



CALL FOR PAPERS – Human rights inside and outside: Civic participation, contested constitutionalism and corporate responsibility

INFAR Conference, International Institute of Social Studies & Erasmus School of Law

Erasmus University, ISS Campus, The Hague, 31 May - 1 June 2018

This conference builds on the core idea of the INFAR (Integrating Normative and Functional Approaches to the Rule of Law and Human Rights) project, and applies this to human rights discourse and practices. Human rights are a core normative idea for law, but need to be used in practice by various actors in order to function. What happens when that is done? More particularly, what side-effects does the use of human rights by various actors have for human rights as a normative proposition within law and politics?

To address the normative and functional dimensions of human rights we need to consider the interactions between two directions of thought about human rights: the need to mobilize them versus the critique of their institutionalization. There seems to be a tension between, on the one hand, emphasizing the importance of human rights and working towards realizing these rights, and, on the other hand, criticizing the bureaucratic standardized (managerial) ways of incorporating human rights concerns as insufficiently resolving social problems. A core aim of this conference is to investigate what the positive or negative (side-)effects are of addressing particular human rights problems, being open to the possibility that such a legal strategy may be counterproductive for the people affected. Is it possible to pursue human rights within a legal framework while at the same time criticizing the political and social structures that uphold that human rights framework? Or should we consider these two dimensions as part and parcel of a viable human rights strategy?

At this conference we want to address these questions in a socio-legal context in two ways: by focusing on the persons affected by human rights practices and by looking at efforts to integrate human rights concerns in broader policies of change. How do human rights practices both within government and by civic and corporate actors affect the people whose rights are at issue? How does mainstreaming human rights change, limit or enhance, possibilities for realizing human rights, and how does mainstreaming relate to critically assessing a human rights-based approach to rule of law interventions?

Thus, two thematic strands run through the conference as a whole. The first strand concerns the participation of the people whose rights are at stake. This means considering not only the voice of those affected in human rights procedures and policymaking, but also investigating the broader social implications of efforts to promote their human rights. The second strand concerns the role of human rights in pursuing broader political and economic goals. If we see human rights as a dimension to be taken into account, or as a core set of values to realize, in the work of various actors, from constitutional courts and intergovernmental organizations to corporations, regulators and

business associations, a closer look at the interactions of human rights mobilisers with the political and commercial purposes of these actors seems warranted.

More concretely, we invite contributions on four topics in which these themes are clearly visible.

Topic 1 Discrimination against Roma, Sinti and Travelers

Over the last years, lawyers have noticed how policies concerning Roma, Sinti and Travelers have been the subject of debate in European municipalities, parliaments and courts. Cases that have been brought are symptoms of much broader problems of discrimination against these groups, raising difficult issues of how they can strengthen their participation in European societies without having to compromise their own cultural identities.

Topic 2 Migrant participation

Integration of migrant groups in European societies is at the center of political debate. The resulting policies are often problematic from a human rights perspective, and can be critiqued more broadly concerning the possibilities for civic participation by migrants.

Topic 3 Contested constitutionalism

Most constitutions are built upon a liberal vision of human rights, but come under pressure for not bringing enough social and political change. South-Africa's constitution is a case in point, and has been hotly debated. Its liberal human rights vision for addressing broader social and political issues has faced growing contestation in South African society, at various levels of governance, and in the courts. Elsewhere in the world, countries have been facing constitutional crises whereby the balance of powers have been brought into serious question, leading to profound accountability and governance challenges at the national, regional and international levels.

Topic 4 Human rights within corporate social responsibility

Corporations, especially multinationals, have been responding to public and officials calls to include human rights in their corporate social responsibility programs. What that entails for the protection of human rights and the other values corporate actors are supposed to protect merits further attention. Moreover, we need to address the interactions between corporate actors and government institutions and issues of their respective accountability for insufficient human rights protection.

Papers that address any of the above-mentioned themes or topics are welcome. **To apply, please submit a 300-500 word abstract of your proposed paper** in an email to Dr. Nathanael Ali (ali@law.eur.nl) **by 31 March 2018**. In your email submission, please also include your full name, title, and institutional affiliation. Decisions on applications will be made within a week of the closing date. Limited funding is available to provide support towards covering accommodation costs for applicants who cannot secure full funding from their home institutions.

For any further enquiry, please contact the conference organizers Dr. Jeff Handmaker (handmaker@iss.nl) and Prof. Sanne Taekema (taekema@law.eur.nl).