on human rights. This is a topic that was addressed later during the day, and can be found in this report's section on the afternoon panel. Secondly, the audience was curious about the effect of Islamic values on human rights protection in Turkey. Durmus mentioned that these values have a great impact on how human rights obligations are interpreted. These values translate into certain words and concepts (such as the 'right of the neighbor'), which are often also part of human rights terminology in Turkey. One interesting question was whether these concepts also concern human rights, or whether they should be disassociated from human rights obligations in the strict sense.

PRESENTATION 3: COLLEGE VOOR DE RECHTEN VAN DE MENS

Prof. Nicola Jägers

The Netherlands Institute for Human Rights (College voor de Rechten van de Mens) is the NHRI of the Netherlands. Founded in 2012, its tasks include protecting, monitoring and advancing human rights domestically. In her presentation, Prof. Nicola Jägers introduced the Dutch NHRI and evaluated its effectiveness.

Although there are many international institutions with a human rights mandate, there are certain reasons for which national institutions have been deemed necessary. Historically, the United Nations institutions have urged states to promote, protect and monitor human rights, including at the national level. NHRIs are competent in advising governments, but also in scrutinizing them, which puts them in a unique position. Although NGOs can scrutinize the government, and governmental organizations can advise it, neither of the two have a mandate for both of these tasks.

An NHRI needs to comply with the so-called 'Paris Principles' in order to be effective and fully compliant. Once compliant with these principles, NHRIs around the world can engage in peer review. The Dutch NHRI has a list of tasks to reach its goals of monitoring, promoting, protecting and explaining human rights.

Prof. Jägers also outlined some of the day-to-day dilemmas that NHRIs, and especially the Dutch institute, face. According to recent studies, the effectiveness of an NHRI is affected by its public legitimacy, its complaint-handling role, national inquiries, and formal institutional safeguards. Although the Dutch NHRI does not have major problems with these four factors, it still runs into dilemmas from time to time.

Firstly, there are structural problems. An NHRI needs to have a very broad mandate in order to fulfil the Paris Principles. However, the Dutch institute does not have many staff members, and thus to fulfil its mandate, it needs to bring in a lot of external expertise. The second set of issues are mandate-related ones, which most commonly relate to territorial limitations. Under its territorial mandate, the Dutch NHRI seeks to improve human rights in the Netherlands and 'within the Dutch sphere of influence'. This allows for wide interpretation, and has caused issues regarding the fields of business and human rights, for instance. In a world of increasing cross-border business activity, how should human rights be addressed? Finally, the NHRI has been faced with impact-related problems. It is difficult for a small institute to create impact, and as with human rights in general, it is even more difficult to measure this impact.

The discussion part of the presentation questioned whether the Dutch NHRI has been bold enough in its actions. However, it was also acknowledged that the institute is still young, and has so far focused mainly on cooperation. Prioritization is necessary, and for now the institute mainly focuses on human rights education and human rights at the local level.

Parallel session 2

PRESENTATION 1: 'PAVING THE WAY? THE DOMESTIC ENFORCEMENT OF THE EUROPEAN SOCIAL CHARTER SYSTEM IN LIGHT OF RECENT JUDICIAL PRACTICE'

Nikolaos Papadopoulos

Papadopoulos began his presentation by recounting the recent crisis that Europe has had to endure. This crisis was not merely of a financial nature, but also involved socio-economic aspects. In particular, the recognition of social and economic human rights by the European regional system and its Member States posed a challenge. The emergence of the European Social Charter was seen as progress, but whether domestic remedies can be provided is still in need of addressing on a case-by-case basis. Papadopoulos's presentation emphasized the implementation of the European Social Charter by Spain and Greece, while focusing on labor law measures.

The Greek Case:

The first case that was discussed concerns austerity measures in labor law, which were found to be in violation of the European Social Charter of 1961. In accordance with the Charter, the European Committee of Social Rights was accepted as its authoritative interpreter. The ratification of the revised European Social Charter by Greece can be said to have fundamentally transformed the Greek notion of the right to dismissal in labor law. This follows from the Greek Supreme Court's acceptance of the revised European Social Charter as self-executing. In this context, the Charter is thus seen as precise, explicit and unconditional. This was indeed confirmed by the Hellenic Parliament as it later approved the Charter's provisions as national law.

The Spanish Case:

Spain's domestic implementation of the European Social Charter was discussed in connection with a kind of Royal Decree, which allowed the dismissal of employees on a one-year employment trial without notice or compensation. A Spanish court ruled that the European Social Charter in this case had direct horizontal effect. From this, it followed that although the European Committee of Social Rights' complaint procedure was not ratified, it was nevertheless binding on national courts.

After introducing these detailed examples, Papadopoulos concluded his presentation by highlighting some of the key achievements of the European Social Charter and its implementation in national legal frameworks. He emphasized the fact that these precedents strengthen the effect of social rights even in time of crisis. Both jurisdictions thus contribute to the effectiveness of the European Committee of Social Rights' monitoring practices at the domestic level and contribute to the full realization of the rights in the European Social Charter. The Charter hence gains recognition as an autonomous legal basis. Lastly, states are also encouraged to change their behavior regarding social rights, and to ensure that they strive for their full realization.

After the presentation, several questions were raised. One question concerned the way in which the Netherlands has dealt with the implementation of social rights. According to Papadopoulos, the Netherlands underwent much more of a debate when it comes to social and economic rights, in particular the rights of undocumented aliens. In Spain, specifically, the national judges saw much more of an opportunity to further the implementation of human rights in the national system.

Another question dealt with the extent to which national organizations in Greece support the European Social Charter, and whether there is a difference with respect to the way that the Constitution clearly supports it. Papadopoulos answered by stating that Greece and Spain are both monist countries, and that this makes implementation a lot easier.

Furthermore, a question about political orientation was raised. Does it make a difference for the direct effect of the Charter whether the government's political orientation is right wing or left wing? This question was asked specifically with regards to the Netherlands. The answer provided was that the political orientation was not so much a determining factor in how strongly social and economic rights were seen to be directly applicable. Rather, what mattered were the financial resources available.

The last question concerned whether, in addition to the European Social Charter, other international legal instruments were referred to in the decisions outlined in the presentation. Papadopoulos answered that there were indeed references to instruments like the International Covenant on Economic, Social and Cultural Rights (ICESCR), but that the European Social Charter, because of its emergence in times of crisis still largely remained the most relevant legal instrument consulted. Sometimes, however, both the ICESCR and the European Social Charter are considered together.

PRESENTATION 2: 'THE ROLE OF THE BRAZILIAN SUPREME COURT IN THE NON-EFFECTIVENESS OF HUMAN RIGHTS – THE AMNESTY CASE'

Renata da Silva Athayde Barbosa

The case that Barbosa introduced to the audience is widely known as the “Amnesty Case”, formally titled *Gomes Lund v Brazil 2011*. The main question addressed in this decision revolved around the recognition or denial of the jurisdiction of the Inter-American Court of Human Rights (ICtHR).

The human rights at stake were: the right to life, knowing the truth, freedom, and due process. The historical background of the case can be summarized as follows: Brazil was governed by a dictatorship in the past. An amnesty law that was promulgated by the military president stayed in place until 2010, and granted self-amnesty in criminal law cases to politicians. The Brazilian Supreme Court then found a way to circumvent ICtHR jurisdiction. As a consequence, Brazil was condemned by the ICtHR for serious human rights violations. Additionally, in the case of *Brazil v Herzog*, the ICtHR condemned Brazil once more for its violations of human rights and urged the state to investigate and prosecute its cases, as well as recognize international criminal law. The presentation ended with a discussion involving questions from the audience and can be summarized as follows:

The first question that was raised: “Was there, in retrospect, any mention of continuing effects of human rights in these cases against Brazil?” This was answered with reference to the conflict concerning the legality principle in Brazil: Brazil found itself in breach of its own criminal law provisions and international human rights, and up until recently decided to favor legality over human rights. This was perceived as shocking by the international community.

The next question that was brought up was: “Why did it take so long for action to evolve and why were changes ultimately effected?” Barbosa answered this question by pointing out that much depended on constitutional approval and strengthening the role of ICtHR jurisprudence.

The third question which arose was: “Human Rights fulfill both a sword and a shield function. They hence protect us but also strike down human rights violations. As many amnesties have been criticized recently, how should we evaluate this?” The answer was that there is indeed a tension between criminal law and international human rights law, and that it can be very difficult to determine where to draw the line. In essence, it depends on societies themselves to determine the extent to which they want to leave the past behind, and which area deserves priority.

PRESENTATION 3: COLLEGE VOOR DE RECHTEN VAN DE MENS

Dr. Jan-Peter Loof

The third presentation, given by Dr. Loof, introduced the Dutch NHRI, as was done in the parallel session 1 given by Prof. Jägers (page 10). Founded in 2012, the NHRI is an organization funded by the government, while acting independently from it and other organizations. Since the presentation was similar in content to the one given by Jägers, this report will directly address the questions that came up during the presentation.

The first question concerned the necessity of establishing the NHRI in the first place. It was primarily necessary to establish this human rights body to enhance the effectiveness of international and national human rights mechanisms at the domestic level. A very pronounced focus also lies on independence and pluralism within the organization.

In order to assess the effectiveness of human rights on a national scale, the Paris Principles can be seen as guiding. However, Dr. Loof emphasized that we need to look beyond that in order to truly assess effectiveness. Especially important is thus a locally organized approach to human rights, which enables easy accessibility. That is what the NHRI focuses on. The Paris Principles leave room for organization on a local and national level. The Netherlands utilized this by employing the Commissioner model, but other countries prefer to make use of other organizational systems.

It follows from the above that domestic organizations, such as the NHRI, are very important in realizing human rights, both on a temporary and a permanent basis. They can even be seen as contact and follow-up points for international human rights dialogues.

Panel 2: Human rights at the individual level: individual experiences and key actors

After the two separate morning panels, a plenary afternoon panel was arranged in the Statenzaal. The theme of this session revolved around issues that might prevent the realization and enjoyment of human rights in practice. Although states may have ratified different instruments and accepted various human rights mechanisms, this does not automatically lead to everyone being able to benefit from these guarantees.

The aim of the afternoon panel was to explore the differences in individual experiences with regard to the fulfillment of human rights, and to possibly find ways in which groups and individuals could help strengthen the effectiveness of realization of their own rights. Two presentations were given to this end; one on the human rights-related difficulties of child participation in legal proceedings, and one on the role of individual agency of local government officials in the realization of human rights locally. A discussion followed each presentation, and included comments by members of the audience.



PRESENTATION 1: 'CHILD PARTICIPATION AS THE HOLY GRAIL. THE INTERPLAY BETWEEN THE CHILD, PARENTS AND THE STATE IN LEGAL PROCEEDINGS'

Dr. Stephanie Rap and Katrien Klep

After a short introduction to the second panel by the chair, Dr. Roland Moerland, Dr. Rap and Dr. Klep outlined the presentation and their respective work on the right of children to participate in legal proceedings.

The child's right to participation finds its origins in three important legal mechanisms: The UN Convention on the Rights of the Child, the jurisprudence of the UN Committee on the Rights of the Child, and the jurisprudence of the Court of Justice of the European Union. Recent developments in Europe, both on a policy- and soft-law level, drew attention to children's rights, and in particular the right to participation in legal proceedings. It is hence important to emphasize the relevance of children's participation by pointing out how positive its effects can be. Not only does a child's self-confidence and self-esteem rise, but in addition, children also learn to understand better and accept legal decisions directed at them and their parents. In addition, giving children the opportunity to participate can strengthen important values such as fairness and professional behavior.

It is especially important to take these points into consideration when children are in extremely vulnerable situations. Frequently, asylum procedures constitute such vulnerable situations, and thus a strong legal position is needed for the child in such cases. Both accompanied and unaccompanied children alike may find themselves in such difficult circumstances.

Recently, Dr. Rap conducted conclusive research in this field. One of the results was that accompanied and unaccompanied children were treated differently in asylum procedures. Accompanied children were heard only from the age of 15 years and up, whereas unaccompanied children were heard in principle from the age of 6.

In Dr. Klep's research, children's rights to be heard in the municipality of Rotterdam were studied. The research questions concerned the role of the local Children's Ombudsman, and the way the municipality deals with complaints in voluntary youth care. While different organizations and aspects of youth care were examined, the overall conclusions can be summarized as follows: laws, policies and practices were generally perceived by children and their parents to be quite complex, which made accessibility more difficult. In addition, it can be noted that children are deeply affected by the decisions taken regarding their future, but often have little influence over these decisions. Thus, accessible information and adequate support by parents and caretakers are crucial factors in ensuring a child's effective participation in legal and administrative proceedings. The difference between formal and effective participation was also noted, and the importance of the existing rules to allow for meaningful participation was highlighted.

PRESENTATION 2: 'THE "HUMANS BEHIND HUMAN RIGHTS" - THE ROLE OF THE INDIVIDUAL AGENCY OF LOCAL GOVERNMENT OFFICIALS IN THE MATERIALIZATION OF HUMAN RIGHTS AT THE LOCAL LEVEL'

Prof. Barbara Oomen, Dr. Moritz Baumgaertel, Sara Miellet, Tihomir Sabchev, Elif Durmus.
Presented by Elif Durmus

The afternoon panel ended with a presentation by the Cities of Refuge project on the ways in which human rights enter local politics. More specifically, the presentation focused on the 'humans behind human rights': individuals who, due to their experience, background or ambitions with regard to human rights, act as engines in local governments' human rights efforts. The research explores the reasons why human rights-minded local regions have come to adapt these values, and the concept of 'localization of human rights', known as *vernacularization*, was also introduced.

Although laws set out standards equally applicable to everyone, divergence and inconsistency occurs in practice. Some of these divergences relate to individual agency, and are triggered by decentralization, flexibility in the local government, and the need to respond to urgent situations. The factors affecting an individual's connection to human rights include personal, professional and political ones. Additionally, human rights values can stem from one's religion, morals, and the perception of human rights as binding law. For instance, regarding private factors, an official in the Keçiören district in Turkey developed a better understanding of the importance of human rights in everyday life after having a disabled child. In relation to the professional factors, work in an NGO or academia prior to going to work in a local government could affect one's level of engagement with human rights. For example, the 'human rights city' of Gwangju, South Korea, started disseminating human rights information after one person from the region had come back from studying an LL.M. in Europe. In Turkey, on the other hand, many people are religious, and religious values can often affect individuals' views of human rights.

After an individual has developed an understanding of the importance of human rights, the role of networks, relationships and interactions become relevant: as actors interact, they build an identity, and the human rights-mindedness of individuals can spread to the whole community.

The presentation was followed by numerous questions. The first one concerned the role of political parties: as many parties are not so human rights-oriented, the extent to which their views had to be followed was questioned. For instance, it was not possible for a city in Turkey to be labeled a 'human rights city', as this requires a zero-tolerance policy on discrimination, which was not possible, as the city had to follow the local political parties, which had discriminatory practices in place. The political nature of the localization of human rights was also discussed, and although 'branding' cities as human rights cities is widely criticized, having to establish a certain 'image' does not necessarily mean that human rights are compromised. Furthermore, such cities raise awareness of many issues, and should not directly be condemned, although building an image is an important aspect of this.

Closing keynote speech by Prof. Suzanne Egan

Prof. Suzanne Egan closed the event by presenting some final thoughts on the day and the theme of this year's *Toogdag*. Showing the audience a photo of Sisyphus, she highlighted how difficult and demanding human rights work can sometimes be. She also reiterated the difficulty of talking about effectiveness in connection with human rights.

Expanding on the theme of effectiveness, Prof. Egan chose to talk about the one human rights system she is most acquainted with: the treaty system of the United Nations. She noted that it is timely to consider the cornerstone of the UN human rights framework, as the institution is facing the possible cancellation of six human rights treaty bodies, and there have been talks about reviewing the treaty system entirely.

According to Prof. Egan, there is a general perception that the UN treaty system is ineffective. Due to the increasing number of new treaties, as well as the increasing number of states ratifying older treaties, the need for compliance and reporting has increased. More staff is needed, and if there is too little capacity to handle the increased workload, underreporting and non-reporting becomes more common. Although some possible strategies for avoiding this problem exist, it remains a difficult one to solve. All in all, the speech was a thoughtful way to wrap up a day focused on human rights effectiveness, and introduced several suggestions as ways forward.

