



Courts as an Arena for Societal Change

CONFERENCE PROGRAM

Kamerling Onnes Building | Leiden University | July 8 – 9, 2022
Steenschuur 25 | 2311 ES Leiden | The Netherlands

Friday, 8 July 2022		
9:30 – 10:00	Main entrance	Arrival and Registration
10:00 – 10:10	C131	Welcome Address: Miranda Boone, Leiden University
10:10 – 10:55	C131	Keynote Speaker: <i>Lauren Kohn, University of Cape Town</i> Chair: Alex Geert Castermans, Leiden University
11:05 – 12:35	Parallel Sessions 1	
	B013	<p>Democracy</p> <p>Chair: Armin Cuyvers, Leiden University</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 [online]</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>
	B017	<p>The role of strategic litigation as a legitimate form of legal mobilization</p> <p>Chair: Helen Duffy, Leiden University</p> <p><i>Legal mobilization against European migration control policies: The legal battleground of the central Mediterranean migration route</i> Kris van der Pas and Annick Pijenburg, Radboud University Nijmegen</p>

		<p><i>Navigating state backlash against human rights accountability: NGOs' mobilization against Tanzania at the African Court on Human and Peoples' Rights</i> Misha Plagis, Leiden University</p> <p><i>Courts as a legitimate arena for addressing racial justice</i> Jeff Handmaker, Erasmus University Rotterdam, and Eva Rieter, Radboud University Nijmegen</p> <p><i>Women's representation and rights in the African Court</i> Lilian Chenwi, University of the Witwatersrand [online]</p>
	B031	<p>Separation of powers in constitutional democracies</p> <p>Chair: Rick Lawson, Leiden University</p> <p><i>Deliberative legitimacy of courts in public interest litigation cases</i> Maria Carlota Ucin, Erasmus University 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>
	B025	<p>Trends in the Court of Justice of the European Union (CJEU)</p> <p>Chair: Jesse Claassen, Radboud University Nijmegen</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>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>
	B041	<p>Opportunities for corporate environmental accountability</p> <p>Chair: Margaretha Wewerinke-Singh, Leiden University</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>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</p>

	B016	<p>Empowering communities in mining and resource conflicts</p> <p>Chair: Adriaan Bedner, Leiden University</p> <p><i>Business and environmental rights: National courts as agents of international law in resolving environmental disputes?</i> Narine Ghazaryan, Radboud University Nijmegen</p> <p><i>Judicial balancing of environment and development in India: Lessons for social welfare</i> Siddharth Singh, South Asian University [online]</p> <p><i>'The Constitution is our only weapon': Collective action and court cases in Kenyan land conflicts</i> Selma Zijlstra, Radboud University Nijmegen</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>
	B026	<p>Judicial reasoning: Competing visions and compromises</p> <p>Chair: Hanneke van Eijken, Utrecht University</p> <p><i>Exploring the Legitimacy of suo moto actions of the National Green Tribunal in India</i> Haaris Moosa, Advocate, High Court of Kerala [online]</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>The legal thinking of judgements in labor disputes on rights in Xi's era</i> Xiaohan Sun, Xiamen University [online]</p> <p><i>Labour courts at the forefront of a better individual enforcement of non-discrimination law</i> Dominique De Meyst, Universiteit Hasselt</p>
12:35 – 13:30	Restaurant	Lunch
13:30 – 15:00	Parallel Sessions 2	
	B013	<p>Dutch Civil Court as platform for contestation and dialogue: Historical injustice cases in between distant and nearby justice</p> <p>Chair: Stijn van Deursen, Utrecht University</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>

		<i>Synthesis: Legal decisions and their social dilemmas: about distant and nearby justice</i> Nicole Immler and Niké Wentholt, University of Humanistic Studies
	B017	<p>Societal change through international courts</p> <p>Chair: Larissa van den Herik, Leiden University</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>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>
	B031	<p>European Court of Human Rights: New strategies for old problems?</p> <p>Chair: Aleydis Nissen, Leiden University</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 Rotterdam [online]</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>
	B030	<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>

<p>B025</p>	<p>Courting societal change through the criminal justice system</p> <p>Chair: Sophie Koning, Leiden University</p> <p><i>Carceral competencies</i> Danielle Jefferis, California Western School of Law</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> <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>B026</p>	<p>Migrants and the law: What European courts say on migrants' rights</p> <p>Chair: Karen Geertsema, Radboud University Nijmegen</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 [online]</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, Institute of Law Studies of the Polish Academy of Sciences</p>
<p>B041</p>	<p>European perspectives on climate litigation</p> <p>Chair: Rianka Rijnhout, Utrecht University</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>
<p>B016</p>	<p>Sensitive political issues in US courts</p> <p>Chair: Cecily Rose, Leiden University</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 University Rotterdam</p> <p><i>State Attorneys General and their political lawsuits against the US President</i> Mark C Miller, Clark University</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>
15:00 – 15:15	Restaurant	Coffee/Tea Break
15:15 – 16:15	Parallel Roundtable Sessions	
	B025	<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 [online] Prof Ludmila Ribeiro, Faculdade de Direito da Universidade Federal de Minas Gerais [online] Prof Fábio de Sá e Silva, University of Oklahoma [online]</p>
	B013	<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 [online] Margo Lindauer, Northeastern University / Domestic Violence Institute [online]</p>
	B017	<p>When corporations disrespect women's human rights: Access to remediation of good quality</p> <p>Chair: Aleydis Nissen, Leiden University</p> <p>Katharine Booth, Stichting Onderzoek Multinationale Ondernemingen / OECD Watch Marianna Leite, Christian Aid / ACT Alliance Liesbet Stevens, Institute for the Equality of Women and Men (IEWM) Meredith Veit, Independent Expert</p>
	B031	<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 Nijmegen Marieke Dubelaar, Radboud University Nijmegen Tania Sourdin, University of Newcastle</p>

		Caroline de Lima e Silva, Columbia University Michela Troisi, University of Naples Federico II
	B041	Praktijkjuristen in de arena van maatschappelijke verandering (Legal practitioners in the arena of societal change) [Dutch language session] Chair: Alex Geert Castermans, Leiden University Freerk Vermeulen, Nauta Dutilh Janet Meesters, DLA Piper Martijn Zwiers, Officier van Justitie, Den Bosch
16:25 – 17:10	C131	Keynote Speaker: Prof Tom Ginsburg, University of Chicago Chair: Miranda Boone, Leiden University
17:10 – 18:00	Restaurant	Reception Drinks
19:00 – 21:00	Oude Sterrewacht	Buffet Dinner (Sterrenwachtlaan 11, 2311 GP Leiden)

Saturday, 9 July 2022		
09:15 – 09:45	Restaurant	Arrival and Morning Tea
09:45 – 11:15	Parallel Sessions 3	
	B013	Adjudicating economic, social and cultural rights Chair: Lauren Kohn, University of Cape Town <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 <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 <i>Socio-economic rights adjudication as a challenge to neoliberalism?</i> Kári Hólmur Ragnarsson, University of Iceland [online]
	B017	Migration: Judicial dialogue and constraint Chair: Joanne van der Leun, Leiden University <i>Rethinking legal personhood in EU migration and asylum law: What role for European courts?</i> Samantha Velluti, University of Sussex

	<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 Nijmegen</p> <p><i>Legal mobilization in the field of asylum law: A revival of political opportunity structures?</i> Kris van der Pas, Radboud University Nijmegen</p>
B026	<p>Perspectives on Indigenous rights</p> <p>Chair: Asmaa Khadim, Leiden University</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> Taiawagi Helton, University of Oklahoma [online]</p> <p><i>Proving Indigenous property claims in Canadian and Australian courts: Questions of justice</i> Margaret Stephenson, Curtin University [online]</p> <p><i>Social change in Canada through use of Indigenous law</i> Kathleen Mahoney, University of Calgary</p>
B031	<p>The Court of Justice of the European Union as an agent for societal change?</p> <p>Chair: Jannemieke Ouwerkerk, Leiden University</p> <p><i>Does the CJEU induce societal change? The record so far</i> Henri de Waele, Radboud University Nijmegen</p> <p><i>The national courts as prerequisites for societal change via the CJEU</i> Jesse Claassen, Open University of the Netherlands / Radboud University Nijmegen</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 Nijmegen</p>
B041	<p>Courts in the age of information</p> <p>Chair: Tycho de Graaf, Leiden University</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>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> Giulia Formici, University of Milan [online]</p>
B025	<p>Organisation and administration of justice</p>

		<p>Chair: Alex Geert Castermans, Leiden University</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> Eva Hafkamp, Radboud University Nijmegen</p>
11:25 – 12:10	C131	<p>Keynote Speaker: Prof Scott Cummings, University of California Los Angeles</p> <p>Chair: Alex Geert Castermans, Leiden University</p>
12:10 – 13:00	Restaurant	Lunch
13:00 – 14:30	Parallel Sessions 4	
	B025	<p>Rights-based approaches to environmental protection</p> <p>Chair: Esteban Szmulewicz, Leiden University</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 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> <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>
	B031	<p>Politics and policies in the courts</p> <p>Chair: Bastiaan Rijpkema, Leiden University</p> <p><i>Making sense of the political question doctrine: The case of Kosovo</i> Violeta Besirevic, Union University Law School Belgrade [online]</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>Framing 'moderate-form' judicial activism: The Italian Constitutional Court on criminal law issues</i> Giulia Vasino, Sapienza University of Rome</p>
B017	<p>Procedural possibilities and limitations</p> <p>Chair: Ymre Schuurmans, Leiden University</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 [online]</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>
B013	<p>Barriers to pursuing the public interest</p> <p>Chair: Henri de Waele, Radboud University Nijmegen</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</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>
B016	<p>Social science perspectives on public interest litigation</p> <p>Chair: Kris van der Pas, Radboud University Nijmegen</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> Juliana Augustinis, Tilburg University</p>
	B030	<p>Innovations to traditional courtroom approaches</p> <p>Chair: Miranda Boone, Leiden University</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>
	B041	<p>Judges in the mirror</p> <p>Chair: Rogier Hartendorp, Leiden University</p> <p><i>The role of courts in societal change: A judicial dilemma</i> Ari Tobi-Aiyemo, A.T. Socio-Judicial Consulting [online]</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 Nijmegen</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	C131	<p style="text-align: center;">Plenary Session: Thoughts from the Bench Lady Justice Joyce Aluoch Judge Professor Paulo Pinto de Albuquerque [online] Judge Larisa Alwin Judge Professor Egbert Myjer</p> <p style="text-align: center;">Moderators: Bastiaan Rijpkema and Margaretha Wewerinke-Singh, Leiden University</p>
15:55 – 16:00	C131	<p>Closing Remarks: Alex Geert Castermans, Leiden University</p>