



Courts as an Arena for Societal Change

CONFERENCE PROGRAM

Leiden University | The Netherlands | July 8 – 9, 2022

Friday, 8 July 2022				
9:30 – 10:00	Arrival and Registration			
10:00 – 10:10	Welcome Address			
10:10 – 10:55	Keynote Speaker: Lauren Kohn, University of Cape Town			
11:05 – 12:35	Parallel Sessions 1			
	<table border="1"> <tbody> <tr> <td>[Room]</td> <td> <p>Democracy</p> <p><i>Is the contribution of the African Court to the legal, political and social change in Africa real?</i> Cristiano d'Orsi, University of Johannesburg</p> <p><i>Protecting democracy through courts: The legal mobilization and framing strategies of civil society in Hungary and Poland</i> Regitze Helene Rohlving, University of Copenhagen</p> <p><i>The climate crisis as a threat to democracy: The judiciary's role in mitigating polarisation</i> Christina Eckes, University of Amsterdam</p> <p><i>Defining and stealing conflicts: Democratic legitimacy in socially sensitive cases</i> Sophie Koning, Leiden University</p> </td> </tr> <tr> <td>[Room]</td> <td> <p>The role of strategic litigation as a legitimate form of legal mobilization</p> <p><i>Legal mobilization against European migration control policies: The legal battleground of the central Mediterranean migration route</i> Kris van der Pas, Radboud University, and Annick Pijnenburg, Radboud University</p> <p><i>Navigating state backlash against human rights accountability: NGOs' mobilization against Tanzania at the African Court on Human and Peoples' Rights</i> Nicole De Silva, Concordia University, and Misha Plagis, Leiden University</p> </td> </tr> </tbody> </table>	[Room]	<p>Democracy</p> <p><i>Is the contribution of the African Court to the legal, political and social change in Africa real?</i> Cristiano d'Orsi, University of Johannesburg</p> <p><i>Protecting democracy through courts: The legal mobilization and framing strategies of civil society in Hungary and Poland</i> Regitze Helene Rohlving, University of Copenhagen</p> <p><i>The climate crisis as a threat to democracy: The judiciary's role in mitigating polarisation</i> Christina Eckes, University of Amsterdam</p> <p><i>Defining and stealing conflicts: Democratic legitimacy in socially sensitive cases</i> Sophie Koning, Leiden University</p>	[Room]
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	<p><i>Courts as a legitimate arena for addressing racial justice</i> Jeff Handmaker, Erasmus University, and Eva Rieter, Radboud University</p> <p><i>Women's representation and rights in the African Court</i> Lilian Chenwi, University of the Witwatersrand</p>
[Room]	<p>Separation of powers in constitutional democracies</p> <p><i>Deliberative legitimacy of courts in public interest litigation cases</i> Maria Carlota Ucin, Erasmus Universtiy Rotterdam</p> <p><i>Remedies in constitutional procedure: Declaratory innovation</i> Max Vetzo, Utrecht University</p> <p><i>Court-curbing and public trust in the judiciary: Evidence from Turkey</i> Aylin Aydin-Cakir, Vrije Universiteit Amsterdam</p> <p><i>The judiciary as the guardian of rights and freedoms post-Brexit</i> Jorieke Manenschijn, Leiden University</p> <p><i>Intervention of judiciary in religious matters: The Sabarimala judgment</i> Anju Sinha, University of Delhi</p>
[Room]	<p>Courts, cruelty and violence</p> <p><i>Carceral competencies</i> Danielle Jefferis, California Western School of Law</p> <p><i>Assessing the action of Indian courts on the question of criminalization of marital rape: Urgent need to move to individual autonomy from marital privacy</i> Harleen Kaur, University of Delhi</p> <p><i>Feminist advocacy in cases of masculine violence: Transforming the masculine legal culture</i> Eylem Umit Atilgan, University of Kyrenia</p> <p><i>Accountability and accounting: The epistemological production of facts and the preservation of state racial violence in the inquests of Black people killed in UK police custody</i> Carson Arthur, University of London</p>
[Room]	<p>Opportunities for corporate environmental accountability</p> <p><i>The role of the judiciary in terms of corporate environmental responsibility</i> Seniha Irem Akin, Erasmus University Rotterdam</p> <p><i>Efficiency and justice in environmental damage calculation</i> Francesca Leucci, Erasmus University Rotterdam</p> <p><i>The Tata Steel case as a public attempt to bring socioenvironmental conflict before criminal court judges</i> Lisa Ansems, Leiden University</p> <p><i>Climate change and the courts: Pathways to establishing corporate liability for carbon emissions</i> Pernille Holten Poulsen, University of Copenhagen</p>

		<p><i>Litigation against the US and fossil fuel industry as a tool for forging climate responsibility</i> Karen Sokol, Loyola University New Orleans College of Law</p>
	[Room]	<p>Empowering communities in mining and resource conflicts</p> <p><i>Business and environmental rights: National courts as agents of international law in resolving environmental disputes?</i> Narine Ghazaryan, Radboud University</p> <p><i>Judicial balancing of environment and development in India: Lessons for social welfare</i> Siddharth Singh, South Asian University</p> <p><i>'The Constitution is our only weapon': Collective action and court cases in Kenyan land conflicts</i> Selma Zijlstra, Radboud University</p> <p><i>Natural resource extraction and community consultation: Narrowing the scope of judicial involvement to promote co-existence</i> Ron Janjua, University of Groningen</p>
	[Room]	<p>Local and regional perspectives on environmental justice</p> <p><i>Exploring the legitimacy of suo moto actions of the National Green Tribunal in India</i> Nupur Chowdhury, Jawaharlal Nehru University</p> <p><i>Exploring questions of epistemic justice in judicial discourses on environmental risk in India</i> Haaris Moosa, Practising Advocate, Kerala High Court</p> <p><i>Reference re Greenhouse Gas Pollution Pricing Act: Toward a new role of the judiciary in the fight against climate change?</i> Nicola Maffei, University of Bari</p> <p><i>Internal climate displacement and climate (in)justice: Assessing the potential of regional human rights adjudicative bodies</i> Armelle Gouritin, CONACYT/ Facultad Latinoamericana de Ciencias Sociales (Mexico)</p>
12:35 – 13:30	Lunch	
13:30 – 15:00	Parallel Sessions 2	
	[Room]	<p>Dutch Civil Court as platform for contestation and dialogue: Historical injustice cases in between distant and nearby justice</p> <p><i>Suing the Dutch state: Legal recognition and civil court cases after Srebrenica</i> Marrit Woudwijk, University of Humanistic Studies</p> <p><i>Bridging nearby and distant justice: On the social function of transnational civil litigation in response to extractivism-related harms</i> Obiozo Ukpabi, University of Humanistic Studies</p> <p><i>Recognition procedures in the aftermath of historical injustice in Catholic institutions: Mapping actors, procedures, and societal challenges</i> Naomi Ormskerk, University of Humanistic Studies</p>

		<p><i>Synthesis: Legal decisions and their social dilemmas: about distant and nearby justice</i> Nicole Immler and Niké Wentholt, University of Humanistic Studies</p>
	[Room]	<p>Societal change through international courts</p> <p><i>'Talking the Talk': Pursuing societal change by the ICC via local norms</i> Julie Fraser, Utrecht University</p> <p><i>The Genocide Convention's specific intent (dolus specialis), a bridge too far in the International Court of Justice</i> Andres Caceres, University of Maastricht</p> <p><i>Court countenancing change in West Africa: Sierra Leone as a case study</i> Emmanuel Saffa Abdulai, University of Sierra Leone</p> <p><i>Is the International Court a conflict resolution or a conflict formation to the South China Sea territorial dispute?</i> Yung Lin, Leiden University</p> <p><i>Beyond Oposa: Intergenerational Equity as customary international law</i> Josiah David Quising, Far Eastern University</p>
	[Room]	<p>Sensitive political issues in US courts</p> <p><i>The US Supreme Court and the struggle for noncitizen inclusion</i> Allison Tirres, DePaul University College of Law</p> <p><i>'Courting' equality? An analysis of the role of American courts in the field of equal marriage rights</i> Masuma Shahid, Erasmus School of Law</p> <p><i>State Attorneys General and their political lawsuits against the US President</i> Mark C Miller, Clark University</p> <p><i>The tides of public opinion and the US Supreme Court docket</i> Sahar Abi-Hassan, Mills College</p> <p><i>All that glitters is not gold: A critical look at the double-sided effects of Nazi looted art litigation in US courts</i> Livia Solaro, Maastricht University</p>
	[Room]	<p>European Court of Human Rights: New strategies for old problems?</p> <p><i>A Court that Matters: A New Strategy for the European Court of Human Rights</i> Rick Lawson, Leiden University</p> <p><i>Civil society and the experimentalist turn in the European Convention of Human Rights</i> Dia Anagnostou, Hellenic Foundation for European and Foreign Policy</p> <p><i>Courts and (lack of) justice: Seeking asylum on female circumcision related grounds</i> Phyllis Livaha, Erasmus University College,</p> <p><i>The turn to procedure in the European Court of Human Rights: Consistency and coherence in the case law?</i> Harriet Kennedy, University of Hasselt</p>

	[Room]	<p>The multifaceted response of the Italian constitutional court to societal challenges</p> <p>Chair: Michele Troisi, University of Salento</p> <p><i>Italian Constitutional Court and tax matters: A disguised approach?</i> Chiara Doria, University of Salento</p> <p><i>The request for gender equality under Italian family law: The different approaches of the Constitutional Court over the year</i> Matteo Greco, Sant'Anna School of Advanced Studies</p> <p><i>Italian Constitutional Court and Parliament on migratory phenomenon: Constitutional politics between judges and legislators</i> Franco Sicuro, University of Bari</p> <p><i>Constitutional Court and balancing (with no way out?) of interests about mining activities: A reading in the light of the current economic and constitutional framework</i> Giorgio Cataldo, University of Salento</p>
	[Room]	<p>Trends in the Court of Justice of the European Union (CJEU)</p> <p><i>Stop in the name of law: The Court of Justice and Article 50 TEU</i> Polly Ruth Polak, University of Salamanca</p> <p><i>Judges as statesmen: The European Court of Justice in a politicising European Union</i> Vestert Borger, Leiden University</p> <p><i>The energy of solidarity for European constitutionalism: The impulse of the CJEU</i> Alessia Fusco, University of Turin</p> <p><i>Legal mobilisation for fundamental rights in the EU: Opportunities and obstacles</i> Lucia van der Meulen, Katholieke Universiteit Leuven</p>
	[Room]	<p>Migrants and the law: What European courts say on migrants' rights</p> <p>Chair: Veronica Federico, University of Florence</p> <p><i>A shortfall of rights and justice: Judicial review of immigration detention in Greece</i> Danai Angeli, Bilkent University, and Dia Anagnostou, Panteion University</p> <p><i>The European Court of Justice shaping the right to be heard for asylum seekers, returnees and visa applicants: An exercise of judicial diplomacy</i> Madalina Moraru, European University Institute</p> <p><i>Questioning the frontiers of rights: The case law of the Italian Constitutional Court on non-EU citizens' social rights</i> Paola Pannia, University of Florence</p> <p><i>The undermined role of (domestic) case law in shaping the practice of admitting asylum seekers in Poland</i> Monika Szulecka, University of Warsaw</p>
	[Room]	<p>European perspectives on climate litigation</p> <p><i>The role of national and supranational courts in climate change litigation</i> Francesca Mauri, University of Genova</p>

		<p><i>Strategic climate litigation: The EU legal perspective</i> Angelika Krezel, University of Wroclaw</p> <p><i>Building judicial comfort in climate litigation</i> Mario Pagano, European University Institute</p> <p><i>The role of legal opportunities and social support structures in shaping climate litigation in Europe</i> Carlotta Garofalo, University of Graz</p>
15:00 – 15:15	Coffee/Tea Break	
15:15 – 16:15	Parallel Roundtable Sessions	
	[Room]	<p>The Car Wash Operation: Courts as arenas for advancements and setbacks in Brazil</p> <p>Chair: Felipe Tirado, King's College London</p> <p>Jessica Holl, Goethe University Prof Emilio Peluso, Faculdade de Direito da Universidade Federal de Minas Gerais Prof Ludmila Ribeiro, Faculdade de Direito da Universidade Federal de Minas Gerais Prof Fábio Sá e Silva, University of Oklahoma</p>
	[Room]	<p>Domestic Violence COVID-19 Rapid Response Clinic</p> <p>Chair: Jules Rochielle Sievert, NuLawLab / Northeastern University</p> <p>Morgan Wilson, Northeastern University / Domestic Violence Institute Miso Kim, Northeastern University Margo Lindauer, Northeastern University / Domestic Violence Institute</p>
	[Room]	<p>Gender-sensitive Decisions</p> <p>Chair: Dr Aleydis Nissan, Leiden University</p> <p>Dr Anniek de Ruijter, Universiteit van Amsterdam Mr Safiya Roblè-van Deursen, Hofstaete Advocatuur Dr Françoise Tulkens, Université Catholique de Louvain Dr Marianna Leite, ACT Alliance</p>
	[Room]	<p>How can the experiences of the courts during the pandemic contribute to the quality of justice and access to courts?</p> <p>Chair: Miranda Boone, Leiden University</p> <p>Mariëlle Bruning, Leiden University Karen Geertsema, Radboud University Marieke Dubelaar, Radboud University Tania Sourdin, University of Newcastle</p>
	[Room]	<p>Legal practitioners in the area of societal change [Dutch language session]</p> <p>Chair: Alex Geert Castermans, Leiden University</p>

	Freerk Vermeulen, Nauta Dutilh Janet Meesters, DLA Piper Martijn Zwiers, Officier van Justitie, Den Bosch
16:25 – 17:10	Keynote Speaker: Prof Tom Ginsburg, University of Chicago
17:10 – 18:00	Reception Drinks
19:00 – 21:00	Buffet Dinner (Oude Sterrewacht)

Saturday, 9 July 2022	
09:30 – 09:45	Arrival and Morning Tea
09:45 – 11:15	Parallel Sessions 3
[Room]	<p>Adjudicating economic, social and cultural rights</p> <p><i>Adjudication: The way forward for economic, social and cultural rights</i> Lidia Carchilan, Max Planck Foundation for International Peace and the Rule of Law</p> <p><i>The South African Constitutional Court and social change: A critical appraisal of 27 years of post-apartheid socio-economic rights' adjudication</i> Jackie Dugard, University of the Witwatersrand</p> <p><i>Judicial institutions and judicial interpretation: Insights from social rights litigation in Brazil, Colombia & South Africa</i> Evan Rosevear, University of Hong Kong</p> <p><i>Socio-economic rights adjudication as a challenge to neoliberalism?</i> Kári Hólmur Ragnarsson, University of Iceland</p>
[Room]	<p>Judicial consideration of rights within labour disputes</p> <p><i>The legal thinking of judgements in labor disputes on rights in Xi's era</i> Xiaohan Sun, Xiamen University</p> <p><i>Protection of the labor rights in the EAEU Court: Current state and challenges</i> Denis Kolos, Court of the Eurasian Economic Union (EAEU)</p> <p><i>Labour courts at the forefront of a better individual enforcement of non-discrimination law</i> Dominique De Meyst, Universiteit Hasselt</p> <p><i>Protection of the rights of entities in the EAEU market</i> Elena Babkina, Court of the Eurasian Economic Union</p>

	[Room]	<p>Migration: Judicial dialogue and constraint</p> <p><i>Rethinking legal personhood in EU migration and asylum law: What role for European courts?</i> Samantha Velluti, University of Sussex Law School</p> <p><i>From non-removability to irregularity: A pragmatic lens on the effects of the adjudication of deportation orders</i> Anouk Lamé, University of Copenhagen</p> <p><i>Preliminary references in migration law by Dutch District Courts as instrument for judicial dialogue</i> Karen Geertsema, Radboud University</p> <p><i>Unmobilized rights: Explaining the absence of EU litigation for migrant rights</i> Virginia Passalacqua, Utrecht University</p> <p><i>Legal mobilization in the field of asylum law: A revival of political opportunity structures?</i> Kris van der Pas, Radboud University</p>
	[Room]	<p>Perspectives on Indigenous rights</p> <p><i>Revitalizing Indigenous governments in Canada via traditional laws and modern ones</i> Bradford Morse, Thompson Rivers University</p> <p><i>McGirt v Oklahoma, the US Supreme Court and Indigenous rights in the 21st century</i> Lindsay Robertson, University of Oklahoma</p> <p><i>Proving Indigenous property claims in Canadian and Australian courts: Questions of justice</i> Margaret Stephenson, Curtin University</p>
	[Room]	<p>The Court of Justice of the European Union as agent for societal change?</p> <p><i>Does the CJEU induce social change? The record so far</i> Henri de Waele, Radboud University</p> <p><i>The national courts as prerequisites for societal change via the CJEU</i> Jesse Claassen, Open University of the Netherlands / Radboud University</p> <p><i>The CJEU as conflict-solver: What room for manoeuvre does the CJEU leave to national courts in the preliminary ruling procedure?</i> Jasper Krommendijk, Radboud University</p>
	[Room]	<p>Courts in the age of information</p> <p><i>For truth that sets free: Exploring the role of courts in an era of post-truth</i> Jana Trifunović, Maastricht University</p> <p><i>Methods of judicial lawmaking and the use of empirical data and scientific evidence by courts</i> Jurgen De Poorter, Tilburg University</p> <p><i>Internet shutdowns in India: Assessing the impact of courts</i> Sharanya Mukherjee, Sai University</p> <p><i>The crucial role of courts in assessing new technologies' impact on fundamental rights: The case of AI-based biometric identity management systems</i></p>

		Giulia Formici, University of Milan
	[Room]	<p>Organisation and administration of justice</p> <p><i>Supreme Court nominations: Tension between politics and law</i> Tessa van Buchem, Leiden University</p> <p><i>Majority voting (and consensus) in the jurisprudence of the US Supreme Court: Time to change course</i> Bashar Malkawi, University of Arizona</p> <p><i>The influence of ethnic diversity within judicial panels in criminal cases on trust in the judiciary: An empirical study</i> Masja van Meeteren, Radboud University</p>
11:25 – 12:10	Keynote Speaker: Prof Scott Cummings, University of California Los Angeles	
12:10 – 13:00	Lunch	
13:00 – 14:30	Parallel Sessions 4	
	[Room]	<p>Rights-based approaches to environmental protection</p> <p><i>Developing the right to a healthy environment in the Inter-American Court of Human Rights</i> Frida Hernandez, Birmingham City University</p> <p><i>Recognising the Rights of Nature: How have the courts fared?</i> Tolulope Ogboru, University of Jos</p> <p><i>The autonomous forest</i> Sophia de Vries, Radboud University</p> <p><i>The Argentine Supreme Court: An environmental protection force to be reckoned with</i> Asmaa Khadim, Leiden University</p> <p><i>Environmental and societal change in the Chilean Supreme Court: Castilla Case</i> Gabriela Flores, Universidad de Santiago de Chile</p>
	[Room]	<p>Politics and policies in the courts</p> <p><i>Making sense of the political question doctrine: The case of Kosovo</i> Violeta Besirevic, Union University Law School Belgrade</p> <p><i>Can the judiciary tackle sensitive issues in an illiberal state? Political question doctrine in Hungary</i> Janos Fazekas, Eötvös Loránd University</p> <p><i>Institutional capture, public consensus and constraints on the state: Experimental evidence on the rule of law</i> Amanda Driscoll, Florida State University</p> <p><i>Framing 'moderate-form' judicial activism: The Italian Constitutional Court on criminal law issues</i></p>

	<p>Giulia Vasino, Sapienza University of Rome</p> <p><i>Anti-drug policy and courts: Legal mobilization against war on drugs in Colombia</i> Monica Parada Hernandez, State University of New York</p>
[Room]	<p>Procedural possibilities and limitations</p> <p><i>Standing for the climate in the Netherlands</i> Otto Spijkers, Wuhan University China Institute of Boundary and Ocean Studies</p> <p><i>Standing to protect: Courts' evolving use of standing in climate litigation</i> Alexandra Harrington, Lancaster University</p> <p><i>The role of interest groups in the legal system: Lessons from the Netherlands and the United States</i> Rowie Stolk, Leiden University</p> <p><i>Civil procedure as a brake or catalyst for courts dealing with societal challenges? The curious case of Belgium</i> Wannes Vandebussche, Ghent University</p> <p><i>Medical dispute committees in the Netherlands: A qualitative study of patient expectations and experiences</i> Rachel Dijkstra, Tilburg University</p>
[Room]	<p>Barriers to pursuing the public interest</p> <p><i>The necessity defence in the Swiss climate protest cases: The dawn of a new era for (environmental) civil disobedience in Europe?</i> Paolo Mazzotti, Graduate Institute of International and Development Studies</p> <p><i>Fundamental rights class actions and public interest litigation: The Italian perspective</i> Ander Maglica, University of Milan and KU Leuven</p> <p><i>With great power comes great responsibility: To what extent has the judiciary power of constitutional review in the USA limited climate litigation?</i> Douwe de Lange, Utrecht University</p> <p><i>The role of international investment arbitrations in the era of climate change</i> Lea Di Salvatore, University of Nottingham</p> <p><i>The political ecology of climate remedies: An Inter-American Human Rights System prognosis</i> Juan Auz, Hertie School</p>
[Room]	<p>Social science perspectives on public interest litigation</p> <p><i>Long-term Impact Litigation: How Courts Can Preserve the Future of Humanity</i> John Bliss, University of Denver</p> <p><i>Democracy, civil society, and public interest law in the United States</i> Catherine Albiston, University of California, Berkeley</p> <p><i>Beyond Courts: Does Strategic Litigation Affect Climate Change Policy Attitudes?</i> Anna, Kovács, Erasmus University Rotterdam</p> <p><i>Public interest litigation and evidence-based decisions: The potential of empirical data and scientific evidence for courts' legitimacy</i></p>

		Juliana Augustinis, Tilburg University
	[Room]	<p>Innovations to traditional courtroom approaches</p> <p><i>Community courts as legal transplants: A case study from The Netherlands</i> Nienke Doornbos, University of Amsterdam</p> <p><i>The digitalization of the Italian constitutional process</i> Michela Troisi, University of Naples Federico II</p> <p><i>Courts as public and open institutions</i> Tania Sourdin, University of Newcastle</p> <p><i>Covid's ricochet effect on courts: How the structure of domestic and international courts changed to accommodate adjudication worldwide?</i> Caroline de Lima e Silva, Columbia University</p>
	[Room]	<p>Judges in the mirror</p> <p><i>The role of courts in societal change: A judicial dilemma</i> Ari Tobi-Aiyemo, University of Nevada</p> <p><i>The individual party and beyond: An empirical legal research into the role of the judge on a tightrope between parties and society</i> Stijn van Deursen, Utrecht University</p> <p><i>New Public Management and the role of the Dutch trial judge: A critical appraisal of the possible impact</i> Anna Pivaty, Radboud University</p> <p><i>Judicial anti-corruption campaigns as quests for judicial reputation</i> Nedim Hovic, Sant' Anna School of Advanced Studies</p> <p><i>Sustainable justice: Bridging the gap between rule of law and a comprehensive approach to justice, engendering perceived justice</i> Alexander de Savornin Lohman, Center for Sustainable Justice</p>
14:40 – 15:55		<p>Plenary Session: Thoughts from the Bench Lady Justice Joyce Aluoch Judge Professor Paulo Pinto de Albuquerque Judge Larisa Alwin</p> <p>Moderators: Bastiaan Rijpkema and Margaretha Wewerinke-Singh</p>
15:55 – 16:00		Closing Remarks