Programme

2012 Research Seminar of the Working Group on Economic, Social and Cultural Rights,
The Netherlands School of Human Rights Research

Wednesday 21 November 2012, T.M.C. Asser Instituut, The Hague

Economic, Social and Cultural Rights: Vehicles for Social Justice?

The 2012 Research Seminar of the Working Group on Economic, Social and Cultural Rights of the Netherlands School of Human Rights Research, hosted by the T.M.C. Asser Instituut, will explore the nexus between economic, social and cultural (ESC) rights and social justice. Can ESC rights further social justice at the national and international level? On the other hand, what are the differences between ESC rights and the (broader?) notion of social justice? Are they synonymous? Within the United Nations ‘social justice’ has been used as a core principle underlying the global mission to promote development and human dignity. Very broadly, social justice is concerned with the fair and compassionate distribution of the benefits of economic growth, so that all are able to provide in their fundamental needs. The underlying purposes of (ESC) human rights seem very similar.

Though the domains of social and economic development and human rights are conceptually linked in the United Nations Charter, the frameworks of socio-economic ‘development’ and ‘human rights’ appear to have developed in relative isolation from each other. Alston has described the relationship as analogous to “two ships passing in the night”. Human rights seem to have become the domain of law, to be practiced by lawyers and enforced by individuals, while development – i.e. as a matter of development cooperation and/or aid between different actors in society– became a matter of economics (and politics). Indeed, we often see that development debates are not always couched in specific (ESC) rights terms. Within the United Nations context, it has been argued that “the work undertaken to approach development...has proceeded as if the Universal Declaration and its covenants did not address the same issues in the form of rights” and vice versa, work in the field of economic, social and cultural rights takes place with little regard to what is being done in the field of development. However, the 2005 report of the UN Secretary-General ‘In Larger Freedom’ reinforces the linkages between development and human rights: “...we will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights.”

This seminar aims to bring together the debates on ESC human rights, development and social justice, seeking in particular to answer the following questions: how can ESC rights be mobilized to achieve broader social justice in national and international society? How can the framework of

5 Ibid.
ESC rights provide a way to deal with fundamental inequalities in society and how to address the need to redistribute or share benefits within a framework of social justice?

Working group members and other researchers in the field (PhD candidates in particular) are encouraged to present their research related to the central theme of the seminar. Participants will be able to benefit from feedback from senior and junior researchers in the same or related fields and an open discussion on their research topic. Papers may pertain to any topic within the framework of ESC human rights, development, social justice and the nexus between these domains, inter alia including papers on:

- the links between ESC rights and distributive justice
- the links between ESC rights, social justice and international development cooperation/aid
- the role of civil society in achieving social justice within an ESC rights framework
- The role of (collective) complaints mechanisms in achieving social justice
- The role of courts and judicial bodies in constructing social justice nationally and internationally
- Extra-territorial ESC rights obligations and social justice
- Social justice, criminal justice, individual accountability and ESC rights

Please note that the morning session is a closed session for invited speakers and members of the Netherlands School of Human Rights Research (members of the working group on Economic, Social and Cultural Rights in particular) and other PhD candidates. The afternoon panel discussion is open to the public (registration is required).

Please register by Friday November 16th via socialjusticeseminar@asser.nl
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Research Seminar (closed session)

9.30-9.45  Coffee and Registration
9.45-10.00  Welcome and Introduction
  • Sarah-Jane Koulen (researcher T.M.C. Asser Institute, PhD candidate, Leiden University, The Netherlands)
  • Marlies Hesselman (PhD candidate, Groningen University, The Netherlands)

Session 1
10.00-10.15  Dr. Amanda Cahill Ripley (Lecturer in Law, Lancaster University, The United Kingdom/Bergen University, Norway) - Realising Social Justice in Societies Emerging from Conflict: Economic and Social rights and Transitional Justice
10.15-10.30  Feedback & Discussion

Session 2
10.30 -10:45  Dr. Marie-Jose van der Heijden (Assistant Professor, Molengraaf Institute for Private Law, Utrecht University, The Netherlands) – Holding Multinational Corporations Accountable for Violations of Socio Economic Rights
10.45 -11.00  Feedback & Discussion

11.00 -11.30  Coffee & Tea

Session 3
11.30-11.45  Ingrid Leijten (PhD researcher, Leiden University Faculty of Law, Department of Constitutional and Administrative Law, The Netherlands) – Social Justice in Strasbourg? Structuring the ECHR’s efforts at Promoting Socio-Economic Rights
11.45-12.00  Feedback & Discussion

Session 4
12.00-12.15  Bright Nkrumah (PhD researcher, University of Pretoria, South Africa) – Agenda for Social Justice: Enforceability of ESCR of Refugees
12.15-12.30  Feedback & Discussion

Session 5
12.30 – 12.45  Ramona G. Biholar (PhD researcher, Netherlands Institute of Human Rights (SIM), Utrecht University, The Netherlands) – Consciousness of Economic, Social and Cultural Rights – Key to Achieving Social Justice: Lessons from Jamaica
12.45 – 13:00  Feedback & Discussion

13.00-14.00  Lunch

Panel discussion (open session)

13.40 – 14:00  Registration
14.00 – 14:15  Welcome & Introduction
  • Dr. Margot Salomon (Senior Lecturer, Centre for the Study of Human Rights, London School of Economics, United Kingdom)
  • Prof. Wouter Vandenhole (Professor of Human Rights Law and Children’s Rights, University of Antwerp, Belgium)
  • Chair – Prof. Bas de Gaay-Fortman (Emeritus Professor of Political Economy of Human Rights, Netherlands Institute of Human Rights (SIM), Utrecht University, The Netherlands)
15.05-15.45  Q&A, Discussion
15:45-16.30  Drinks